In 1993, members of the Aazhoodena (Stoney Point) First Nation community began to reoccupy their previously held reserve lands on Lake Huron in Ontario. The events surrounding the occupation(s) present a case study through which one can examine how the liberal democratic system in Canada constructs and reconstructs itself. These constructions present insights into the hegemon at work. Major facets of that process involve the invocation of rights discourse at the community level linked with consensus on the legal resolution of confrontation; the construction and promulgation of an underlying hierarchy of values through the regional media; and the instrumental use of constitutional divisions of power and labelling by government to contain or discredit threats to the hegemonic order. In this paper we explore these interactions using texts from a variety of sources including texts from a local community group, the primary regional newspaper, political releases, and debates in the Ontario Legislative Assembly at the provincial level. We analyse the discourses of the actors at each level as portrayed in these texts, to provide a window into presuppositions of ongoing relations of power from the speakers’ moral and legal frameworks. In deconstructing the assumptions found in these texts, we better understand the demands of the speaker and the filters which other speakers (and listeners) evoke to screen out the marginal voices in the democratic order. For example, the control of land in the vicinity of Stoney Point is a central focus of the incident.¹

HISTORY

Originally the home of the Stoney Pointers,² the lands of the Stoney Point Reserve were expropriated by the federal government as part of the

¹ The research for this paper has been supported in part by a SSHRC grant “Discourse, ethnicity, and power in the construction of contemporary First Nations identities”.

² In early documents found in the J. J. Tallman Collection in the D. B. Weldon Library, University of Western Ontario, the Stoney Point community was known as Ausable.
war effort in 1942. In 1993, after a long wait for the land to be returned, members of the community reoccupied part of what had become a military camp, and then in 1995 they occupied the rest of the camp. During this period, the federal government and representatives of the Kettle and Stoney Point First Nations community were negotiating the return of the lands. The military tolerated the initial occupation and withdrew completely in 1995 to avoid confrontation as the negotiations over the return of the land continued. Once the base was reoccupied in 1995, and on the day of its seasonal closing, the Stoney Pointers moved to the adjacent Ipperwash Provincial Park — also originally Stoney Point reserve land — which had been purchased by the provincial government from land speculators in the 1930s. The speculators had obtained it earlier from the Department of Indian Affairs without the formal authorization of the community.

Unlike the non-confrontational strategy taken by the federal government toward the (re)occupation of the military camp, the provincial government countered the occupation of Ipperwash Provincial Park by sending in the Ontario Provincial Police to deal with the “protestors”. In the subsequent confrontation between the OPP and the occupiers, one member of the First Nations community, Dudley George, was killed by the police. George’s death immediately provoked calls for a public inquiry into the events surrounding that incident which the government has actively avoided granting to this date.

The occupation of the military camp and the provincial park disrupted local tourism and strained relations between the local Euro-Canadian community and the First Nations communities. Local property owners have responded by calling for an inquiry into the “Ipperwash” occupation and for the enforcement of public order so that they could feel secure and so that property values would not be eroded. These themes became the credo for a local community group, ON F.I.R.E., that emerged in the wake of the events at the park. Tensions between ON F.I.R.E.’s executive and the Stoney Pointers were muted somewhat when the police were found guilty of “wrongful death” in the killing of Dudley George. They have both demanded an inquiry into the events at Stoney Point, although the groups’ purposes for that inquiry differ enormously.

ANALYSIS

Each of the discourses surrounding these events is situated and contextualized. At the local level the context is comprised not only of the historical progression of the Stoney Point issue and its implications but also
by the assumptions of the participants. In a liberal democracy, the credo of individuality and freedom masks an underlying coherence in society that is perpetuated through a balance between maintaining traditions and adapting to changing contexts. Liberal democratic traditions are often rooted in an hierarchical social system which assumes that success and power rest with individual affluence. The coherence of that system and its perpetuation are accomplished through an interdependent set of hegemonic forces. This paper will attempt to unveil how they work by focussing on three aspects of the Stoney Point incident.

