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THE MARSHALL DECISION AS NEWS: THE CONSTRUCTION OF A
STEREOTYPED NOBLE SAVAGE IN TWO CANADIAN NEWSPAPERS, THE
MIRAMICHI LEADER AND THE GLOBE AND MAIL

By

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BA Wilfrid Laurier University, 1991

A Thesis Submitted in Partial Fulfillment of
the Requirements for the Degree of

MASTERS OF ARTS

in the Department of Anthropology

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INTRODUCTION TO THE NEWS ANALYSIS OF THE MARSHALL DECISION: THE RATIONAL BEHIND THIS THESIS

Money is not made by competition among newspapers, but by avoiding it—A.J. Leibling (from Dalton Camp, Toronto Star, December 19th 2001)

Overview of the Marshall decision

The Canadian Supreme Court ruling, R. v. Marshall [1999] 3 S.C.R. 456, September 17th, 1 granted Donald Marshall Jr. a treaty right to catch eels. The Marshall decision continued an ongoing and impassioned debate in Canada over rights and obligations with regards to the aboriginal populace of this country. The Marshall decision was rendered within the context of federal and provincial government responsibilities and the role of the Supreme Court of Canada vis-à-vis aboriginal inherent rights, treaty rights, land claims, rights to self-determination, and self-government. This fervid deliberation has ebbed and flowed in both aboriginal and non-aboriginal communities, fuelled and exacerbated by the federal government's White Paper on Indian Affairs published in 1969 (Coates 2000: 79; Prins 1996: 190-203). Placed along this continuum of rights and obligations, the Marshall decision developed into a significant national news story in Canada in 1999 (Canadian News Index, 1999).

In this thesis, I apply van Dijk's (1984; 1985; 1988a; 1988b; 1991) discourse analysis of news to newspaper stories surrounding the Marshall decision. Specifically, I look at two newspapers, the Miramichi Leader, which is a local newspaper, and the Globe and Mail, which is a national newspaper. My
intention is to demonstrate that during a moment of social uncertainty, stereotypes of aboriginal people represented a symbolic substitute for social encounters in both newspapers. I contend that both newspapers relied upon stereotypes of aboriginal people in place of public information as a tacit mental category for the sorting of experience (Fowler 1991: 17). Moreover, I argue that stereotypes, and the preformulated moral conclusions inferred by stereotypes, represented a mechanism through which both newspapers transformed an acquaintance with information into knowledge of an event (van Dijk 1984: 53).

How the study was approached

To begin, I needed to formulate an acceptable method through which to conduct an objective study of the news. Because of the size of the news media, I needed to establish parameters within which to work, including which medium would make for the best analysis. I selected newspapers as the medium of choice for three reasons: 1) Newspapers are relatively accessible and permanent. The permanence of the newspaper format means that news items may be photocopied, transported, reproduced, and compared side-by-side with other newspapers. Most major news publications in Canada are stored in libraries on microfilm, which means newspapers can be viewed, read, and re-read by the public through time. 2) There are numerous local, provincial, and national newspapers in Canada, and newspapers remain important as information providers in Canada. 3) There is a large body of

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1 This Supreme Court ruling from here on will be referred to as the Marshall decision.
literature in media studies dedicated to newspaper analysis, which proved invaluable to the analysis in this thesis.

Once the decision to study newspapers was made, I needed to decide what particular newspaper(s) to examine and over how long a period of time. For this thesis, I elected to compare two newspapers, the Miramichi Leader and the Globe and Mail, over a three month interval, from September to December 1999. The newspapers were selected for two reasons. Firstly, Burnt Church, New Brunswick was one of the main areas in which the aboriginal fall lobster fishery was concentrated. The Miramichi Leader represents the largest community newspaper in that region. I decided that this newspaper would provide a good sense of the local reaction to the fishery. Secondly, I decided that since the Leader is an independent newspaper it would provide the antithesis to the large, corporate media in Canada. The Globe and Mail was selected because it represents the opposite of the Leader. The Globe and Mail is a large, corporately owned, nationally distributed newspaper that identifies more so with central Canada than it does with the Atlantic region.

