

**DOUGLAS W. JUDSON**

BSocSc, BCom (Hon.), JD, MBA | Barrister & Solicitor  
1202 Second St. E., Fort Frances, ON P9A 1P4  
Phone: 807.861.3684 | Email: info@douglasjudson.ca

August 2, 2017

Mayor and Council  
Town of Fort Frances  
320 Portage Avenue  
Fort Frances, ON P9A 3P9

*Sent via Email: Islomke@fortfrances.ca, klawson@fortfrances.ca*

Dear Mayor Avis and Members of Council:

**Re: Colonization Road**

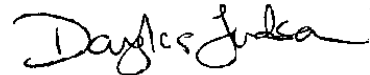
I understand that the Town of Fort Frances is currently exploring its options with respect to a request to rename Colonization Road.

Through my campaign for the local Ontario PC nomination, I have heard from a number of individuals on this subject. I am also familiar with the issue through my work with Couchiching First Nation, and my involvement on equity and reconciliation matters through the Law Society of Upper Canada and the Ontario Bar Association.

To that end, I have prepared a paper (publication forthcoming) on this subject, which outlines my reasoning on this important regional issue. A copy is attached for your consideration. Please accept this document as my submission to Council.

I hope that this submission will be of assistance in your deliberations. As always, please feel free to contact me at the above coordinates should you have any questions or concerns, or if there is any way that I can provide assistance.

Sincerely,



Douglas W. Judson

Encl. Editorial/Column

- C. Right Relations Roundtable (*Sent via Email: earmit1@gmail.com*);  
Chief and Council, Couchiching First Nation (*Sent via Email: cfnchief@vianet.ca*)

# Is Colonization Road a path to reconciliation?

*Douglas W. Judson*

*August 2, 2017*

A simple Google search for the definition of ‘colonization’ indicates that the noun refers to “(1) the action or process of settling among and establishing control over the [I]ndigenous people of an area; or (2) the action of appropriating a place or domain for one's own use.”<sup>1</sup>

These definitions cast a shadow over the textbook accounts of the excitement and opportunity that heralded Canada’s early days. For many of us, the fanfare of nation-building and European settlement on new lands were the Genesis of the North American history we were taught. But it was not new land for everyone, and with the benefit of hindsight, it is little wonder why today some in Northwestern Ontario are calling for better acknowledgment of this local history, and a new way forward.

In Kenora—Rainy River, Colonization Roads or Streets can be found in Fort Frances, Albion, LaVallee, Emo, Dawson, Rainy River, Kenora, and Dryden. Perhaps controversially, I am going to suggest that in 2017, they have no place on our maps. I do so in view of the fact that reconciliation, and improved partnership with Indigenous peoples and acknowledgement of local Indigenous history, is crucial for the future of communities in this region. I also do so in view of the fact that there are some practical considerations in play – such as cost – which I believe are manageable concerns.

## Words matter

To begin with, the chief argument I hear against renaming these roads amounts to ‘sticks and stones’ – that ‘colonization’ is “just a word” and its contemporary usage should not matter. But the fact is that words *do* matter. As a lawyer, I can tell you that words matter very much. They particularly matter when they are of no consequence to some, but used to marginalize, degrade, or perpetuate shame for others.

Now, I know this is *not* the intention of ‘colonization’ defenders, but the fact remains that too often in our history, such words have been weaponized – all too casually – to undermine or subjugate Indigenous peoples. Les Couchi’s article in the July 31 *Toronto Star* provides a stirring example.<sup>2</sup> Couchi reviewed the newspaper’s archives for reporting on Indigenous peoples. Among the 300,000 hits for the word “Indian”, he found a number of war-era photos, in which Indigenous soldiers were portrayed as troops on the warpath against the “Japs” and Nazis, ready to “scalp the enemy”, as well as passages like “Loaded down with bills, squaws become popular as sweethearts.” Even seemingly benign vocabulary like “warpath” conjures up the unfortunate myth of the ‘angry, irrational Indian’. Such subtle indignities are pernicious, and persist in modern lexicon.

