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# Controlling Land: Historical Representations of News Discourse in British Columbia

*Robert Harding*

Colonial discourse thus transfers the locus of desire onto the colonized object itself. It appropriates territory, while it also appropriates the means by which such acts of appropriation are to be understood.

—David Spurr, *The Rhetoric of Empire*

In the late-twentieth century and early new millennium a critical juncture took place in settler-indigenous relations in British Columbia, particularly in regard to treaty-making. With the exception of the Vancouver Island “Douglas Treaties” in the 1850s and Treaty 8 in northeastern British Columbia (BC) in 1899, no treaties were negotiated until a century later, when the BC and Canadian governments ratified the Nisga’a Final Agreement in 1999. Three years later, the BC Liberal government, acting on a campaign promise, held a controversial referendum on the treaty process in the province. These two events occurred in the aftermath of the 1997 Supreme Court decision in the *Delgamuukw v. British Columbia* case, a ruling that affirmed Aboriginal title, and strengthened the legal foundation for the inherent right of indigenous peoples to their traditional land base.<sup>1</sup>

This article traces how a dominant theme that framed indigenous people as “a threat to settler interests and values” became woven into news coverage of both the Nisga’a 1998 referendum on the Nisga’a Treaty and the 2002 BC Treaty Referendum.

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Carrying significant implications for control over land, both events proved to be flashpoints in indigenous-settler relations in the province. A detailed textual analysis of that news coverage reveals that three recurring rhetorical arguments underpin the dominant frame. In addition, the “indigenous people are a threat” frame shaped news discourse about both referenda, and although some publications afforded some space for secondary discourse, only in the indigenous press did *alternative* frames emerge.

## NEWS MEDIA, LAND, AND THE POSTCOLONIAL PROJECT IN BC

Control over land has been a preoccupation of the press since the early history of settler-indigenous relations in the province (and former colony) of British Columbia, with newspapers taking activist positions in favor of settler land interests since at least the early 1860s.<sup>2</sup> In fact, colonial newspaper editors and writers advocated that the state exercise control over indigenous children as a means to resolve the “Indian problem,” as it was called at the time.<sup>3</sup> Settler society viewed indigenous peoples’ mere possession of large tracts of land as an obstacle to further economic expansion. In 1866, “one of the first actions of the legislature of the united colony [of BC and Vancouver Island] was to amend the pre-emption ordinance” so that indigenous peoples’ right to homestead was “abolished.”<sup>4</sup> The press in the colony provided a forum for settler society’s intra-group discourse about the local peoples, with news stories on the subject of relations with indigenous peoples being addressed to their white audiences. The *British Columbian* and *British Colonist* newspapers often featured opinion pieces from a settler perspective on how to put an end to the “land question” so that settlers were assured access to land, resources, and economic opportunity.<sup>5</sup>

Today, the news media discuss matters of control over traditional indigenous territory in the context of an accounting of historical factors and events that is minimal and selective, while its coverage of indigenous peoples who reject the treaty process altogether is also scant. Much contemporary news discourse about treaties is anchored in cautionary tales about the dire threat posed by increased indigenous control of the land to settlers’ economic prosperity, and non-indigenous conceptions of “democracy” and “equality.” Moreover, the institution of the media has been identified as having a “direct influence” on the province’s treaty tables.<sup>6</sup> Yet this moral panic about the prospect of restoring indigenous control of a fraction of their traditional territories is unhinged from any analysis of the role colonial and postcolonial governments originally played in displacing indigenous peoples from their lands.

## TREATIES IN BC TODAY

British Columbia neglected its obligation under British Common Law to negotiate treaties with local indigenous peoples, or extinguish “Aboriginal title,” until late into the twentieth century, unlike other parts of Canada.<sup>7</sup> In the years since the two flashpoints studied in this article—the Nisga’a Treaty and the BC Treaty Referendum—several historic court decisions on land claims and Aboriginal title have been made and there have been a number of high-profile disputes over resource development initiatives involving traditional indigenous territories between BC First Nations and the federal

and provincial governments. Furthermore, since 2012 the Idle No More Movement has utilized a variety of innovative strategies to mobilize grassroots support for a new “deal” for indigenous peoples’ control over traditional territory and self-governance, tactics that often involve social media. These developments have brought land matters to the forefront of British Columbians’ awareness. A once-“stalled” treaty process is no longer.

Although British Columbia’s treaty referendum has been “widely criticized as biased, and even racist,” some have argued that it may have been responsible for the provincial government’s adoption of a completely new approach to treaty-making and its acceptance of “a large portion of the responsibility” for past injustices towards First Nations.<sup>8</sup> The recent “progress” made in treaty negotiations may be largely attributable to the provincial government’s desire to create a stable business climate for large commercial interests interested in pursuing resource extraction activities on indigenous territories. On its website, the BC Treaty Commission estimates that the “uncertainty surrounding unresolved aboriginal rights and title could cost B.C. \$1 billion in lost investment and 1,500 jobs a year in the mining and forestry sectors alone.”<sup>9</sup> As of May 2016, five treaties have been ratified under the stewardship of the BC Treaty Commission, another is in the final stages of implementation, and sixty First Nations are negotiating treaties with the federal and provincial governments.<sup>10</sup>

Yet are treaties the answer? Some indigenous peoples regard the treaty process as one that might lead to a subservient, postcolonial relationship with government, or worse still, as a pathway towards assimilation and the extinguishment of Aboriginal title altogether. Taiaiake Alfred describes the BC Treaty Commission process as one that “perpetuates and is oriented towards further embedding the colonial frame of mind and practice, and all of its incumbent assumptions, prejudices and biases.”<sup>11</sup> As of June 2017, nearly half of BC First Nations (ninety-nine of the 203 Indian Act Bands) have rejected the process and opted not to participate in treaty negotiations. Further, many of those First Nations engaged in the BC treaty process have found it to be expensive, frustrating, and ineffective. Indeed, one treaty negotiator for six Coast Salish Nations described BC Treaty negotiations as a failure and characterized the state’s vision as “the extinguishment of indigenous title over all but a few thousand acres” and to “implement municipal style indigenous governance.”<sup>12</sup> Yet mainstream news discourse about treaties excludes the entire range of reasons for indigenous opposition to participation in treaty negotiations.

## THEORETICAL AND METHODOLOGICAL FRAMEWORK

Using a postcolonial lens, this study unpacks, challenges, and reframes dominant discourse about treaties in settler media by focusing on how a colonialist, and colonizing, agenda is advanced. This agenda is promoted through the use of highly ideological argumentation strategies and rhetoric that support settler interests. The dominant discourse entrenches colonial amnesia about the historical context of land issues, excludes indigenous voices and perspectives, and reflects long-standing racist tropes, such as the notion that Western forms of governance are advanced and civilized while traditional indigenous governance is primitive and inferior. Indeed, in that it

served to “protect dominant interests and signify Aboriginal people as a threat,” news discourse about the Nisga’a Treaty and the BC Treaty Referendum echoed early colonial news coverage of land matters.<sup>13</sup> The role of news media in the postcolonial project differs little from its earlier colonial role, given that it also incites the “destruction or dispersal of indigenous populations from their homelands to ensure access for industrial exploitation enterprises and concomitant nonindigenous settlements.”<sup>14</sup>

The researchers employed techniques of critical discourse analysis (CDA) to expose the racist logics and rhetorical strategies mobilized in support of dominant colonizing discourses.<sup>15</sup> Numerous studies that challenge and resist dominant representations of indigenous peoples, people of color, and other racialized populations have used CDA to unpack colonizing discourses and the argumentation strategies and racist logics supporting them.<sup>16</sup> CDA focuses on how news discourse supports argumentation by setting agendas as well as deploying various structures, lexical choices, and rhetorical devices such as “contrasts, metaphors, hyperboles and euphemisms.”<sup>17</sup>

In particular, this study analyzes key rhetorical arguments used to justify a dominant colonizing discourse about indigenous people—an exercise of the powerful “rhetoric of political persuasion.”<sup>18</sup> Central to the racist logics underlying the dominant discourse are several longstanding tropes associated with Western journalistic discourse about indigenous and racialized peoples, including *appropriation*, *classification*, *debasement*, and *affirmation*. While “hard” news stories furnish ostensibly objective descriptions and “facts,” they also set the contextual foundation for topics and events that relies heavily on audiences’ existing knowledge base as well as an ideologically driven conception of “common sense.” These contextual frameworks furnish specific premises and perspectives that influence argumentation strategies used in subsequent editorials and opinion pieces.<sup>19</sup> The researchers analyzed 137 news texts published on the two referenda, including fifty-one editorials and opinion pieces (see table 1 below). This significant number of editorials and opinion pieces about indigenous issues represent a particularly rich source of data because they exemplify the practice of argumentation, which employs specific lexical choices and rhetorical strategies to persuade audiences to accept a particular perspective on an issue.<sup>20</sup>

## DATA ON THE NISGA’A’S AND BC TREATY REFERENDA

The news discourse data on the topic of the Nisga’a’s Treaty Referendum was comprised of all fifty-one news items published in the *National Post*, *Globe and Mail*, *Vancouver Sun*, and *The Province* over a two-week period that followed the Nisga’a’s Treaty Referendum on November 6 and 7, 1998. In addition, the researcher analyzed all seventeen news items published in three community papers—the *Abbotsford Times*, *Chilliwack Times*, and *Northern Sentinel*—over a six-week period.<sup>21</sup> For news discourse on the BC Treaty Referendum, the researcher examined all forty-two news texts published on the referendum over a two-week period after the mail-out of ballots on April 1, 2002, which appeared in both national newspapers and the two Vancouver dailies. Also analyzed were all twenty-seven news stories published on the topic over a seven-week period in the *Abbotsford Times*, *Chilliwack Times*, and *Kamloops Daily News*.