The time period—September to December 1999—was chosen because it covered the initial Marshall decision announcement, the aboriginal fall lobster fishery, and a second announcement by the Supreme Court in November 1999 which clarified the Court's position vis-à-vis the Marshall ruling. By the end of December, the aboriginal fall lobster fishery was closed for the winter and the media coverage of the Marshall decision waned.
Once I chose the newspapers and established the time period, I collected and charted the relevant news stories from each newspaper (see Table 1 and Table 2). Each newspaper devoted significant attention to the Marshall ruling and the aboriginal fall fishery: the Leader published 40 news stories, while the Globe and Mail printed 62 news stories. Of the Leader news stories, 35 items were printed in the news section of the paper, three appeared as commentaries, and two were printed as editorials. Of the 62 Globe and Mail news stories, 44 were news items, 15 were commentaries, and 4 were editorials. In the Globe and Mail, 30.5% of the news stories were editorials or commentaries, while editorials and commentaries accounted for 12.5% of the Leader's reportage. Despite this discrepancy, there was a parallel between the coverage in each newspaper. While the majority of the stories that appeared in both newspapers were printed in the news section, each paper did devote news, editorial, and commentary space to the Marshall decision story.

After collecting the news stories, I had to devise a way to conduct an analysis that would be of practical use. It would be impossible to present an analysis of every single news story, so I had to determine which stories were most representative of the news coverage in each newspaper. This was a difficult process and forms the core of this thesis. I decided to analyze the news stories from the Miramichi Leader first and, after several readings, determined that there were three days of news coverage that stood out: 1) There was the first day of coverage, September 21st 1999, which included the initial announcement of the Supreme Court ruling on the Marshall case; 2)
There was the news reportage of October 5th 1999 which focused on the confrontation over the fall lobster fishery between aboriginal and non-aboriginal fishers at Burnt Church, NB; 3) There was the news coverage of October 12th 1999 which included a New Brunswick family awards dinner held in the Mi’kmaq community of Eel Ground, New Brunswick. This third news story was of interest for two reasons: i) it stood in contrast to the news coverage in the Leader up to this point; and ii) it projected a more positive tone than other Leader news stories that appeared during the September—December 1999 interval.

Having decided upon which news stories to analyze from the Leader, I then turned to the Globe and Mail to see if I could discern a similar pattern in their news coverage. I found that the Globe and Mail provided comparable coverage for the first two incidents, the Marshall decision announcement and the Burnt Church confrontation. However, not too surprisingly since the Eel Ground story was so local, the Globe and Mail did not have a story on the New Brunswick family awards dinner. The Globe and Mail, though, did publish three commentaries that, like the Eel Ground news story, appeared after the Burnt Church confrontation and, similarly, presented aboriginal people in a positive light. I decided to include all three commentaries to give an accurate picture of the breadth of the Globe and Mail’s coverage during the September—December interval. The Globe and Mail analysis was then categorized much like the Leader’s coverage: (i) The initial announcement of the Marshall decision, September 18th 1999; (ii) The confrontation at Burnt Church. To
provide a balance between the news stories that appeared in the Globe and Mail and the Leader, I included the news from two days, October 4th and October 5th 1999. This also was necessary because of the format of each newspaper. The Leader is a weekly newspaper, published each Tuesday, while the Globe and Mail publishes six days a week; (iii) For this third category, I analyzed three stories from three different days, October 11th 1999, October 25th 1999, and November 10th 1999.

While this thesis concedes that there are many richly textured, ethnographic approaches to media studies, one of my intentions in this thesis is to prepare the groundwork for more involved studies by examining the practice of news writing. In this sense the thesis marks an experimental exercise in ethnomethodology. To this effect the above, my thesis is organized accordingly:

Chapter 1 provides an historical overview of Mi’kmaq/ non-aboriginal relations in the Maritimes, focusing upon the socio-economic circumstances in the fisheries that led to the Marshall decision.

Chapter 2 provides a definition of news and outlines the methodology. Chapter 2 also introduces van Dijk’s discourse analysis of news and explains how the discourse analysis of the Marshall news stories will be conducted. It is argued in this chapter that a discourse analysis based in structuralism highlights the dualistic tendency of news writing.