Moreover, our life in the Northwest is defined by geography, and words matter for how we orient and understand our sense of place. Many of the places in our region had names prior to

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<sup>1</sup> Definition of “colonization”, available at: <http://bit.ly/2vin19j>.

<sup>2</sup> Les Couchi, “Scalps, savages, and stereotypes: I combed through the Star’s historic Indigenous coverage,” *Toronto Star* (July 31, 2017), available at: <https://www.thestar.com/news/insight/2017/07/31/savages-scalps-and-stereotypes-i-combed-through-the-stars-historical-indigenous-coverage.html>.

European contact. Some of those names have since been reinstated, but elsewhere, settler names and borders remain superimposed, artificial, and at odds with a way of life that existed prior to contact.

The process of colonization and colonial development has played a part in this destruction. For example, as I recently learned from an Elder of Couchiching First Nation, the Ojibway name for Rainy Lake's Sand Bay actually describes a large sand bar. Today there is no sand bar because the development of dams in the area led to flooding which raised the levels of area lakes – in some cases reducing the land area that was designated for a First Nation's use. Here we can see how colonization, for some, is literally a synonym for cultural degradation, not the promised land of settlers in carriages and locomotives.

As such, 'colonization' is not just a word because it carries a loaded meaning, and for those it carries meaning, the connotation is resoundingly negative and disrespectful. At the same time, the term has no champions either: it is no one's namesake, sports team, or mascot. It is simply a monument to an ideology of settlement – one that would wrongly attempt to extinguish or "civilize" Indigenous peoples, languages, and culture. It was this same ideology that led to the creation of the Indian residential schools – institutions that destroyed generations of Indigenous families, and whose scars are still felt by survivors and their families. Colonization is borne of an ideology that is foreign to our modern sense of Canadian values.

### **History's eraser**

Still others have suggested that 'censoring' our Colonization Roads amounts to an 'erasure' of history (to say nothing of the history which came before colonial times). I can appreciate this defence of settler history, to an extent, because I understand it. It comes from a place of pride. My own family has been centred in Northwestern Ontario for well over a century, and continues to work in some of the same industries they helped establish at that time, such as forestry, tourism, and agriculture (the McLean farm in Devlin is 119 years old this year). Yet, even the most stalwart genealogists among us recognize that we can respect our history without becoming a slave to its anachronisms. Our ancestors did not put down roots here to build a new life that would thereafter be frozen in time.

To my disappointment, some have taken a different view. The headline of an editorial in a recent edition of the *Fort Frances Times* implored us "[not to] be ashamed of our colonial past", with reference to the proposal before their town council to rename the road in question.<sup>3</sup> To be sure, the *Times* is a high-quality small-town paper, but we should take some umbrage with media that provides scant coverage of local First Nations' social issues, tragedy, and justice, yet is willing to backstop the ideological basis of their plight.

The fact is that Indigenous perspectives and stories matter, but are underrepresented<sup>4</sup> (this is, of course, unaided by the fact that much of Indigenous history is inaccessible). This contributes to misunderstandings and gives rise to the sort of sentiments that are percolating through the Colonization Road debate.

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<sup>3</sup> Jim Cumming, "Editorial: Don't be ashamed of our colonial past," *Fort Frances Times* (July 5, 2017), available at: <http://bit.ly/2vpDLLf>.

<sup>4</sup> Jasmine Kabatay, "It's time for Indigenous writers to get a seat at the table," *Torontoist* (May 24, 2017), available at: <http://torontoist.com/2017/05/past-time-indigenous-writers-get-seat-table/>.