Contrary to the assumptions of liberal democracy, much recent work on performance shows that individual affluence is not necessarily the basis of success and power. Marginalized people(s) and groups also pursue their own agendas frequently by using devices which distance them from those with readier access to economic and political instruments of power. The three cases are designed to acknowledge such agency and to illustrate how that agency plays into the hegemonic system in Ontario.

ON F.I.R.E.

The first case accentuates the significance of consensus on methods of dispute resolution, of acceptance of the importance of impartiality, and the significance of fundamental aspects of the liberal dogma such as private property, individual freedom, right to protection and peace under law. As noted earlier, after Dudley George was shot, a local community group, ON F.I.R.E., emerged. The initial mention of the group in the London Free Press occurred in an article dated 25 September 1995 (p. B2): “The meeting spawned an organization called the Ontario Foundation of Individual Rights and Equality (ON-FIRE) [sic], which plans to deal with broad underlying political principles in dealing with matters such as the native situation.” The following statement from the ON F.I.R.E. web site presents their version of the history surrounding the occupation of Ipperwash Provincial Park and their reasons for forming:

ON F.I.R.E. WHO WE ARE

The Ontario Federation for Individual Rights and Equality was born out of frustration and dissatisfaction with the way that our governments (Canada and Ontario) are dealing with land claims.

This concern was heightened during 1995 when natives began an occupation of Camp Ipperwash, an army base located on the shores of Lake Huron between Sarnia and Goderich. Then, in early September
1995, native protesters illegally occupied the adjacent Provincial Park. This resulted in a stand-off with Provincial Police officers during which one native protester was fatally shot.

ON F.I.R.E.'s membership has always maintained that the Army Camp Property, which was expropriated by Canada in 1942 under the War Measures Act, belongs to native peoples and should have been returned to them after the war. We can understand 54 years of frustration. What we cannot understand is the attitude and actions of our native brothers regarding other property such as the Provincial Park and privately owned land in West Ipperwash.

As ON F.I.R.E. became stronger, its primary weapons have been the use of the media to construct the First Nations peoples and communities involved both as public enemies and as demanding "unequal" rights. However, they were aware that their efforts which were directly in opposition to First Nations claims might be construed as being racist, and thus be discredited. They attempted to ward off such attacks from the beginning by requesting that members of the audience in one of their meetings not "engage in racism" as reported in the London Free Press, 2 October 1995 ("Land claims unite residents"). The article noted that "organizers hope to prevent racism in the group by requiring that members agree to several principles, including one calling for equal rights." That statement of "equal rights", since it is pivotal in later arguments of "unequal rights", is given in its entirety from the ON F.I.R.E. web site:

ON F.I.R.E. calls on all citizens, native and non-native alike, to demand that all governments, elected by the people, act in a manner that respects and upholds the guiding principles of ON F.I.R.E. which are:

ONE NATION — ONE SET OF LAWS, by which we mean that Canada is not divided into differing nations to suit various special interest groups and that one set of laws applies equally to all persons resident within the borders of Canada.

EQUAL RIGHTS FOR ALL, by which we mean that everyone living within the borders of Canada, regardless of ancestry, race, creed or religion, has equal rights guaranteed by the Canadian Constitution and no individual or group holds rights that are not available to all.

LAWFUL SETTLEMENTS, by which we mean that settlements made between governments and any individual or group must be final and binding on that individual or group and upon their heirs and successors in perpetuity.

COMPENSATION FOR LOSS, by which we mean just that. If a settlement affects an innocent third party then the third party must be compensated for all losses occasioned by the settlement. This includes land and building costs, legal costs, depreciated value costs, loss of revenue costs, etc. Compensation must be an all-encompassing thing. [ON F.I.R.E. 1998]
The “guiding principles” of ON F.I.R.E. present a coherent picture of the value system and the discursive ground from which members of the group work. Pressure groups such as ON F.I.R.E. perform a primary function of educating an “attentive public”, but with “facts” chosen and presented from a very specific perspective. That perspective has labelled the Stoney Pointers in a way which prejudges popular interpretations of the issue. ON F.I.R.E. has followed the path of lobbies “by influencing the basic values of society, [so that] they can lay the groundwork for pursuing specific policies compatible with their interests” (Berry 1984:100). The guiding principles provide the value system by which ON F.I.R.E. has redefined the context and laid the groundwork for policy changes.