TABLE 1  
NUMBER OF NEWS ITEMS ANALYZED BY NEWSPAPER AND TYPE

Newspaper	Nisga'a Treaty		BC Treaty Referendum		Subtotal	
	HN	OE	HN	OE	HN	OE
<b>National</b>	13	4	10	2	23	6
<i>Globe and Mail</i>	8	1	5	0	13	1
<i>National Post</i>	5	3	5	2	10	15
<b>Major Daily</b>	20	14	17	13	37	27
<i>Vancouver Sun</i>	11	10	11	7	22	17
<i>Province</i>	9	4	6	6	15	10
<b>Community</b>	6	11	20	7	26	18
<i>Abbotsford Times</i>	1	1	3	2	4	3
<i>Chilliwack Times</i>	2	0	1	1	3	1
<i>Kamloops Daily News</i>	NI	NI	16	4	16	4
<i>Northern Sentinel</i>	3	10	NI	NI	3	10
<b>Total</b>	39	29	47	22	86	51

Note: Column headings are as follows: HN = Hard news stories; OE = Opinion pieces and editorials; NI = Newspaper is not included in case study since no news items published on the topic during the research time period.

While mainstream news discourse was the focus of this study, researchers also looked at indigenous news discourse about treaties. The researchers surveyed thirty-one news stories published in four indigenous publications during the research period, which, when compared to the data gathered from the mainstream news publications, enabled us to assess what information was being left out and which voices were being excluded from dominant discourse. These gaps in the news can reveal more of what is actually happening than what is reported.<sup>22</sup>

TABLE 2  
NEWS ITEMS FROM INDIGENOUS PUBLICATIONS

Newspaper	Issue #1	Issue #2	Subtotal
	Nisga'a Treaty	BC Treaty Referendum	
<i>Windspeaker</i>	2	0	2
<i>Kabtou</i>	5	9	14
<i>Raven's Eye</i>	7	1	8
<i>First Perspective</i>	2	5	7
<b>Total</b>	16	15	31

## BINARY FRAMING—TREATIES AS A THREAT TO SETTLER INTERESTS

From the outset, the Nisga'a Treaty encountered considerable opposition from high-profile members of the public, the political sphere, and the news media.<sup>23</sup> In opinion pieces and editorials, several rhetorical arguments are mobilized in support of the dominant news frame that indigenous peoples are a threat to Euro-Canadian interests and values. Against the Nisga'a Treaty, newspaper commentators advanced two main arguments. One forms part of a larger anti-government discourse and alleges

that the provincial government is colluding with indigenous peoples to impose race-based governmental arrangements on “ordinary” British Columbians. A second, more speculative, argument warns that if implemented, these treaties will emasculate “our” democracy and weaken the social structure and economy of the province.

In comparison, news discourse on the issue of the BC Treaty Referendum can be distinguished by one of three distinct settler positions. The first argues that the Treaty Referendum is justified and appropriate simply because it is an example of direct democracy; that is, the referendum is necessary and legitimate because it gives British Columbians a say on a matter that affects them. A related argument also constructs the referendum as a valid exercise in democracy but acknowledges imperfections in its design. A third argument asserts that in order to maintain democracy, the majority-rule principle must prevail over the political maneuvering of minorities and special interest groups.

While in both cases news coverage portrays indigenous peoples as violating mainstream values and beliefs, the discourse covering the Nisga’a Treaty was particularly strong in framing indigenous peoples as a threat. Not only are indigenous peoples seen to be in conflict with representative democracy, individualism, equality, and private property ownership, but treaty-making itself is also constructed as a threat—to the lifestyle of individual citizens, corporate interests, the provincial economy, and the democratic character of British Columbian society. In that such news representations reflect settler interests and largely exclude indigenous voices and perspectives, they differ little from early settler publications.<sup>24</sup> However, as this article will discuss, in news coverage today it is the full weight of corporate media’s institutional power that is brought to bear on delegitimizing and demonizing indigenous peoples and their efforts to exercise their right to control and govern their territories.

One of the most striking features of the conversation about treaty issues is how provincial and national news coverage omits the range of indigenous topics, perspectives, and voices. For example, underlying much news coverage in this study is an assumption that indigenous peoples are unanimous in supporting treaty negotiation. Yet many indigenous scholars, leaders and First Nations are opposed to engaging in the treaty process, and have articulated compelling arguments in favor of *not* participating. Many believe that such treaties would simply perpetuate the current postcolonial relationship between indigenous peoples and settler governments. Yet these positions and indigenous voices are excluded from mainstream news discourse, and only find expression in indigenous media. Instead, audiences are offered a binary view of the issue: settlers oppose treaties/indigenous peoples support them. Framing treaties as an either/or proposition leaves out a whole range of other positions on the topic, and dramatically narrows the interpretative choices available to audiences. Moreover, a great deal of attention is paid to the potential harm treaties might pose to settler interests, while discussion of the enormous risks that treaties might pose to indigenous peoples is completely absent. To exclude any mention of indigenous risk also demonstrates how the media’s agenda-setting function can determine the nature and parameters of discourse.

## THE NISGA'A TREATY'S DISCURSIVE RHETORIC

*Rhetorical Argument 1: "Our' government is colluding with First Nations to impose race-based governments on British Columbians."*

From the outset, coverage of the Nisga'a's referendum establishes a tone of what sociologists call "moral panic." On November 10th, a *National Post* reporter warns that some commentators believe that the Nisga'a treaty "establishes a race-based form of government."<sup>25</sup> That same day, in a guest opinion piece in the *Vancouver Sun*, Jeffrey Rustand accuses the Nisga'a of being hypocritical for "vehemently and justly denouncing any race-based law, policy or practice that does them harm" while simultaneously through the Nisga'a Treaty they are "seeking benefits on the basis of race or ethnicity." He argues that the treaty is a threat to the normative basis of non-indigenous society because it was "reached in defiance of the values most important to the non-Aboriginal population" and warns that it is "bound in the long run to lead to division and strife." Finally, he claims that the treaty violates the concept of identical treatment for everyone regardless of race and threatens competitive capitalism by giving indigenous peoples permanent "race or ethnic-based economic rights that trump the rights of other Canadians."<sup>26</sup> Of course, any argument based on "identical treatment" relies on amnesia about and erasure of the province's actual history of settler-indigenous relations.

Two days later, Jim Beatty reports on the *Vancouver Sun's* front page that the provincial government has failed to assure large commercial interests that the treaty will not "destabilize BC's investment climate." The reporter quotes an unnamed "draft report" prepared by the Council of Forest Industries as saying that the Nisga'a Treaty will have a "profound impact" on "the province's largest employer—the forest industry." A number of potentially damaging effects of the treaty on the forestry industry are listed, including "lost harvesting jobs, increased costs and more red tape." Describing the government as "intransigent," the reporter accuses it of minimizing the treaty's potential economic impacts. In contrast, the forest industry is lauded for "attempting to address their issues [with the Nisga'a Treaty] through quiet diplomacy" and a forestry spokesperson is quoted as saying that forestry companies refrained from voicing their concerns earlier because they did not want to be "painted as racists."<sup>27</sup> The reporter does not explain how the views of "commercial interests" can be relevant to government-to-government treaty processes, but rather assumes that including business values and concerns in the treaty conversation is valuable, and this unacknowledged assumption then becomes absorbed into the canon of common sense that reporters and news commentators draw upon to frame and make sense of treaty issues.

Some op-ed writers accuse the provincial government of colluding with the Nisga'a people and representing the treaty to British Columbians in a disingenuous way. A November 16th editorial in *The Province* charges that "The NDP has tried to blind everyone with propaganda about the Nisga'a Treaty and the race-based government it entrenches."<sup>28</sup> The specter of Soviet-style government propaganda about the treaty appears in a great deal of news coverage, particularly in editorials and opinion pieces. Strident allegations of a government disinformation campaign were made by



the newspaper published closest to Nisga'a territory. In a *Northern Sentinel* editorial published November 4, two days before the Nisga'a referendum, David Black, the owner of the *Northern Sentinel's* parent company, poses the preemptive question, "Why is the government afraid of the truth?" Accusing the provincial government of assembling a team of "forty-two spin doctors with an admitted budget of five million dollars to sell the treaty to British Columbians" using "Hollywood style TV advertising," "misleading pamphlets," and "deliberately misleading ads," Black concludes by warning that if the government succeeds in implementing the Nisga'a Treaty, it will be "establishing apartheid in BC for all time."<sup>29</sup> The media thus frame the BC government's neoliberal support of treaties as radically pro-indigenous and set the bounds of discourse so narrowly so that by default any other position—such as the inherent right of indigenous people to non-contingent self-governance of all of their traditional territories—is constructed to lie beyond the pale of reasonable thought.