Issues such as the investigation into the death of Stacy DeBungee of Rainy River First Nations have seldom made the pages of local news, despite drawing the attention of national media.<sup>5</sup> I grew up in a home at the edge of Manitou Rapids reserve, and was shocked to read a 2015 *Toronto Star* account of the tragic, separate deaths of 3 related women from that community – just three of the 1,200-plus names on the lists of missing and murdered Indigenous women and girls.<sup>6</sup> In many respects, DeBungee, the seven First Nations youth<sup>7</sup> who have been found in the rivers of Thunder Bay, and the scores of missing and murdered women are modern victims of colonial history – a history which manifests in systemic racism and unresolved social issues.

Fast forward to the present, and our current news cycle cries out for a new relationship with Indigenous communities.<sup>8</sup> While it would be symbolic, by renaming a place, we open our history to new chapters and inflection. No one forgets what something once was, and our reasons for relabelling help to narrate our collective story. These changes are the landmarks of social transformation – showing what ideas gained momentum, what was important at a time in history, how relationships evolved, how a people became empowered, or when we collectively took a stand for something important.

As the *Globe and Mail's* Tabatha Southey pointed out in a recent column concerning the renaming of the Langevin Block on Parliament Hill, “[H]istory is not erased by the renaming of things. It is often through renaming that the story of our past is articulated, later to be traced, told[,] and learned. ... Nothing threatens our culture more than refusing change; toppling statues is one of our traditions, and history is renaming.”<sup>9</sup>

She is absolutely right. Observing our settler history and acknowledging the errors of the past are not mutually exclusive goals.

### **Reconciliation is survival for the Northwest**

Southey's piece echoes some of the themes of the Truth and Reconciliation Commission (TRC), which few of our region's municipalities have openly embraced.

In 2008, Prime Minister Stephen Harper announced the creation of the TRC as part of the Government of Canada's apology to former students of Indian residential schools.<sup>10</sup> The mandate of the TRC was to inform all Canadians about what happened in Indian residential

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<sup>5</sup> Nancy Macdonald, “A river of tears,” *Macleans* (July 7, 2017), available at: <http://www.macleans.ca/river-of-tears/>.

<sup>6</sup> David Bruser, “Three Ojibwa sisters from the same reserve each met a violent end,” *Toronto Star* (December 5, 2015), available at: <https://www.thestar.com/news/canada/2015/12/05/three-ojibwa-sisters-from-the-same-reserve-each-met-a-violent-end.html>.

<sup>7</sup> See Willow Fiddler, “Senator Murray Sinclair appointed investigator to look into Thunder Bay Police Board,” *APTNNews.ca* (July 24, 2017), available at: <http://aptnnews.ca/2017/07/24/senator-murray-sinclair-appointed-investigator-to-look-into-thunder-bay-police-board/>.

<sup>8</sup> See Kelly Grant, “Ontario boosts resources to remote First Nation facing suicide crisis,” *Globe and Mail* (July 23, 2017), available at: <https://www.theglobeandmail.com/news/national/ontario-announces-new-mental-health-workers-for-pikangikum-first-nation/article35777068/>.

<sup>9</sup> Tabatha Southey, “Renaming Langevin Block isn't renaming history – it's unearthing it,” *Globe and Mail* (June 22, 2017), available at: <https://www.theglobeandmail.com/opinion/renaming-langevin-block-isnt-rewriting-history-its-unearthing-it/article35432010/>.

<sup>10</sup> Government of Canada Statement of Apology to Former Students of Indian Residential Schools, delivered by Prime Minister Stephen Harper on June 11, 2008, available at: <http://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>.

schools – documenting the *truth* of survivors, families, and communities, and guiding and inspiring the process of *reconciliation* between Indigenous peoples and other Canadians. The final report of the TRC,<sup>11</sup> released in 2015, has become a foundational policy guide for all levels of government and institutions in Canada, and has been endorsed by each of the major political parties.<sup>12</sup>