The discourse of the Canadian state thus forms the base for groups such as ON F.I.R.E. who wish to limit the powers of Aboriginal peoples over land and/or entitlement for compensation for the loss of land. They argue that the Canadian federal government “holds that Indians possess and can exercise only those powers that are bestowed on them by Parliament” and as such, First Nations peoples “are subject to the laws of Canada, and their right to self-government, if any, is a delegated and limited privilege” (Little Bear et al. 1984:xiv).

If we look again at ON F.I.R.E.’s strategies, we find that they are reconstructing the ideals of an overarching nation-state to subsume the collective rights of the Stoney Point (or Kettle and Stony Point) bands. The irony is that by insisting on adherence to their interpretation of the Canadian Charter of Rights (“one nation — one set of laws” and “equal rights for all”), they actively construct a rationalization for individual gain (“lawful settlements” and “compensation for loss”). By forming a group and arguing for those rights, they constructed a counter-universe that was parallel to that of the Stoney Pointers’ claim to their land, compensation for its alienation and the establishment of their traditional community. In this, ON F.I.R.E.’s construction inverts the claims of the Stoney Pointers and uses those claims to defend their own rights for private property and financial compensation in face of disruptions they allege were caused by the Stoney Pointers.

The tension between collectivities and individual rights are seen historically in policies involving First Nations peoples. What we see in this case, through ON F.I.R.E.’s astute use of public media, is the subversion of
that collective/individual relationship so that community values are transformed into a form of individual rights and property. ON F.I.R.E. continues to use its tools well: its demands for inclusion in the land claims negotiations between the federal government and the Stoney Point Band (and/or Kettle and Stoney Point Band) has made an impact. Its construction of “rights” contra the position of the First Nations communities, cloaked in the garb of traditional liberal values, is deceptively comfortable to rights activists and many occupying the offices of state. The fact that the discourse protects the majority transforms it into a tool defending the status quo from historical grievances, while the coincidence of the values underlying both positions entrenches liberal dogma as hegemonic.

**Media**

Our second case addresses how the consensus on values was reinforced and used by regional media. The tensions surrounding the occupation(s) provided substance for substantial regional news coverage of the events at Stoney Point. The media’s presentation of the story of the occupation of the park and the subsequent regional debates (as outlined in Valentine 1997) adhered to a hierarchy of liberal democratic values. That value hierarchy emerged from the analysis of southwestern Ontario newspaper coverage of First Nations peoples and issues. It was not addressed consciously by the newspaper staff, but was clearly evident in the choice and manner of coverage. An abbreviated version of that hierarchy is presented below (see Valentine 1997 for the full version).

*Most valued:*
- Human life
- Personal (private) property
  - Rights of property owners
  - Value of property determined by price paid
- Access to goods and jobs
- Law (both civil and criminal)

Under ideal conditions, items immediately below are positively valued. However, when faced with two or more competing values (e.g., private property and human rights) the ones on the list above take precedence over the ones below (e.g., personal property would take priority over multiculturalism).
Variable value:

- Human rights (under liberal democratic ideals)
  - Multiculturalism (as subset of human rights)
  - Democracy (benevolent majority rule)
- Circumscribed, long-standing community-owned and -occupied lands (reserves)
- State intervention (when threatening individual rights)
  - Government representatives (as separate from law)
  - Police power (positive when upholding personal rights and freedoms)

In the final category are items which are typically valued negatively:

Negatively or least valued:

- Religious groups
  - Organized mainstream (Eurocentric) religions with large resource bases
- Historical events (valued positively only when upholding values highest on the hierarchy)

The repetition of discourse structured around these values extends and reinforces the liberal democratic hierarchy to regional communities, many of which have little or no direct knowledge of the events reported in the newspapers. As the media champion these values, they grant legitimacy to groups using similar discourse, even as the meanings of that discourse are transformed by those groups. To illustrate the values espoused by the media and the transformations in the constructions of the groups involved in the events at Stoney Point, we present an evolution of “background statements” from the London Free Press. The newspaper’s summary of events in bullet format is often included beside articles on “Ipperwash”. Here we find the history of the Stoney Point saga continually recast by the paper as subsequent events, such as a criminal court case, unfolded.