Although the charge of government bias appears in numerous news texts, no specific examples of inaccuracy or distortion are cited. In the absence of substantive details, some readers may assume that the bias is so obvious as to be self-evident, or that these information initiatives are invalidated merely by their association with the New Democratic Party (NDP) government and the Nisga'a.<sup>30</sup> Many news stories describe both levels of government, and sometimes Nisga'a officials, as trying to "spin" or make "sales pitches" about the treaty. News reports consistently use both "sell" and "spin," verbs that imply that, like salespeople or "spin doctors," those who negotiated the treaty were motivated by the prospect of personal gain, such as when Nisga'a Tribal Council President Joe Gosnell is characterized as traveling to Europe to "sell" the deal. Further, some readers may conclude that proponents actually doubt that the treaty is a marketable "product" and that slick sales techniques are needed to embellish it.

Many stories characterize the Nisga'a and the treaty as a threat to a prime value of Euro-Canadian society: representative democracy. Shortly after the Nisga'a Referendum, several op-ed writers and reporters suggested that the Nisga'a had not conducted the referendum fairly or "properly." On November 9th, two days after polling closed, the *Vancouver Sun* provided the first indication that something may have been amiss, reporting a delay in the release of voting results. More ominously, the newspaper stated that Nisga'a officials refused to explain the delay to reporters, but that a Nisga'a referendum official accounted for the delay by saying that they were "just being very careful."<sup>31</sup> For readers, such reporting will prompt a number of unanswered questions and speculations. If Nisga'a officials wouldn't explain why there was a delay, are they being evasive or covering up voting irregularities?

In the same newspaper, a number of news texts cast doubt on the validity of the results based on the "relatively low" turnout. By this time, Nisga'a officials had counted the votes of 51 percent of eligible voters. By the time the count was complete, this percentage had risen to 61 percent. On November 12th, while the counting was still underway, the *Vancouver Sun* reported that the treaty was "endorsed by just 51 percent of eligible voters," yet oddly, it does not mention the actual result: of those who voted, 75 percent cast a "yes" vote on the treaty referendum.<sup>32</sup> It is difficult to imagine a news story on a non-indigenous election that omits the election result. In addition, the

adverb “just” creates the impression that 51 percent is a paltry total and indeed, the treaty is not very popular even among Nisga’a people. Subsequently, several news texts also neglected to mention the actual rate at which the Nisga’a voters supported the treaty and instead cited the “51 percent” voter turnout figure.

The *Vancouver Sun* reported the next day on the provincial opposition leader’s challenge of the referendum results. Liberal leader Gordon Campbell estimated the Nisga’a’ of voting age by extrapolating from Statistics Canada data on the province’s total indigenous population. He then suggested that the “number of registered voters was less than might be expected.” However, Campbell’s estimate that “44 percent of the BC Aboriginal population” is under the age of nineteen assumes that the demographics of the Nisga’a mirror those of the province’s entire indigenous population as a whole.<sup>33</sup> This method dubiously conflates demographically distinct and disparate indigenous populations, including those who live in the north, the south, and the interior, as well as on-reserve and urban populations. Historically, colonial authorities have long used conflation as a strategy to erase indigenous identity and delegitimize and disempower individual First Nations. This lengthy news report in the *Vancouver Sun* as well as several others fail to challenge Campbell’s “methodology,” or his primary assumption that the province’s indigenous populations are homogeneous.

On November 14th, the *National Post* repeated Campbell’s claim that the voting procedure that resulted in Nisga’a approval of “a landmark treaty appears flawed and should be investigated.”<sup>34</sup> Even though Campbell furnished no specifics and admitted he had no proof of wrongdoing, two days later an editorial in *The Province* described the Nisga’a plebiscite as a “voting procedure which, as it turns out, has been criticized for irregularities.”<sup>35</sup> On November 20th, the *Globe and Mail* reported that after reviewing Campbell’s allegations, Federal Indian Affairs Minister Jane Stewart concluded that the voting procedures were satisfactory.<sup>36</sup> After this, the topic of voting irregularities received no more attention in the press. However, the media’s initial emphasis on “unexplained” delays, irregularities in voter registration, and other “problems” with the Nisga’a plebiscite played into negative stereotypes about indigenous peoples already firmly entrenched in the public idiom—such as that indigenous communities are bastions of corruption, incompetence, and cronyism, for example, and that indigenous peoples are unready for self-governance.

The notion that indigenous peoples are not ready or capable of self-governance replicates an additional venerable colonizing trope—classification—which has the rhetorical purpose, as David Spurr has written, of demonstrating “the fundamental justice of the colonial enterprise by ranking native peoples according to their relative degree of technical and political sophistication as seen from the European point of view.... each category of native requires its own administrative tactic.”<sup>37</sup> In this case, the classification trope creates a scenario under which continuance of the status quo is necessary; indeed, some form of paternalism-delegated governance overseen by the colonial masters (e.g., Indian and Northern Affairs Canada, or the Indian Act) is made to appear the most appropriate administrative structure.

However, not all news stories were critical of the Nisga’a referendum. Employing a rhetorical move which van Dijk labeled “apparent praise,” a number of op-eds appear

to praise the Nisga'a people for holding a plebiscite on the treaty.<sup>38</sup> In a November 12th editorial, the *Globe and Mail* twice uses the word "courage" to describe Nisga'a people: "Their leaders had the courage to stand up and defend the compromises they had made, and the Nisga'a themselves had the courage to say yes."<sup>39</sup> As a rhetorical strategy, the newspaper's praise of the courage of the Nisga'a justifies an attack on the provincial government: "So why will the government of BC not show the same courage? [BC Premier Clark] refuses to give his voters the same chance to bind themselves to a negotiated future with the Nisga'a."<sup>40</sup> More crucially, the *Globe and Mail's* praise is deployed to legitimate a call for a province-wide referendum on the treaty. Yet in thus calling for a referendum of the majority on an agreement that protects minority rights, the newspaper is attacking not only the Nisga'a treaty, but also the inherent right of indigenous peoples to negotiate treaties directly with the government. Not mentioned in this editorial is that some First Nations might be unwilling to participate in lengthy and expensive treaty negotiation processes if the final agreements were to be subjected to a vote of the majority. In the last sentence of the editorial, the *Globe and Mail* repeats its simple rhetorical ploy and again invokes a common "courage" intended to create the appearance of a shared agreement on the "right" way to proceed: "The Nisga'a didn't shrink from doing this right. Neither should Mr. Clark."<sup>41</sup>

### *Rhetorical Argument 2: "Race-based policies will gravely undermine democracy and destabilize "our" society and economy."*

The supposed right of all British Columbians to have their say on the Nisga'a Treaty became a major preoccupation of the press. In the days following the Nisga'a referendum, op-ed writers appropriated the "public voice" by purporting to speak for all British Columbians on the topic of the treaty. Some scholars have pointed out that when newspapers purport to represent the public voice, they are assuming their most active "campaigning" role by claiming public legitimacy for their own views and ideology.<sup>42</sup> In her November 17th column in the *National Post*, for instance, Yaffé claims to speak directly on behalf of "The People," arguing that the provincial government's position on the accord is contrary to that of British Columbians: "Half of British Columbians don't like the Nisga'a treaty. Nearly 60 percent want a referendum so they can have their say. Well, that's too darn bad. Because, in the view of the federal and BC governments, the deal is done, regardless of how The People feel about it." The columnist dismisses pro-treaty arguments as "happy talk" before concluding, "of course, everyone wants those things." Yaffé chooses the folksy, forthright phrase, "well, that's too darn bad" to signal that she understands what "The People" want because, like them, she too is an ordinary person.<sup>43</sup> Given this strategy, it comes as no surprise that her ensuing warning is couched in "common sense" rhetoric:

Anyone with a morsel of common sense knows it would be better to take the time to settle this, the first treaty in BC. The politicians must either sell the deal on its own merits or go back and address the points in the treaty vs. The People question. To do otherwise would be to cultivate a dangerously hostile climate for future treaty-making.<sup>44</sup>

Yaffe's labeling of the issue as "the Treaty versus The People" assumes *ipso facto* that treaty proponents—in this case, non-indigenous British Columbians—must be aligned against the people.<sup>45</sup> This binary opposition not only precludes any compromise or middle ground on which the treaty might be endorsed—as a pragmatic course of action beneficial for all British Columbians, for example—but also obfuscates all perspectives that fall outside of its basic opposition, including indigenous critics' arguments that the treaty would be detrimental to the interests of the Nisga'a and other First Nations. Additionally, Yaffe's suggestion that the province needs to "take the time to settle this" implies that the treaty has been arrived at in a hasty, possibly ill-conceived fashion. In fact, Nisga'a leaders had been negotiating with governments for more than a century.