In Chapter 3 and Chapter 4, the news stories from the two newspapers are analyzed. Chapter 3 includes the news stories from the Miramichi Leader,
while Chapter 4 focuses on the *Globe and Mail*. The analysis in each chapter is conducted in two parts: a textual analysis, followed by a structural analysis. The analysis will show that a definite pattern developed in the telling of the Marshall news story in each newspaper, defined thusly: Marshall decision as initiating action (thesis) → chaos and uncertainty caused by Marshall decision (antithesis) → attempt to restore balance/harmony (synthesis). It will be argued that a stereotype of the Mi’kmaq as the noble savage was used to move the narrative forward in each newspaper.

Chapter 5 discusses the noble savage ideal as a deeply embedded metaphor. It will be argued in Chapter 5 that the noble savage has survived from the Enlightenment until the present. The noble savage stereotype resonates in policy, literature, and news and continues to subjugate and marginalize aboriginal peoples in Canada.

In light of the discussion on the noble savage, Chapter 6 will conclude the thesis by returning to the news analysis of Chapters 3 and 4. In this chapter it will be contended that the structured and thematic quality of news makes it difficult for even independent media to produce news accounts that transcend stereotypes, dominant metaphors, and predictable narratives. The implications of this tendency to conformity in news will be discussed in the context of C. Wright Mills (1956) who maintained that independent media are necessary to counter the concentration of ownership in the mainstream mass media.
At this stage we will proceed to the research that forms the core of the thesis. Prior to Chapter 1, the news stories from the Leader and the Globe and Mail are presented in capsule format (Table 1 and Table 2) and are arranged by Title, Date and Page, Topics, Individuals, and Authors. In Chapter 1, the background of the Marshall decision will be discussed in further detail. This will establish the social-cultural context within which the Marshall decision was rendered. Contextualizing the Marshall decision will be necessary before moving on to a discussion of news and the methodology used to analyze the specific news stories.
Table 1: News stories from the *Miramichi Leader*, September 21st 1999 - December 31st 1999