Early reports of the Stoney Pointers’ move onto “Camp Ipperwash”, as the military base was called, dated 4 and 5 August 1995, illustrate how history is subtly rewritten based on current events. We present parallel sections from those statements below to highlight the differences:

...Stoney Point natives, who say they are a separate band from the Kettle and Stoney Point band — many are descendants of original landowners — moved back on the land May 6, 1993 saying they were home to stay...

[London Free Press, 4 August 1995, A1]

...‘Stony’ in the Kettle and Stony Point First Nation refers to the band recognized by the federal government. ‘Stoney’ refers to a group not recognized by Ottawa who say they are a separate band. The Stoney
In these two background statements, the legitimacy of "moved back on the land" versus "taken over Camp Ipperwash" is clearly questioned through the descriptions of recognized band status. The legitimacy of the Stoney Pointers is eroded further on 6 September 1995, the day following the death of Dudley George, when the background statement began "On Monday night between 25 and 40 natives, believed to be Stoney Point descendants, took possession of Ipperwash Provincial Park" (emphasis added). This change from the August version that "many are descendants of original landowners" points to the way that events reported in the *London Free Press* are clearly evaluated and presented on the basis of how well the events appear to fit the underlying liberal democratic values considered to be primary at that point in time. In the earlier report, the occupiers were descended from the "original landowners" (which speaks to the value of private ownership) but in the later version they are stripped of the label of "landowners" and even their parentage is questioned ("believed to be").

In 1996, the constructions changed somewhat when a criminal court confirmed the Stoney Pointers' version of the police confrontation on the night the provincial park was occupied. On 1 April 1996, the *Free Press* presented its background statement with the passive construction "The land was taken from the Stoney Point Natives in 1942 under the War Measures Act." By using this construction the agent remains utterly hidden. The *Free Press* maintained this version until a week after a charge was laid against the OPP officer who shot George. At that point, the *Free Press* changed the background statement to "The federal government appropriated the Stoney Point reserve from the Stoney Point people in 1942 under the War Measures Act..." (1 August 1996). The change from a passive voice to an active voice changed the focus to the agency of the federal government "appropriating" the land. With such a seemingly subtle change, the press presents a more or less favourable construction of a group. The government's involvement was minimized in the first case, but following the court ruling, the First Nation's claims against the government were made clear. The contextual change that prompted the change in "history" was the corroboration of the Stoney Pointers' perspective by the legal system.
The rewriting of history became even more apparent in 1997. At that time, support from the courts and external observers such as Amnesty International changed the reading of events. That is, after 28 April 1997, when “OPP acting Sgt. Kenneth Deane was found guilty of criminal negligence causing death” (*London Free Press*, 26 May 1997, B2 “Background”), the summary histories shift to focus on actions of the federal government and of the OPP. In the discussion of the “appropriation” of the land, other themes re-emerge: “Twenty-two families — including Dudley George’s ancestors — were moved to the Kettle Point reserve.” In this case, the *Free Press* has repositioned the history to conform to its hierarchy of values, accentuating George’s legitimacy to land (property ownership) and his victim status (human life).

On 18 June 1997, Amnesty International added its voice to those censuring the actions of the OPP, and the *Free Press*’s historical summary was again recast to the hierarchy where human rights were championed over state power. This time, the background was utterly reframed.

Two days before 38-year-old native Dudley George was shot, about 24 native protesters entered Ipperwash Provincial Park, saying it was developed on the site of a native burial ground.

Late the night of the shooting — Sept. 6, 1995 — 32 OPP officers in riot gear with shields, batons and sidearms, protected by an eight-member tactics and rescue unit including OPP acting Sgt. Kenneth Deane, marched on the natives.