In a *Vancouver Sun* column published the previous week on November 10, Yaffe issues a warning about the dangerous nature of this polarized climate: "If that [Nisga'a] treaty is disrupted in any way, serious instability will surely ensue. Indigenous peoples across BC will feel bitter and betrayed. They might well abandon treaty talks and revert to mounting road blockades and court challenges."<sup>46</sup> A number of other news texts feature the essentialist stereotype of angry indigenous warriors as well, but this instance is notable for the author's use of the verb "revert." Yaffe's lexical choice signals that the "bitter and betrayed" emotions indigenous peoples would feel if the state were to ignore their sovereign authority over treaty negotiations, rather than a normal and justifiable reaction, instead would likely return them to an uncontrollable former state in which disruptive protest activities come "naturally." Yaffe's belief that Native peoples' unruly emotions are the source of "serious instability" that is sure to come reenacts the racist logic and the acts of debasement perpetrated by the longstanding colonial trope that "savagery" and other inferior qualities are intrinsic to all colonized peoples.<sup>47</sup> Another implication is that treaties and non-confrontational methods are "alien" to indigenous peoples and that, under duress, they may regress to their default disposition. The fact that First Nations used treaties to forge alliances and maintain relations long before Europeans arrived in the Americas is not mentioned in any news text.<sup>48</sup>

A November 8th headline in *The Province* issues a more sinister warning that relies on similar connotations: "Tribal Leader Warns Again of Armed Confrontation."<sup>49</sup> The article itself reports Nisga'a leader Joseph Gosnell's speculations about the consequences of the treaty being "derailed."<sup>50</sup> In no other news text on this topic is "tribal leader" used to refer to an indigenous leader. The headline's coupling of the archaic term "tribal leader" with "armed confrontation" effectively recalls a much earlier time in Canada's colonial history when white settlers lived in fear of the surrounding "tribes" which sometimes outnumbered them. Gosnell does indeed forecast serious repercussions in the event the treaty is not implemented, yet the article provides absolutely no context for the personal and political issues at stake for the Nisga'a and their leadership.<sup>51</sup>

In his November 13th *National Post* column, Andrew Coyne issues his own warning that "racial mistrust" will result from the government's "legislative steamrolling over the protests of much of the population" to establish a governmental system on "racial foundations."<sup>52</sup> He invokes the debate over the construction of a bridge from Prince Edward Island to New Brunswick that took place in the 1990s to set up a dubious comparison with the debate over the Nisga'a Treaty. In rhetorical terms, the columnist

is setting up a “straw man” as a target when he equates the Nisga’a Treaty process with that of constructing a bridge: “When it came time to decide whether to build a bridge connecting Prince Edward Island to New Brunswick, it was thought proper to leave it to the Islanders themselves to decide, via a plebiscite. It was only later that it occurred to someone on the mainland to ask: Wait a minute, shouldn’t we be consulted, too?”<sup>53</sup>

Coyne is, of course, comparing two very different situations. The legal and constitutional elements of treaty-making make the Nisga’a Treaty a very different proposition from constructing a bridge. Hackett and Zhao describe this kind of argumentation ploy as setting up “facile, glib arguments ripe for rebuttal” that can preempt debates that explore more substantive arguments on an issue.<sup>54</sup> For example, Coyne’s straw target puts proponents of the Nisga’a Treaty on the defensive: not only do they have to stand up for the treaty, they now have to defend themselves against charges that the ratification process is undemocratic and possibly even “racist.” This obscures the actual context, which is that prior to the implementation of the Nisga’a Treaty, the two senior levels of government had neglected their obligations to the Nisga’a and the other First Nations of the province and that Canadian governments had to amend their past negligence of the treaty issues. When the province came into confederation in 1871, the governments of Canada and British Columbia inherited from the British Crown an obligation to deal “fairly” with indigenous peoples and their territories. These obligations trace their roots back to the 1763 Royal Proclamation and other legal precedents.<sup>55</sup>

Yet in a November 16th editorial, *The Province* goes further, arguing that only those who pay taxes ought to decide the fate of the treaty: “It’s the people who should have the say—the ones who have to pay.”<sup>56</sup> Because the fallacy that “all indigenous people pay no tax” is embedded in the public idiom, some readers may assume that “the people” refers exclusively to non-indigenous people.<sup>57</sup> Importantly, no mention is made either of the price the Nisga’a paid in over a century of illegal occupation and use of their traditional territory, or of the substantial concessions—including a 90 percent reduction in their traditional territory—they made in the treaty, which encountered significant internal opposition. Rather, the newspaper invokes an historic metaphor, the failed Meech Lake Accord, as an example of “another” situation where the public realized it was “conned.”<sup>58</sup> Finally, *The Province* dismisses criticisms about the potential impact of a referendum on minority rights: “So, isn’t that democracy? Majority rule.”<sup>59</sup> The newspaper then speculates that “minority rights” in general may be responsible for British Columbia’s current social malaise: “If we held more majority votes on minority rights, maybe we wouldn’t have so many darn rights in the first place—ones which divide people along class and race lines.”<sup>60</sup> Thus, inherent indigenous rights that are deeply entrenched in Canadian and international law are reduced to “minority rights,” and summarily dismissed as something that ought to be eliminated altogether.

One such right that a number of news items attack is indigenous peoples’ prerogative to determine their own approaches to property ownership and resource distribution. In his November 21 *National Post* column, Melvin Smith concludes that the reserve system’s approach to land ownership is “based on the collective rather than the individual ownership and therefore has discouraged self-reliance, individual initiative, and personal rewards for success.”<sup>61</sup> Furthermore, he asserts that indigenous

peoples' failure to embrace the creed of rugged individualism and competitive capitalism has kept them in "their backward condition."<sup>62</sup>

On November 10, the *Vancouver Sun's* Barbara Yaffe uses similar rhetoric to discredit the collective disbursement of the cash portion of the treaty settlement, insisting that "any cash redress should go to individuals, not collectives."<sup>63</sup> Indigenous practices and values that emphasize sharing resources and collective responsibility, even when confined to their own communities, are constructed as violations of two core values of Euro-Canadian society, namely, individualism and private control of capital. According to this conception of the "majority rule" principle, minority rights are illegitimate, even unnatural, and therefore not self-sustaining. In the case of indigenous peoples, their rights have been "propped up" by the "unrelenting efforts of the 'Indian Industry' - the national native leadership, the many lawyers, consultants, advisors and academics, all government-funded, who keep it going in perpetuity." The columnist portrays government as elitist, free-spending, and out of touch with the interests of ordinary people. In effect, governments have created the "indigenous problem" in order to shore up a lavishly funded *de facto* branch of government.

Other news texts emphasize the material costs of the treaty to the province and its non-indigenous people. After the Nisga'a referendum on the treaty, the second sentence of the first news item published in the *Vancouver Sun* notes that the costs to non-indigenous British Columbians are "two thousand square kilometres of land, and 190 million dollars in cash, among other benefits."<sup>64</sup> On November 21st, a *National Post* columnist juxtaposes the magnitude of cash and land "given" to the Nisga'a under the treaty with the First Nation's population:

what drives governments to *give* 5.5 thousand Nisga'a, *only* two thousand of whom *actually* live in the Nass Valley, outright ownership of 1930 square kilometres of publicly-owned land (seventeen times the size of Vancouver) including timber, mineral rights, water rights, plus cash payments well in excess of 275 million dollars, and wildlife resource co-management in an area five times as large again;<sup>65</sup>

"Give," a lexical choice used to describe Nisga'a compensation in seven of the nineteen op-eds and news reports that reference details of the settlement, suggests that this was a one-way process in which one side received expensive "gifts" and gave up nothing in return. Yet "give" more accurately describes the actions of the Nisga'a, since the treaty resulted in the Nisga'a giving settlers 90 percent of their territory and receiving nothing they didn't already possess in the first place.<sup>66</sup> Similarly, Yaffe's November 10 *Vancouver Sun* column warns that the treaty will cost "nearly five hundred million dollars for just six thousand Nisga'a," implying that each Nisga'a will receive a check for eighty thousand dollars simply for being Nisga'a.<sup>67</sup> In fact, the purpose of the cash settlement is to compensate the Nisga'a First Nation for thousands of square kilometers of their traditional territory that non-indigenous peoples will be able to use in perpetuity. Yet the columnist does not mention the large scale of these land concessions.

This news media emphasis on the scale of the resources being "transferred" to the Nisga'a may cause readers to be anxious about the treaty's cost to British Columbians, and, by implication, that of any future treaties. *Vancouver Sun* readers are told that it

is an especially large amount of land and cash to turn over to people who may lack the necessary financial skills to manage it properly: "It's unwise to hand over sums of cash to groups that haven't shown prowess on the accounting front. Last week it was reported the Nisga'a just a few years ago spent one million dollars on irregular welfare payments."<sup>68</sup> This columnist is referencing a November 8 news report about an entirely different issue that Don Hauka of *The Province* had grafted onto a number of "breaking" news reports about the Nisga'a referendum results. In that story, Hauka writes that the "Kincolith Band, one of four that make up the Nisga'a tribal council, made one million dollars in irregular welfare payments to its members, according to documents leaked to the *National Post*."<sup>69</sup> The relevance of the contents of this "leaked document" to a story about the Nisga'a vote is initially unclear. Later, however, Hauka suggests that these "irregularities raise questions about the band's ability to handle its own affairs."<sup>70</sup> Indeed, the next day he describes the Nisga'a leadership as on the defensive. The Executive Chairman of the Nisga'a Tribal Council "said a recent audit by the Department of Indian Affairs—showing more than one million dollars of questionable welfare payments made between 1996–97 by a Nisga'a-administered program in Kincolith—does not prove the natives are incapable of running health, legal and education systems."<sup>71</sup>

To thus associate indigenous peoples with "welfare" and their reserve management with financial incompetence plays into doubts about their ability to govern themselves. Long-standing associations like these are used to justify the status quo established by the Indian Act, which created a relation of wardship between indigenous peoples and the federal government.<sup>72</sup> News coverage of the Nisga'a's Referendum on the Nisga'a Final Agreement promotes a discourse of denial about postcolonial policies and practices. The argument that First Nations are colluding with the government to impose race-based regimes on settlers does not meet even the most basic journalistic criteria regarding fairness, balance, and objectivity. Op-eds that advance this specious proposition demonstrate amnesia about Canada's colonial past, detach treaty discourse from historical analysis, and rely on threats and warnings to invoke strong emotional reactions from settler audiences. Constructing indigenous peoples as opportunistic, dishonest and racially divisive may foment settler anger and hostility towards them. At a time when settler governments are advancing a rhetoric of reconciliation, racist news discourse may predispose settler publics to dismiss even the most modest initiatives intended to address the destructive impacts of colonialism. By promoting a "discourse of denial" of contemporary racism,<sup>73</sup> the news media further entrench ignorance about indigenous peoples and issues, while absolving settler society of any responsibility for addressing their harmful consequences.