<table>
<thead>
<tr>
<th>Title</th>
<th>Date: Page</th>
<th>Topics</th>
<th>Individuals</th>
<th>Author</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court backs native right to sell wood</td>
<td>Sept 21: 2</td>
<td>Marshall decision; aboriginal rights; negotiation</td>
<td>Donald Marshall; Chief George Ginnish; Joshua Bernard Minister Brad Green; Bryan Whitfield, Dept. of Justice; Wade Wilson, Dept. of Natural Resources; Judge Drew Stymiest</td>
<td>Karen Gauvin Donovan</td>
</tr>
<tr>
<td>Court due to rule in Augustine case</td>
<td>Sept 21: 2</td>
<td>Manslaughter retrial; sentencing</td>
<td>Percy Augustine; Terrance Martin; 19 year old woman; Aloysius Hayes, Defence Attorney; Jack Walsh, Prosecutor; George Rideau, Justice</td>
<td>Dateline Miramichi</td>
</tr>
<tr>
<td>'Snip, snip,' fishermen hint at possible trouble</td>
<td>Sept 28: 1</td>
<td>Marshall decision; treaty rights; aboriginal fall lobster fishery</td>
<td>Kevin Cassidy, Murray McKnight, Bill Loggie, and Leigh Morrison, non-aboriginal fishers; Brian Bartibogue and Chris Bonnell, aboriginal fishers; Reginald Comeau, Maritime Fisherman's Union; Andre Martin, Baie Ste. Anne; Michelle Belliveau, MFU; Michelle Morrison; RCMP Sgt. Chuck LeMay</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>Event</td>
<td>Date</td>
<td>Summary</td>
<td>Author/Comment</td>
<td>Dateline</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------</td>
<td>------------------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
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</tr>
<tr>
<td>Trap Makers unable to fill more orders</td>
<td>Sept 28: 2</td>
<td>Demand caused by aboriginal fishery</td>
<td>Jean Guy Savoie, trap maker</td>
<td>Miramichi</td>
</tr>
<tr>
<td>Fisheries ministers call for patience</td>
<td>Sept 28: 2</td>
<td>Meeting of the Atlantic Council of Fisheries Ministers (ACFM) to adopt response to Marshall decision; conservation</td>
<td>Rémy Trudel, Quebec Minister of Agriculture, Fisheries and Food; Herb Dhaliwal, Federal Fisheries Minister</td>
<td>Miramichi</td>
</tr>
<tr>
<td>Burnt Church natives worried</td>
<td>Sept 28: 2</td>
<td>Territorial dispute between Big Cove and Burnt Church; conservation concerns</td>
<td>Morriss Bonnell</td>
<td>Bonnell</td>
</tr>
<tr>
<td>Some natives charge fishers being greedy</td>
<td>Sept 28: 3</td>
<td>Aboriginal fisher greed</td>
<td>Morriss Bonnell</td>
<td>Miramichi</td>
</tr>
<tr>
<td>We'll learn to live with changes</td>
<td>Sept 28: 6</td>
<td>Editorial on Supreme Court decision; coping; halt fall fishery</td>
<td>Rick MacLean</td>
<td></td>
</tr>
<tr>
<td>Marshall decision signals new period of racism</td>
<td>Sept 28: 7</td>
<td>Editorial; liberalism; reverse racism; conservation</td>
<td>Brent Taylor</td>
<td></td>
</tr>
<tr>
<td>Violence erupts in lobster fight</td>
<td>Oct 5: 1</td>
<td>Violence; fear; police inaction; community rift; regulations</td>
<td>Leigh Morrison, non-aboriginal fisher; Michelle Morrison; Gary Clair, Big Cove lobster fisherman; Chris Bonnell, aboriginal fisher; Reginald Comeau, MFU; Millie Augustine, aboriginal activist;</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>Removing native fishery threat vital...</td>
<td>Oct 5: 4</td>
<td>Conservation; livelihood; protection</td>
<td>Ken Clark, city Councilor and commercial lobster fishermen</td>
<td>Escuminac</td>
</tr>
<tr>
<td>Event Description</td>
<td>Date</td>
<td>Summary</td>
<td>Person(s)</td>
<td>Author</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Harbour authority won't remove occupying natives...</td>
<td>Oct 5: 4</td>
<td>Occupation of wharf; Harbour Authority response</td>
<td>Greg Ross, Harbour Authority spokesperson</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>Morrison family caught in crossfire</td>
<td>Oct 5: 4</td>
<td>Government lack of leadership; open hostilities; protest; confrontation; fear</td>
<td>Leigh Morrison; Michelle Morrison</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>Outmanned RCMP watch...</td>
<td>Oct 5: 4</td>
<td>Policing; vandalism; mediation</td>
<td>Sgt. Roger Somers</td>
<td>Rick MacLean</td>
</tr>
<tr>
<td>Peaceful protest turned ugly fast</td>
<td>Oct 5: 5</td>
<td>Protest; lobster fishing; vandalism; confrontation</td>
<td>Michelle Morrison; Leigh Morrison; Laurie Graham, CBC reporter; Brian Bartibogue, aboriginal Councillor and fisherman; Sgt. Chuck LeMay, RCMP; Chris Bonell, lobster fisherman and Band Councillor</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>Economics, not fate of stock, real issue...</td>
<td>Oct 5: 5</td>
<td>Economics; conservation; staggered season</td>
<td>David Coon, policy coordinator, Conservation Council of New Brunswick</td>
<td>Rick MacLean</td>
</tr>
<tr>