The historical construction was now of the Stoney Pointers protecting their ancestral ground in the face of the brute force of the state.

Throughout that summer, the summary history beside “Ipperwash” articles was renamed “chronology” and became a record of the OPP officer’s indictment and subsequent conviction by the courts. The construction of the history of the “Ipperwash” issue reflected the value of human life and the importance of the legal authentication of the participants’ claims. As people and events took different positions on the implicit value hierarchy found in the *London Free Press*, the media responded by changing their constructions of an historical timeline. By rewriting history, the regional media reinforced the values of maintaining order, rights, and the moral standing of the weak, even as they redefined what order should be maintained, what rights needed to be protected, and who the weak were.

3 The “chronologies” found on the front pages of the *London Free Press* on 11 July and 2 August 1997 provide excellent examples.
The third case we examine differs somewhat from the first two. In this case, leaders of the provincial government use legal terminology and the invocation of structural devices instrumentally to deny voice to outsiders or to privilege traditional practices of the state. Their invocation of the same dogmatic elements as found in community and media discourse reassures the public that the actions of the state are legitimate. Local values, as reinforced through media constructions, assume a symbolic hue through which the government can paint outsiders as deviants or criminals. The government’s choice of action is cloaked in values advocated at the community level. The coincidence in the labels legitimates choices which may be — and are — made for instrumental political ends. At the same time, the critics of government invoke the same constellation of values to challenge the tactics of the state. Again, as at the local level, the consensus on the sanctity of life, rights to property and protection of the law are embedded as common assumptions.

In Toronto, the government of Mike Harris denied a voice to the Stoney Pointers, labelling their occupation of the Stoney Point lands as criminal. The use of legal practice as defined by the government was invoked in the legislature to silence calls for an inquiry. As information was gradually uncovered through freedom of information petitions, the case seemed to implicate senior governmental officials in the decision to send the police into action. The result is a case study in political stalling through the use of structural divisions in jurisdiction, such as the gulf between the judicial and legislative branches of government, and then through the denial of voice and entitlement by setting the ground to define appeals as legal and thus not conducive to political remedy. The adherence of the government to its own version of statist discourse (see McDougall 1998) transformed the issue from a community claim based on human justice to a legal claim which had to adhere to the government’s definition of the constraints of the legal system. That transformation of the issue shielded the state, or government, from the full brunt of the moral weight behind the demand that the events leading up to Dudley George’s death be investigated by an impartial inquiry, an issue at the peak of the value hierarchy.

Debate on the Stoney Point incident in the legislature occurred some time after the incident since the Assembly was not sitting at that time.
When it reconvened, the government, under Premier Harris, immediately attempted to distance itself from direct involvement in the tragedy. Jurisdictional divisions featured prominently in Harris’s denial of governmental involvement. In an interesting move, Harris at one point denied his own entitlement to speak about those matters for which he denied responsibility:

**HON. MR. HARRIS:** ...*I can’t recall at this particular point* — back to September 5 — the precise information, but if you check the press records of what I said to the media, *that’s what I was told.* [OLA, 29 May 1996, emphasis added]

Then, he ridiculed the claims of opposition critics:

**MR. PHILLIPS:** Now that we are beginning to see the *true facts* of this matter, will you finally agree to hold a public inquiry where we can finally get the truth of the matter? ...

**HON. MR. HARRIS:** Let me say a few things. It’s easy for you to stand in your place and *make silly allegations and impute motives, things that are absolutely untrue.* [OLA, 29 May 1996, emphasis added]

Finally, Harris invoked the integrity of the legal system as a reason for not responding.

Quite frankly, you get, through your interventions now, to the *very heart of parliamentary democracy: the separation of police and politicians.* I want to tell, that is something that we treat very seriously and something we think is very, very important. [OLA, 29 May 1996, emphasis added]

This ploy resonates with the authenticity granted the legal system at the local level.