## BC REFERENDUM ON THE TREATY PROCESS

*Rhetorical Argument 1: "The referendum is an essential and valid exercise in democracy because it gives the people of British Columbia a voice on important issues that affect "all of us."*

*The Province* makes the case for the plebiscite's validity most emphatically. Three of the seven op-ed pieces appearing in the newspaper are authored by the Canadian

Taxpayer's Federation (CTF) or its "Aboriginal Affairs" branch, the Centre for Aboriginal Policy Change (CAPC). While the latter group's name suggests that it represents the views of indigenous peoples, CAPC in fact is dominated by the same politically partisan and business-friendly agenda as the CTF itself.<sup>74</sup> In addition to the three op-ed pieces, a lengthy news feature positions the director of CAPC, Tanis Fiss, as one of two "experts" on the treaty referendum in a point-counterpoint format.

In a guest opinion piece published in *The Province* on April 7, CAPC emphasizes the value of consulting British Columbians on the treaty process by using a facile simile: "Treaties, similar to diamonds, are likely to last forever; therefore, treaty principles are too critical not to solicit the opinions of British Columbians."<sup>75</sup> This rhetorical device incorporates a warning that British Columbians may be binding themselves to permanent accords that do not reflect their "principles"; in other words, the treaties pose a threat to the normative basis of society. This warning then lists a series of threats that indigenous peoples seemingly pose to fundamental settler values. Indigenous claims are portrayed as endangering free-market capitalism and "private property rights," for example: "Resource development has been increasingly disrupted by Aboriginal land claims over the last decade. Supposedly secure tenure rights have been thrown into question. To be fair to treaty claimants, taxpayers and commercial interests, and for investors to be attracted to BC, guarantees are needed that reduce an investor's exposure to losses due to land claims."<sup>76</sup> CAPC's lexical choices establish a strong causal connection between indigenous initiatives and harm to settler commercial interests. Land claims have "disrupted" resource development, "thrown into question" secure tenure rights, and caused "losses." In spite of the show of apparent concern about fairness to "treaty claimants," only the views of non-indigenous parties are represented. There is no reference to the vast harm caused to the economies and cultures of indigenous peoples by the government's historical unwillingness or inability to fulfill its obligation to indigenous peoples under British Common Law.

In another opinion piece published the next day in *The Province*, CPAC asserts that anything other than delegated indigenous self-government will lead to "abuses of power." The writer contends that the delegated government model includes a system of "checks and balances" which assure a "degree of certainty and accountability." Furthermore, this model may be changed, presumably by non-indigenous governmental authorities, "if the governance structure is not working."<sup>77</sup> The writer goes on to discredit constitutionally entrenched indigenous government through the mere assertion that the "local delegated model" is superior. No attempt is made to address the merits of any other model, and no indication is given as to why full indigenous self-government would be incompatible with systems of "checks and balances" that ensure "a degree of certainty and accountability."<sup>78</sup> Perhaps what is most problematic about indigenous self-government for the CAPC is that it is not subject to the checks and balances of settler government. The implication is that, if the federal or provincial government determines that indigenous self-government is "not working," this governance structure could be changed through new legislation. Effectively, the writer advocates that the state extend long-standing paternalistic practices by imposing a very limited form of self-government on indigenous peoples. The argument that



settler government needs to *oversee* indigenous governance, which is deployed in news discourse about both treaty issues, reflects the colonial trope of affirmation, or the “White Man’s Burden.”<sup>79</sup> Essentially, European colonizers have a moral imperative to look after those incapable of looking after themselves, such as indigenous peoples.

In *The Province’s* third opinion piece on treaties published on April 9, the Canadian Taxpayers’ Federation argues that indigenous peoples receive unfair advantage based on “race” and invokes a pair of oppositions to illustrate a “clash of values” between indigenous peoples and settler society: individual vs. collective rights and private property rights vs. race-based laws and treaties.<sup>80</sup> The CTF’s presumption that it knows where most British Columbians stand on these values betrays their assumption that the voice of the majority of the public is their own: “One view, probably the majority, is that individual rights and individual ownership of property should reign supreme, treaties should be final, laws and treaties ought to be as racially blind as possible given certain exceptions posed by the courts.” Put this way, indigenous peoples constitute a threat to the neoliberal values of individualism and private property ownership. A warning specifies the grim consequences of the triumph of indigenous values for the rest of us: “That would splinter BC into a multiplicity of miniature nation-states, some based on race, some not, with selected governments forever supported by other taxpayers who have little or no say in the affairs of such racially-based territories.”<sup>81</sup> In this vision of the brave new post-treaty world, the costs of financing “racist” and undemocratic indigenous regimes would be borne by “other taxpayers.”

News stories in *The Province*, *Abbotsford Times* and *Chilliwack Times* also lend support to the argument that the referendum is an essential and valid exercise in democracy. The first *Abbotsford Times* piece, published April 9, 2002, represents the positions taken by British Columbia’s Liberal government, while largely excluding other voices on the treaty referendum. No reference is made to persistent criticisms of the referendum’s design, nor are any indigenous sources cited. The reporter leaves it to a quotation from John Van Dongen, the local provincial government member, to dismiss the concerns of indigenous peoples: “The First Nations people, he said, believe that the referendum is an infringement on their minority rights. However, ‘it’s certainly not the case. They will not be impacted.’”<sup>82</sup>

A subsequent news story in the *Abbotsford Times* provides a forum for the views of other pro-referendum settlers, including Chilliwack Member of the Legislative Assembly John Les and Attorney General Geoff Plant. In the lead paragraph, reporters Morry and Beutal discredit previous treaty negotiations: “It has now been close to a decade since most Lower Mainland native bands first embarked upon the provincial treaty-making process. None to date have successfully completed negotiations leading to a finalized agreement in principle. In fact, some have given up along the way. And some have been assigned to the back burner without their consent.”<sup>83</sup> Other treaty negotiations are described as proceeding at a “painfully slow pace.” The treaty process is portrayed as unworkable and destined to fail through lexical choices such as “given up,” “stalled,” and “placed on the backburner.” The news story provides a strong justification for the treaty referendum, which is described as a “tool of direct democracy” that will, in the words of the province’s attorney general, “engage BC in a conversation about a

very important subject—treaties.” Rather than take the attorney general to task for this highly contested assertion, the reporters laud the Liberal government for “making good on an election promise.”

As with coverage in its sister publication in Abbotsford, the two items in the *Chilliwack Times*—a hard-news story and a guest opinion piece by Assembly Member Les—foreground the views of local government representatives and strongly support the dominant frame. Published on April 5, “It’s Up to the People Now” provides Les with a platform to disparage the current treaty process: “I think they’re [people] watching with growing chagrin as half a billion dollars is frittered away and there’s no treaties to show for it ... if we continue along, we’re going to run out of money.”<sup>84</sup> Les concludes by characterizing anyone who plans to vote “no” in the referendum as apathetic, as it “would tell the government people don’t care about proper compensation, phasing out of tax exemptions and other issues.”<sup>85</sup> Les’s derogation of voters with the “temerity” to vote against the government position on treaty “principles” is not countered by any other spokespeople on the issue. Morry, the reporter, does not challenge any of his views, contextualize his claims, afford any space to indigenous voices or other critics of the referendum’s design, and does not discuss the appropriateness of a plebiscite that puts the inherent rights of indigenous peoples to a vote of the majority.

*Rhetorical argument 2: “The referendum design is imperfect, but there is nothing inherently wrong with referenda on this matter or other minority rights issues.”*

While the first rhetorical argument echoes the provincial government’s pro-referendum position, the second offers a qualified endorsement of it. Opinion editorial writers in the *Vancouver Sun* and *The Province* forcefully articulate this position. The sole *Vancouver Sun* editorial on the referendum criticizes the methodology underlying the construction of the referendum questions, but advocates that people participate in the plebiscite since the “principles involved are too critical, and they deserve full public attention.”<sup>86</sup> The newspaper relies heavily on the views of BC’s attorney general and the CTF. The attorney general “urges” voters to participate in the plebiscite and to ignore “inflammatory rhetoric” from “special interest groups” opposing it, while the CTF advises voters to “fill in their ballots because the principles guiding treaty negotiations are too important to be left up to various elites.”<sup>87</sup> Repetition of “urge” in consecutive sentences establishes the high priority that both the provincial government and the CTF attach to referendum participation.