<td>Numbers, not season, key...</td>
<td>Oct 5: 5</td>
<td>Fall fishery; estimated traps; conservation; staggered seasons</td>
<td>Mike Chadwick, Director of Science, Department of Fisheries and Oceans</td>
<td>Rick MacLean</td>
</tr>
<tr>
<td>How could DFO have failed...</td>
<td>Oct 5: 6</td>
<td>Confrontation; government lack of foresight</td>
<td></td>
<td>Rick MacLean</td>
</tr>
<tr>
<td>How much lobster landed?</td>
<td>Oct 12: 1</td>
<td>Government estimates disputed; lobster traps and landings</td>
<td>Greg Ross, non-aboriginal fisher; Bob Allain, Department of Fisheries</td>
<td>Rick MacLean</td>
</tr>
<tr>
<td>Topic</td>
<td>Date</td>
<td>Details</td>
<td>Authors</td>
<td>Editor</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-------</td>
<td>---------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Don't take frustration out on us</td>
<td>Oct 12: 1</td>
<td>Aboriginal boycott; regional economics</td>
<td>Richard Breault, Neguac Mayor</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>Dhilliwal deal a victory for native fishers</td>
<td>Oct 12: 2</td>
<td>Trap limits; negotiations; agreements</td>
<td>Chris Bonnell, aboriginal fisher and Band Councillor</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>Not all Burnt Church fishers inclined to accept trap limits</td>
<td>Oct 12: 2</td>
<td>Moratorium; dissension; unacceptable offer</td>
<td>Alex Dedam, Burnt Church First Nation spokesperson; Galvin Metallic, Burnt Church Councillor and aboriginal fisher</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>Neighbor says natives weren't beaten with bats</td>
<td>Oct 12: 2</td>
<td>Clarifying reports of violence</td>
<td>Evan Savoy, neighbor of Leigh Morrison</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>Natives at rally call on more to start fishing</td>
<td>Oct 12: 3</td>
<td>Protest; treaty rights; natural resources; access</td>
<td>Clifford Larry, head of Burnt Church Warrior Society; Miigam'agan, traditional leader; Lorin Dedam, aboriginal fisher; Donna Augustine, aboriginal leader from Big Cove; Dorrance Sock, Natives Against Discrimination</td>
<td>Dateline Burnt Church</td>
</tr>
<tr>
<td>Future of fishery tied up in numbers</td>
<td>Oct 12: 5</td>
<td>Consequences of fall fishery; future of fishery</td>
<td>Rick MacLean</td>
<td></td>
</tr>
<tr>
<td>Get past Indian, White labels; deal with neighbors as people</td>
<td>Oct 12: 6</td>
<td>Racism; cooperation</td>
<td>Cheryl Savoie</td>
<td></td>
</tr>
<tr>
<td>Eel Ground hosts NB family awards</td>
<td>Oct 12: B1</td>
<td>Community; celebration; community</td>
<td>Howard McKay, Eel Ground elder; Lily Ginnish, audience member; Chief</td>
<td>Karen Gauvin Donovan</td>
</tr>
<tr>
<td>Most fishing, fighting hearings adjourned</td>
<td>Oct 19: 8</td>
<td>Court dates stemming from fishing incidents</td>
<td>Leigh Morrison</td>
<td>Dateline Miramichi</td>
</tr>
<tr>
<td>Negotiator welcomed to fishery debate</td>
<td>Oct 19: 8</td>
<td>State of aboriginal/government negotiations in fishery</td>
<td>Albert Martin, Band Councillor; Tiger Bonnell, Band Councillor; Reginald Comeau, DFO</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>No trouble after DFO removes 572 native traps from Bay area</td>
<td>Oct 26: 3</td>
<td>Communal fishing agreement; vandalism; investigations; negotiations</td>
<td>Bob Allain, DFO; Alex Dedam, spokesperson, Burnt Church; Sgt. LeMay, RCMP; Sgt. White, RCMP; Chief Wilbur Dedam</td>
<td>Gail Savoy</td>
</tr>
<tr>
<td>Don't wait to get fish talks underway</td>
<td>Oct 26: 6</td>
<td>Aboriginal and non-aboriginal communities must rebuild trust; intractability of DFO</td>
<td>Joanne Cadogan</td>
<td></td>
</tr>
<tr>
<td>Moving MP Hubbard to transport committee a case of bad timing</td>
<td>Oct 26: 7</td>
<td>Fishing dispute; federal committees; gov't control; transportation; competition; lack of democracy</td>
<td>Charles Hubbard, MP, Miramichi</td>
<td>Brent Taylor</td>
</tr>
<tr>
<td>First Nations tired of excuses; want compensation now</td>
<td>Nov 2: 7</td>
<td>Euro-Canadian terrorism; oppression</td>
<td>Dan Ennis</td>
<td></td>
</tr>
<tr>
<td>Public invited to national radio forum</td>
<td>Nov 2: 8</td>
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<td>Natives seeking government pacts</td>
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<td>Impact of recent court decisions on aboriginal rights; need of resolution; Marshall decision; Delgamuukw decision; Corbiere decision; issue of off reserve voting</td>
<td>Phil Fontaine, leader Assembly of First Nations; Robert Nault, Federal Indians Affairs Minister</td>
<td></td>
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</tbody>
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CHAPTER 1