The TRC defines ‘reconciliation’ as “an ongoing process of establishing and maintaining respectful relations.”<sup>13</sup> It provides an action plan to do so: along with the TRC’s final report is a series of numbered ‘Calls to Action’ that the Commission has set out. The list includes number 45(i), for governments to “[r]epudiate concepts used to justify European sovereignty over Indigenous lands and peoples[,] such as the Doctrine of Discovery or *terra nullius*”; and number 17, to allow residential school survivors and their families to reclaim personal names changed by the residential school system and for governments to cover the costs of doing so.<sup>14</sup> Taken together, these reflect a clear departure from colonial thinking about territory and an acknowledgement that names matter. Since 2015, a number of organizations, levels of government, schools, and regulatory bodies have published affirmative responses to the TRC report, such as the City of Toronto, Lakehead University, the United Church of Canada, and the Law Society of Upper Canada.<sup>15</sup>

While *truth* focuses on the past, *reconciliation* is future-oriented, and calls on Canadians and their governments to work toward developing opportunities for Indigenous peoples to be full participants in Canadian society and the economy – thus empowering Indigenous communities to take control of their own destinies. Northwestern Ontario, in particular, is a region where all boats can float higher when our economy is thriving. Community leaders ought to bear this in mind, because what this means is that reconciliation – building productive relationships with their Indigenous neighbours – is a community survival strategy. There are a few reasons for this.

The first is that solidarity with area First Nations is central to our growth agenda. Too often we are quick to dig in our heels and resist change or collaboration – even though a quick skim of the ‘Help Wanted’ section shows that many of the best private sector job postings in our region are tied to an industry whose work is subject to an Impact Benefit Agreement with a partner First

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<sup>11</sup> *Final Report of the Truth and Reconciliation Commission*, Truth and Reconciliation Commission of Canada (2015), available at: <http://www.trc.ca/websites/trcinstitution/index.php?p=890>.

<sup>12</sup> “News Release: Ontario Government to deliver response to Final Report of Truth and Reconciliation Commission”, Ministry of Indigenous Relations and Reconciliation, Government of Ontario (May 29, 2016), available at: <https://news.ontario.ca/mirr/en/2016/05/post.html>.

<sup>13</sup> *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission*, Truth and Reconciliation Commission of Canada (2015), at p. 16, available at: [http://www.trc.ca/websites/trcinstitution/File/2015/Honouring the Truth Reconciling for the Future July 23 2015.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Honouring%20the%20Truth%20Reconciling%20for%20the%20Future%20July%2023%202015.pdf).

<sup>14</sup> *Truth and Reconciliation Commission: Calls to Action*, Truth and Reconciliation of Canada (2015), at paras. 17, 45(i), available at: [http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls\\_to\\_Action\\_English2.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf).

<sup>15</sup> See the work done in response to the Truth and Reconciliation Commission of the City of Toronto (available at: <https://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d795b7faeefca410VgnVCM10000071d60f89RCRD>), Lakehead University (available at: <https://www.lakeheadu.ca/academics/departments/law/news/node/24718>), the United Church of Canada (available at: <http://www.united-church.ca/social-action/justice-initiatives/truth-and-reconciliation-commission>), and the Law Society of Upper Canada (available at: [https://www.lsuc.on.ca/uploadedFiles/For the Public/News/News\\_Archive/2015/release-public-statement-TRC.pdf](https://www.lsuc.on.ca/uploadedFiles/For_the_Public/News/News_Archive/2015/release-public-statement-TRC.pdf)).

Nation.<sup>16</sup> There is good reason for these IBAs – the Supreme Court of Canada has ruled that there is a duty to consult with Indigenous communities who may be affected by development projects or proposals. This is non-negotiable.

In a region where our primary sectors are virtually all tied to the use of traditional First Nation territory and the development natural resources, our leadership needs to take steps to build bridges with Indigenous leaders to foster greater economic partnership, collaboration, and coordination. As Kenora mayor Dave Canfield thoughtfully observed earlier this summer, “We’re going to continue to walk together [with area First Nations] on a daily basis, [and] not on a casual basis, but as true partners[,] and work together to make our communities and our people live better in harmony and create more opportunities for all of us.”<sup>17</sup> As of this June, Kenora City Hall flies the Treaty 3 flag.