As with discourse on the Nisga’a treaty, references to “special interest groups” (clearly not intended to include the CTF) and “various elites” create the impression that a small influential minority is dictating the terms of the treaty process to the majority of British Columbians. While conceding that the referendum has methodological shortcomings, the *Vancouver Sun* gives the provincial government the benefit of the doubt: “Still, if this referendum process does, as Mr. Plant claims it will, legitimize the treaty-making process and give it a slight nudge forward, some good may come of it.”<sup>88</sup> Use of “legitimize” signifies that the treaty process lacks moral authority.

Since the *Vancouver Sun* does not elaborate on how the treaty-making process lacks legitimacy, readers are left to fall back on “common-sense” assumptions about treaties and indigenous peoples: that is, since “everyone knows” that the treaty-making process is wasteful and ineffective, there is no need to engage the audience in a discussion about specific aspects of the current treaty process.

In the final sentence of the editorial, however, the newspaper affirms its commitment to treaties: “Treaties are the only thing that will allow all of us to put a century of abuse and tragedy well behind us.”<sup>89</sup> Even if the editors of the *Vancouver Sun* are inserting a positive self-representation with this remark, it does recognize that treaties with indigenous peoples are needed. However, it is difficult to know exactly what the editors mean by their reference to “abuse and tragedy.” Perhaps this is an allusion to the genocidal residential school system, which endured for a century and a half, or the 1876 Indian Act, one of the main instruments of oppression of indigenous peoples. In any case, the vagueness of this reference decontextualizes race relations in British Columbia and detaches over a century of “abuse” and “tragedy” from any sense of human culpability. Significantly, this is the only time that the expression “all of us” is used—the rest of the article is directed to “the voters,” “British Columbians,” “us,” “the public” and “people.”<sup>90</sup> It is the *Vancouver Sun*’s tacit acknowledgment that, while the rest of the editorial is directed solely to settlers, their final prescription includes indigenous peoples, perhaps because the editors believe that they are the ones who need to “get over it.”

The Treaty Referendum’s suggestion that treaties must only lead to *delegated* indigenous self-governance sparked indigenous concerns. Vaughn Palmer’s April 13th column in the *Vancouver Sun* minimizes those concerns by describing it as a “symbolic departure” from the previous government’s bargaining position. Symbolic, perhaps, for settlers. However, indigenous leaders across Canada had long been advocating non-delegated, constitutionally entrenched forms of self-government for their peoples. Palmer neither addresses the problematic nature of participating in a referendum in which the questions were constructed in such a way as to predispose respondents to certain answers, nor the ethical implications from a human rights perspective of holding a referendum on “minority rights.”<sup>91</sup>

In an editorial published the next day, the same newspaper injects a hysterical note into the debate, declaring that supporters of a referendum boycott have given up their right to freedom of expression on treaty issues: “If you don’t vote or if you decide to spoil your treaty ballot, please keep your mouth shut if you don’t like the results. It is ironic how those who spoil their ballots or don’t vote often have the most to say. If you spoil your ballot, it isn’t counted. You’re not heard.”<sup>92</sup> In other words, those who refrain from participating in this “democratic exercise” ought not to have a voice on the issue at all. Furthermore, the newspaper denigrates those planning to boycott the referendum, describing them as “loudmouths” and “crybabies.”<sup>93</sup> The underlying logic is that “responsible” citizens exercise their democratic rights, while those who opt not to participate in “democratic exercises” forfeit their right to self-expression. The newspaper again sidesteps the matter of the referendum’s flawed design and ignores ethical questions arising from holding a referendum on minority rights.

*Rhetorical Argument 3: "The will of the majority must prevail over the political maneuverings of minorities and other 'special interest groups.'"*

This "majority rule" argument anchors both *National Post* op-ed pieces. The central argument in Gordon Gibson's "Gordon Campbell v. BC's *Bien Pensants*" is that elite groups in BC society are attempting to derail an important and legitimate exercise in democracy. These elites include "those so wonderfully described by former Vancouver Sun columnist Denny Boyd as 'Higher Purpose People.' These are the folks who know better than you and me on just about everything. They talk to each other on the Peoples Network of Canada, and view with alarm from pulpit, university and punditry pedestals the uninformed thoughts of the great unwashed."<sup>94</sup>

Lexical choices in this passage establish a binary opposition between "us" and "them." Gibson's phrase "folks who know better than you and me on just about everything" aligns him with "the people" and against "know-it-alls" such as the CBC, church clergy, university professors, and what the article describes elsewhere as "a sympathetic media."<sup>95</sup> Not only are such "Higher Purpose People" misinforming British Columbians about the referendum, they are also responsible for "the Indian problem" to begin with:

Among other beliefs of the Higher Purpose People is that they know what is best for Indians. Of course, the estate of Indians in Canada is directly chargeable to the HPPs of the last century; but never mind, they'll get it right this time, and without the ignorant input of the public, thank you. This group and their flocks will vote No and propagandize mightily to that end.<sup>96</sup>

The columnist conflates significant differences within the ranks of those opposing the treaty referendum in order to create an easier target for his ridicule and contempt. Actors as diverse as the BC Federation of Labour, the Canadian Jewish Congress, the Anglican Church, the Council of Senior Citizens, and the David Suzuki Foundation are portrayed as a single monolithic entity pitted against "the public."

Gibson does not address the substance of any arguments against the referendum or furnish any evidence or explanation for a number of vague and contentious claims, such as the attribution of responsibility for the current "estate of Indians" to clerics, university professors, and other "pundits."<sup>97</sup> Gibson also utilizes the rhetorical ploy of claiming to have an insider's knowledge of how "they" think. Referendum opponents, he writes, regard the public as "ignorant" and "uninformed" and act from "a hidden premise" that "British Columbians are a bunch of racist rednecks who will not treat their fellow human beings fairly."<sup>98</sup> These "common-sense" arguments lead to an inevitable conclusion: "ordinary citizens," presumably settlers, must reject the specious arguments of elitist referendum opponents, and "consider the questions carefully and cast their vote" in the plebiscite.

The other item in the *National Post* is an April 9 editorial entitled "British Columbia's Clerics and Sheep." It begins with an attack on Reverend Tony Plomp of the Presbyterian Church for describing the referendum as a vote of a "mostly uninformed majority" on the rights of a minority "with rightful claims." Reverend Plomp's view

that the public lacks adequate information about the history and context of treaties is described as “one of the most arrogant condemnations of voters’ intelligence in history.” The newspaper likewise construes the Reverend’s appeal for more public education on treaty matters as an attack on the “intelligence” of voters. The United Church of Canada is said to have “piped up with its objections” and the editorial’s diction also derides other religious organizations for voicing their views on the issue. The editor expresses relief that the views of church groups do not affect the resolve of the government, which “fortunately” sees “this clerical mischief for what it is, and is giving it short shrift.”<sup>99</sup>

In the same editorial, the *National Post* also argues that the Nisga’a Treaty serves as strong justification for the referendum, describing it as an arrangement “imposed by Ottawa, Victoria and native bands on non-natives in northern BC, [one that] set off a controversy that has led to the current referendum.”<sup>100</sup> To characterize a treaty that returned only a fraction of a First Nation’s traditional land and was ratified after decades of negotiation as an “imposition” on non-indigenous peoples by government and “native bands” is disingenuous at best; in fact, many indigenous critics, including a significant number of Nisga’a people, viewed it as a very bad deal for the Nisga’a. This editorial segues into a series of dramatic threats and warnings about the scope of the Nisga’a treaty: “[It] took away the rights of non-natives living or owning property in the new treaty land.... Since nearly every square kilometre of the province is subject to a land claim, almost every British Columbian has a direct legitimate interest in contributing to the debate over how such rights may or may not be similarly circumscribed in future.”<sup>101</sup> The dual threat to the values and interests of “non-natives” is clear—the principle of identical treatment has been violated and “property rights” imperiled. The *National Post* provokes fear that all non-indigenous people are at risk no matter where they live.<sup>102</sup>

Now that treaties have been established as inimical to British Columbians’ welfare, the treaty referendum is recast as a vital democratic means to protect majority rights from a very real threat: “Far from subjecting the rights of the minority to the whim of the majority, the referendum gives every citizen in British Columbia a say in the processes by which their rights may be denied.”<sup>103</sup> As with the 1998 Nisga’a Referendum, dominant news discourse about the 2002 British Columbia Treaty Referendum constructs treaties as a threat to settler lifestyles and values.