The issue of voice and the complexity of claiming entitlement for the aggrieved in the community was addressed exquisitely by McGinty and Harris on 30 April 1996, showing explicitly the significance of Harris’s denial of entitlement for matters that fell under the administration of justice:

**MR. MCGINTY:** *I think you owe it to* the family and friends of Dudley George, *I think you owe it to* all aboriginal groups throughout the province, *I think you owe it to* all Ontarians, *I think you owe it to* the members of your government and I think *you owe it to* yourself to begin to take steps today to remove the cloud that hangs over your head ... You have done nothing to this point in time to show that you have any genuine interest in getting to the bottom of this...

**HON MR HARRIS:** There has not, certainly in my opinion or in the Attorney General’s opinion or in the government’s opinion, been anything come forward that offers any shred of any kind of a cloud other than ones you may want to allege or are trying to put there.
Second, we also owe it, as a good government does, and the Attorney General owes it to the justice system, to those who have been charged, to those who have been accused, due process under the law. As every government before us has had respect for that equal to the respect we have for the George family, that we have for the natives involved, we have to make sure that procedures in the future we hope would never have this happen again. [OLA, 30 April 1996, emphasis added]

In these and other similar statements Harris invoked symbols for instrumental purposes which repeated the same values as those championed at the community level and within the media. This repetition added validity and, even though they were invoked in different ways, their presence reinforced the liberal hegemon and gave Harris the aura of supporting the established order.

The Stoney Pointers, on the other hand, pressed their case through the courts. Time and again they have won specific points. As they did, the media adapted their labels for a while, as did the moderate elements in the local community. The Harris government has not relented, however, and its continued invocation of criminal labels reverberates down to aggravate community tension between Stoney Pointers and local property owners over the values of private property and security, as most clearly expounded by ON F.I.R.E.

CONCLUSION

Acceptance of the courts meant that the Stoney Pointers’ case could be heard by the general public. Within this liberal democratic system, all parties involved shared a consensus that the courts were the legitimate venue for dispute resolution. While this offered a voice to the Stoney Pointers, it ironically also created a buttress for Harris’s instrumental denial of his capacity to offer a political redress to the grievances of the Stoney Pointers by postponing an investigation of Dudley George’s death until all court cases were settled. Following Bourdieu and Coleman’s (1991) view of competence as the capacity to produce expressions which are appropriate for particular situations and their view that discourse offers the opportunity to transform capital from field to field (such as from economic to legal to moral domains), we can link the three cases above to outline a major facet of the liberal democratic hegemon.
The Stoney Pointers asserted their rights to their traditional land and to protection from the excessive use of state power through political and legal means. ON F.I.R.E. invoked the values of private property, security and individualism to bolster the status quo. The disruption resulting from changing the ownership of the military base and the provincial park was perceived as threatening to the surrounding community. Increasingly, these actions were seen by the non-Native community as a threat to their ongoing economic and property “rights”. This reinforced their view of the First Nations community as criminal. In the media, those labels and attendant values were entrenched in such a way that the media and mainstream community mutually reinforced liberal dogma. A striking example of how that dogma was constructed and reinforced was found in the second case where the media continually recast the history of events. In so doing, the “history” was used to assert and entrench liberal values by recasting the actors according to its underlying value hierarchy. After a police officer was convicted of killing Dudley George, the same underlying value hierarchy prescribed a shift in favour of the Stoney Pointers’ interpretation of events. This shift in the discourse from the economic domain of property rights to the moral domain of the sanctity of life strengthened public support for the Stoney Pointers.

In the final case, the government effectively censored the voice of the Stoney Pointers in the legislature by invoking the legal system as a structural impediment. This action redefined the social mediation processes taking place through the courts to a reason for not responding to demands for an inquiry. In this way, the government undermined the Stoney Pointers’ moral capital at the community level by reinforcing labels of marginalization by calling them criminals. At the same time, the legal conclusions of the courts and the hierarchy of values espoused by the media — both of which were sympathetic to the First Nations claims insofar as the legal findings reinforced the established values of liberal democracy — added weight to the moral capital of the Stoney Pointers. In this way, the battle between morality and the instrumental use of the legal system is played out by entrenching the values of the liberal hegemon.
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