The second reason is one of demographics. The 2016 Census showed us that the Canadian population is aging<sup>18</sup> – and northern and rural communities are no exception. In the Rainy River District alone, over half of the overall population is over the age of 50, while almost half of the Aboriginal population is under the age of 25.<sup>19</sup> What these statistics tell us is that small, northern communities need to nurture a positive relationship with Indigenous young people if they want to keep the lights on. Unlike larger centres, we cannot rely on immigration to make up the difference (immigration itself becomes less likely when our communities are seen taking steps which are out of touch with contemporary social priorities).

Our communities simply cannot maintain monuments to outmoded thinking, like Colonization Roads, when Indigenous youths will be the businesspeople, caregivers, professionals, service- and tradespeople of tomorrow. Their numbers and industry will fuel our local economies and propel our communities into the future, and their history must be acknowledged.

### **A note on excuses**

Of course, there is bound to be resistance to this proposal, and some of it will cite the cost to the municipality or those situated along the road in question, or the administrative complexity of redrawing the municipal map. These are poor excuses that betray a lack vision or creativity.

Reconciliation is a priority of all governments and political parties. A forward-thinking town council concerned with its expenses should seek assistance from the province to help cover the costs of a reconciliation initiative. The Ontario government has made reconciliation a priority, as would their likely successor.

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<sup>16</sup> *What are Impact Benefit Agreements (IBAs)?* MiningFacts.org (n.d.), available at: [http://www.miningfacts.org/Communities/What-are-Impact-and-Benefit-Agreements-\(IBAs\)/](http://www.miningfacts.org/Communities/What-are-Impact-and-Benefit-Agreements-(IBAs)/).

<sup>17</sup> Cathy Alex, “Treaty #3 flag to fly outside Kenora, Ontario city hall, permanently,” *CBCNews.ca* (June 22, 2017), available at: <http://www.cbc.ca/news/canada/thunder-bay/kenora-treaty3-flag-1.4172192>.

<sup>18</sup> Terra Ciolfe, “What the Census tells us about Canada’s aging population,” *Macleans* (May 3, 2017), available at: <http://www.macleans.ca/news/canada/what-the-census-tells-us-about-canadas-aging-population/>.

<sup>19</sup> *Focus on Geography Series, 2016 Census*, Statistics Canada (last modified July 20, 2017), available at: [http://www12.statcan.gc.ca/census-recensement/2016/as-sa/fogs-spg/desc/Facts-desc\\_Age.cfm?LANG=Eng&GK=CD&GC=3559&TOPIC=2&#fd1\\_4](http://www12.statcan.gc.ca/census-recensement/2016/as-sa/fogs-spg/desc/Facts-desc_Age.cfm?LANG=Eng&GK=CD&GC=3559&TOPIC=2&#fd1_4); *Aboriginal Peoples: Fact Sheet for Canada*, Statistics Canada (November 3, 2015), available at: <http://www.statcan.gc.ca/pub/89-656-x/89-656-x2015001-eng.htm>.

Moreover, there is no need to change the name of these roads overnight – a transition period would be appropriate and wise. There are plenty of roadways in our midst that operate with two names without causing civic or postal chaos.

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Whatever the approach taken to dub these ‘Reconciliation Roads’, I encourage municipalities to leverage the process as an opportunity to engage with local Indigenous history, to build relationships with Indigenous communities, and ultimately, to begin the process of reconciliation. This can be a moment of renewal in a historic and special relationship between Treaty peoples at the local level of government.

The end of our Colonization Roads may be the beginning of a path to reconciliation and a brighter, more certain future. And we would be foolish not to follow it, because the signpost of “Colonization Road” only points backward.

*Douglas W. Judson is a lawyer based in Fort Frances and is pursuing the Ontario PC nomination in Kenora—Rainy River. Follow him at @dwjudson or email him at [info@douglasjudson.ca](mailto:info@douglasjudson.ca).*