### *Discourses of Distraction and Misdirection*

Examining news coverage of the BC Treaty Referendum reveals discourses that both distract and misdirect. The “majority rule” principle, for instance, is framed as the cornerstone of Western “civilized” democracy and is strategically invoked by editors and opinion writers to trump any obligation the state has to protect the rights of “minority populations.” This argumentation strategy represents a direct attack on the inherent right of indigenous peoples to exert sovereignty over their territories and affairs. This simplistic proposition reinforces white supremacist notions of Western colonial “democracy,” erases a century and a half of colonial history in the province, and proceeds as if a considerable body of domestic and international law supporting indigenous rights did not exist. Constructing indigenous peoples as a “minority” or a “special

interest” group sets them up as a straw target which effectively eliminates the need for commentators to provide evidence-based arguments or consider other perspectives, since it situates indigenous peoples as being on the “wrong side” of a core democratic principle—the will of the majority.<sup>104</sup> It sidesteps the question of whether it is appropriate to hold referendums on the rights of minority groups, and positions indigenous opponents of the referendum as selfish and opportunistic. Instead of educating settler publics, it promotes a doctrine of ignorance and erasure.

## DISCUSSION

Anchoring all of the rhetorical arguments examined in this study is the colonial trope of appropriation. Indeed, the assumption that European settlers have a right to “inherit the earth” is deeply embedded in news discourse about indigenous land generally.<sup>105</sup> In news discourse, the assumption that settlers have the right to inhabit and possess indigenous territory was uncontested. Even those journalists who positioned themselves as “sympathetic” to indigenous peoples accepted basic colonial premises—namely, that indigenous peoples are entitled to a mere fraction of their traditional territories and that they be afforded only a limited form of self-governance that is subject to settler government oversight. By setting the boundaries of what is possible for indigenous peoples so narrowly, these “liberal” commentators not only appropriate territory, they appropriate “the means by which such acts of appropriation are to be understood.”<sup>106</sup>

These limited, decontextualized, and ahistorical arguments about indigenous land issues stimulate and initiate critical responses that attempt to confront, resist, and reframe those representations. Unmasking a dominant discourse and its discursive structures is a first step towards reframing and developing alternative discourses since it requires that we have an *insider’s* understanding of dominant discourse. Decoding discursive structures from within and the logical operations we perform in such a critical project, such as classification and analysis, arise from the “same critical tradition” that generates colonial discourse. Thus, the act of unpacking dominant discourses about indigenous peoples enables indigenous peoples and their allies to expose their inconsistencies, unfounded assumptions, and racist logics, and ultimately challenge and discredit them in the eyes of the public.<sup>107</sup>

Foucault wrote that “discourse transmits and produces power.”<sup>108</sup> In its coverage of treaties, the power of the media’s agenda-setting function is on full display. While the news media may not be able to dictate what audiences think, they are able to set the menu of topics for discussion. In this study, the agenda the media offer is highly limited. Treaties are defined in binary terms, as if involving settlers who only oppose treaties and line up against indigenous peoples and their few allies who only support treaties. Not only does this racist framing place readers in a position of having to choose sides, but it also conflates numerous distinct perspectives held by indigenous peoples—including the idea that engaging in the treaty process is not in the best interests of First Nations, as it represents a postcolonial exercise in control and containment.

While discourses of denial, distraction, and misdirection are directed at settlers, they may also affect the consciousness of indigenous people excluded from them.

Hackett and Carroll describe the “spiral of silence” as the “flip-side” of agenda-setting: “people who hold views which they feel are those of a minority and which are seldom expressed in public become reluctant to express them for fear of social isolation; without social reinforcement, their own adherence to these views declines.”<sup>109</sup> Is it possible that the absence of indigenous voices and perspectives from the news may result in some indigenous people gradually internalizing dominant definitions of issues and becoming assimilated? Indeed, for the postcolonial state, once indigenous land has been appropriated, the assimilation of indigenous people becomes the overriding objective, one that is vigorously supported by the news media.<sup>110</sup>

Whereas agenda-setting singles out certain issues for public attention, news media also influence the criteria and questions the public use to evaluate matters of public policy. In this study, the news media evoked leading questions and simplistic choices for audiences by advancing highly ideological rhetorical arguments reflecting racist logics and supported by warnings and threats. Such ideological framing includes loaded questions such as, “Are you on the side of democracy or special interest groups (indigenous peoples)?” “Do you want to live in a race-based society?” “Do you think indigenous people have too many rights?” “Do you want to have a strong economy, or ‘give’ vast tracts of land to indigenous peoples?”

The corporate media’s foregrounding of these questions and simplistic criteria demonstrates an ideological commitment to advancing settler interests, as does its exclusion of other questions. Indeed, news media exercise enormous ideological influence by preventing or limiting “certain questions from being asked” and rendering “certain visions or hopes unimaginable or unspeakable.”<sup>111</sup> For example, corporate media exclude questions such as, “Are treaties transferring enough power, land and resources back to indigenous peoples?” “What right do settler governments have to negotiate the boundaries of traditional territories indigenous peoples have lived on since time immemorial?” and “Why should only some of the stolen land be returned to its rightful owners?”

While framing indigenous people as a “threat” dominated news coverage of both treaty issues, there is some evidence of other discourses. One such discourse, reflected in several *Globe and Mail* articles, is that issues such as the Nisga’a Treaty are “valid topics for public debate,” with persuasive arguments to be made on both sides. As well, in some Treaty Referendum coverage in the *Kamloops Daily News* and *Globe and Mail* a discourse about the rights of “minority” groups emerged. The “minority rights discourse” takes a critical stance on the provincial government’s use of a referendum to legitimize provincial negotiating positions that could harm already disadvantaged populations, and reflects a liberal-pluralist conception of democracy in which the rights of “minority groups” are promoted and defended against the tyranny of the majority. These frames can be distinguished from the dominant frame by their lexical choices, argumentation strategies, and their commitment to journalistic standards of balance, neutrality, and detachment. However, neither frame achieves the dimensions of a truly alternative discourse—that is, one that contests dominant Eurocentric discourse and offers an alternative outlook on colonialism and racism, in both their historical and modern forms.

Only in indigenous media did an alternative discourse emerge. While coverage in Canada’s corporate media was the main focus of this project, researchers also examined

thirty-one news stories about both treaty referenda published in four, low-circulation monthly indigenous publications. News coverage in *First Perspective*, *Kahtou*, *Windspeaker*, and *Raven's Eye* diverged sharply from the mainstream press along several parameters. For example, treaty coverage was grounded in history, referenced Canada's legacy of colonialism, and also connected treaty issues to the experiences of international indigenous peoples such as the Maori in Aotearoa. Unlike settler media, in which distinct indigenous identities and perspectives were conflated, the indigenous press emphasized the diversity of indigenous peoples, cultures and political positions. Opinion and editorial pieces in the indigenous press mobilized arguments distinct from those associated with dominant or secondary news frames. Not surprisingly, evidence of an entirely different news frame is found, one emphasizing the necessity of Aboriginal people defending their rights and contesting the status quo.

## CONCLUSION

In resisting the postcolonial regime, it is critical that dominant news discourses about indigenous land and governance, and their underlying racist logics as well, be exposed and challenged. As Foucault advises, while dominant discourse reinforces colonial power, it also "undermines and exposes it, renders it fragile and makes it possible to thwart it."<sup>112</sup> Reframing is an important act of resistance to the postcolonial project that allows indigenous peoples and their allies to exert control over how vital indigenous concerns are seen and understood.<sup>113</sup> Critical studies of settler discourses about treaty processes are timely, especially in the context of the Truth and Reconciliation Commission's calls to action; recent landmark court decisions such as the 2014 Supreme Court ruling in *Tsilhqot'n Nation v British Columbia*; the emergence of the Idle No More movement; and recent campaigns against pipelines such as the Kinder Morgan pipeline in BC and the Dakota Access Pipeline at Standing Rock, North Dakota. While vigorously promoting indigenous positions in social as well as in traditional media, these resistance movements have also courted non-indigenous supporters and sought to build coalitions with non-indigenous organizations in order to maximize the strength of their opposition to corporations and the postcolonial state. While decolonizing the mainstream media remains a long-term project, it is possible to repudiate colonizing discourses and reframe the conversation about vital indigenous issues in ways that create openings for new ways of seeing. Holding the media accountable and creating openings for education creates the possibility for non-indigenous Canadians to become part of the solution, rather than part of the problem.

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## NOTES

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27. Jim Beatty, "Nisga'a Deal Worries B.C. Forest Industry: Companies Are Concerned About 'the Security of Investments,'" *Vancouver Sun*, November 12, 1998, A1.
28. Editorial, "Those Who Have to Pay Ought to Have the Say," *Province*, November 16, 1998, A16.
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30. The New Democratic Party is a Canadian social democratic political party active at both the federal and provincial levels of politics.
31. Dianne Rinehart, "Polls Close, but Results of Vote on Nisga'a Deal Delayed: Officials Offer No Reason for the Delay in Giving Results," *Vancouver Sun*, November 9, 1998, A1.
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34. Greg Joyce, "Nisga'a Chief Demands Probe into Treaty Vote," *National Post*, November 14, 1998, A9.
35. *The Province*, "Those Who Have to Pay," A16.
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37. David Spurr, *The Rhetoric of Empire: Colonial Discourse in Journalism, Travel Writing, and Imperial Administration* (Durham: Duke University Press, 1993), 69.
38. See for example, Teun A. van Dijk, *Elite Discourse and Racism* (Newbury Park, CA: Sage Publications, Inc., 1993), 276.
39. *Globe and Mail*, "The Nisga'a Show the Way If a Referendum Is Right for Them, Why Is It Wrong for Other British Columbians?" November 12, 1998, A24.
40. *Ibid.*
41. *Ibid.*
42. Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Robert, *Policing the Crisis: Mugging, the State, and Law and Order* (London: Macmillan, 1978), 75.

43. Barbara Yaffe, "Too Much Happy-Talk: Why Won't the Politicians Address Nisga'a Problems?" *National Post*, November 17, 1998, A18.

44. *Ibid.*

45. Given the anti-government discourse that underlies much news coverage of treaty issues, this opposition could also be expressed as *Big Government v. The People*. Here, as in other news stories, the rhetorical device of metonymy is employed. In effect, treaty negotiations are used to stand in for Government—that is, they represent all that is wrong with government intervention in the private lives of the "people."

46. Barbara Yaffe, "What You Get from Behind Closed Doors—A Rotten Deal: With Native Ratification, We Become Dangerously Close to Having a Divisive, Possibly Illegal, Treaty Foisted on B.C.," *Vancouver Sun*, November 10, 1998, A19.

47. Spurr, *The Rhetoric of Empire*, 76.

48. Royal Commission on Aboriginal Peoples, *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples* (Ottawa: Minister of Supply and Services Canada, 1996).

49. Fabian Dawson, "Tribal Leader Warns Again of Armed Confrontation," *The Province*, November 8, 1998, A3.

50. *Ibid.*

51. For well over one hundred years, Gosnell and his ancestors had been petitioning the provincial and federal governments for a negotiated settlement of Nisga'a claims.

52. Andrew Coyne, "Put the Treaty to the Test," *National Post*, November 13, 1998, A19.

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54. Robert A. Hackett and Yuezhi Zhao, "Challenging a Master Narrative: Peace Protest and Opinion/Editorial Discourse in the US Press during the Gulf War," *Discourse and Society* 5, no. 4 (1994): 509–41, <https://doi.org/10.1177/0957926594005004005>.

55. Royal Proclamation of 1763, R.S.C. 1970, appendix II, no 1 (Can.). In 1888, the Judicial Committee of the highest court in the British Empire, the Privy Council, decreed that provinces could not use Aboriginal title lands "as a source of revenue [until] the estate of the Crown is disencumbered of Aboriginal title." Yet, for over a hundred years following this decision, the province of British Columbia "maintained that there was no Aboriginal title in the province or that it had already been extinguished"; see Hamar Foster, "Litigation and the BC Treaty Process: Some Recent Cases in a Historical Perspective" (speaking notes to Speaking Truth to Power III, Self-Government: Options and Opportunities, BC Treaty Commission, Vancouver, March 14–15, 2002), [http://www.bctreaty.net/files/pdf\\_documents/hamar\\_foster\\_speech.pdf](http://www.bctreaty.net/files/pdf_documents/hamar_foster_speech.pdf).

56. *The Province*, "Those Who Have to Pay," A16.

57. Only a subset of the Status Indian population—those who live on reserve or work for reserve-based businesses—are excused from paying tax. According to the 2001 Census, 39 percent of the British Columbia's total indigenous population did not have "Status" (66,475), and therefore would be subject to the same taxes as other provincial residents. In addition, a significant proportion of the large populations of Status Indians residing in major urban centers (according to the Canadian Census, Vancouver alone had an indigenous population of 36,855 in 2001) also are governed by the same taxation rules as other British Columbians.

58. *The Province*, "Those Who Have to Pay," A16.

59. *Ibid.*

60. *Ibid.*

61. Melvin Smith, "Serious Reservations about the Nisga'a Treaty: British Columbia's Land Claim Process Does Not Strike Out in a New Direction but Reconfirms a Failed and Discredited

Federal Policy," *National Post*, November 21, 1998, B7. A nearly identical version of this opinion piece was published in the *Northern Sentinel* on November 4, 1998.

62. Ibid.

63. Yaffe, "A Rotten Deal," A19.

64. Dianne Rinehart, "Results of Vote on Nisga'a," *Vancouver Sun*, [November 9, 1998 A1.

65. Smith, "Serious Reservations," B7 (emphasis added).

66. Other verbs used to describe federal and provincial government action in relation to the Nisga'a compensation package under the treaty include "grant" and "provide," which appear three times each. In relation to Nisga'a land ownership, the verbs "hand over," "won," "transfer," and "recognize" are each used once.

67. Yaffe, "A Rotten Deal," A19. The notion that land rights are tied to permanent settlement dates back to the earliest days of nonindigenous settlement in British Columbia. For example, in the 1860s press, indigenous people who did not put the land to good use—usually defined as permanent settlement, cultivation or other "economic" activity—were characterized as having no right to it. See Harding, "Historical Representations of Aboriginal People," 205–35.

68. Yaffe, "Too Much Happy-Talk," A18.

69. Don Hauka, "Chief Confident but Voters See Good and Bad," *The Province*, November 8, 1998, A3.

70. Don Hauka, "Nisga'a Wait as Each Vote Scrutinized: Council's Gosnell to Sell Deal to Europe; Welfare Controversy Shrugged Off," *Province*, November 9, 1998, A3.

71. Ibid.

72. Indian Act, R.S.C. 1985, c I-5 (Can.).

73. Frances Henry and Carol Tator, *Discourses of Domination: Racial Bias in the Canadian English-Language Press* (University of Toronto Press, 2002).

74. While the name "Canadian Taxpayer's Federation" suggests it represents a broad cross-section of "ordinary" Canadians, it is actually little more than a public relations enterprise representing corporate interests. NewsWatch Canada describes the CTF as "ostensibly an expression of a 'grassroots' Canadian tax revolt ... [it] is in fact headed by a board of lawyers, bankers, and business leaders." See Robert A. Hackett, Richard Gruneau, Donald Gutstein, and Timothy A. Gibson, *The Missing News: Filters and Blind Spots in Canada's Press* (Ottawa: Canadian Centre for Policy Alternatives/Garamond Press, 2010), 185. In spite of its claim to nonpartisanship, the organization is closely connected to the federal conservative party, and has ties to a number of provincial conservative parties.

75. Centre for Aboriginal Policy Change, "Think on It," *Province*, April 7, 2002, A20.

76. Ibid.

77. Centre for Aboriginal Policy Change, "They Wrote It," *Province*, April 8, 2002, A14.

78. Ibid.

79. Spurr, *The Rhetoric of Empire*.

80. Canadian Taxpayers' Federation, "They Wrote It: 'Yes' Will Protect Private Property," *Province*, April 9, 2002, A18.

81. Ibid.

82. Ibid.

83. Lisa Morry and Trudi Beutel, "Les Says Treaty Referendum Will Supply Guidance," *Abbotsford Times*, April 12, 2002.

84. Lisa Morry, "It's Up to the People Now," *Chilliwack Times*, April 5, 2002.

85. Ibid.

86. *Vancouver Sun*, "Send in Your Ballot, Answered or Not: Referendum a Poor Vehicle but the Issues Deserve Our Attention," April 6, 2002, A22.

87. Ibid.

88. Ibid.
89. Ibid.
90. Ibid.
91. Ibid.
92. *Province*, "Vote 'No' If You Want—But Vote," April 12, 2002, A18.
93. Ibid.
94. Gordon Gibson, "Gordon Campbell v. B.C.'s *Bien Penseants*," *National Post*, April 6, 2002, A18.
95. Ibid.
96. Ibid.
97. Ibid.
98. Ibid.
99. *National Post*, "British Columbia's Clerics and Sheep," April 9, 2002, A19.

102. While this news text creates the impression that an individual family's fee simple private property will be negotiated away through treaties, in fact, only Crown lands will be transferred under treaties negotiated through the BC treaty process. The BC Treaty Commission has always maintained that the treaty process will be "guided by the principle that private property (fee simple land) is not on the negotiation table, except on a willing-buyer, willing-seller basis"; see British Columbia Treaty Commission website, "Why Treaties?" Land and Resources subsection, <http://www.bctreaty.ca/why-treaties>.

103. *National Post*, "British Columbia's Clerics and Sheep," A19.

104. Not only are indigenous perspectives on the referendum ignored in the mainstream press, but even arguments made by non-indigenous Canadians outside the province were not covered. For example, in a story in *Kahou*, a small BC indigenous publication, Lincoln Alexander, the chair of the Canadian Race Relations Foundation and an African-Canadian, describes the referendum as having "racist underpinnings" (347). It is also, he argues, "an attempt to circumvent judgments and rulings of courts of law, including the Supreme Court of Canada." The notion that the referendum represents an end-run around the Supreme Court is generally not picked up in the mainstream press. Even outside the dominant discourse, criticisms tend to focus on the design of the referendum or the principle of subjecting the rights of minority populations to the vote of a majority.

105. Spurr, *The Rhetoric of Empire*, 29.

106. Ibid., 28.

107. Ibid., 192.

108. Michel Foucault, *The History of Sexuality* (London: Penguin Books, 1990).

109. Robert A. Hackett and William K. Carroll, *Remaking Media: The Struggle to Democratize Public Communication* (New York: Routledge, 2006), 31.

110. Alfred, "Colonialism and State Dependency," 51.

111. Paul Nesbitt-Larking, *Politics, Society and the Media: Canadian Perspectives* (Peterborough: Broadview Press, 2001), 9.

112. Foucault, *The History of Sexuality*, 101.

113. Linda T. Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, 2nd ed. (New York: Zed Books, 2012), 154.