CONTEXTUALIZING THE MARSHALL DECISION AS NEWS

It is agreed that the said Tribe of Indians shall not be hindered from, but have free liberty of hunting and Fishing as usual and if they should think a Truck house needful at the River Chibenaecadie, or any other place of their resort, they shall have the same built and proper Merchandize lodged therein to be exchanged for what the Indians shall have to dispose of and that in the mean time the Indians shall have free liberty to bring to Sale to Halifax or any other Settlement within this province, Skins, feather, fowl, fish, or any other thing they shall have to sell, where they shall have liberty to dispose thereof to best Advantage.—Miq’Mak Treaty of 1752

1.1 Chapter overview

This chapter presents an historical overview of Mi’kmaq and non-aboriginal relations in the Maritimes. A brief history of the region and the social-economic circumstances that led to the Marshall decision are necessary before proceeding to a discourse analysis of news. The history of Mi’kmaq/non-aboriginal relations represents the basis for understanding how stereotypes were utilized in the news stories reviewed in this thesis.

The intention in this chapter is to establish an appreciation for the social-cultural milieu in which the Marshall decision was rendered and to prepare the way for the discourse analysis of news that follows in Chapters 3 and 4. Subsequently, this chapter is divided into three sections. The first section summarizes the Marshall Supreme Court decision of September 17th 1999; the second section discusses the aboriginal fall lobster fishery established in light of the Marshall decision; and the third section
contextualizes the aboriginal fall lobster fishery by tracing the history of Mi'kmaq and non-aboriginal relations since the 16th century.

1.2 The Marshall decision

In August of 1993 in Pomquet Harbour, Antigonish County, Nova Scotia, Donald Marshall Jr. of Membertou, Cape Breton, Nova Scotia caught 463 pounds of eel, which he then sold for $787 (Cdn). Subsequently, Marshall was charged with three violations under the Canadian Fisheries Act, ss. 4(1) (a) and 20 of the Maritime Fishery Regulations and s. 35 (2) of the Fishery (General) Regulations, (R v. Marshall, [1999] 3 S.C.R: paragraph 69):

(i) selling of eels without a license
(ii) fishing without a license
(iii) fishing during a closed season with illegal nets

Donald Marshall maintained that as a Mi'kmaq he possessed a treaty right that entitled him to procure a livelihood through traditional means: hunting, fishing, trapping, and gathering. Marshall contended that the federally administered regime of rules and regulations in the fishery amounted to an infringement on his treaty rights. Marshall's defence rested in a reinstated truckhouse trading treaty signed between the British Crown and the Mi'kmaq on March 10th 1760. Marshall argued that the treaty of 1760 was still in force and that it

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2 A distinction between treaty rights and aboriginal rights is succinctly summarized: treaty rights allow a person to harvest resources to sell for profit; aboriginal rights allow a person to harvest resources for food and for community use (Coates 2000: 189).

3 A system of truckhouse trading was established by the British after the fall of Louisbourg in 1758. Following in the tradition of the friendship treaties of 1725 and 1752, the British built trading posts in Nova Scotia through which the Mi'kmaq could conduct exclusive trade with the
acknowledged an indigenous and pre-existing right under British law for Mi'kmaq to fish for a livelihood.

The federal government of Canada contested Marshall at two lower courts, the Provincial Court of Nova Scotia and the Nova Scotia Court of Appeal, winning on both occasions. The Appeal Court rejected extrinsic evidence in the absence of ambiguity, i.e. historical interpretation that went beyond the text of the treaty, and concluded that the trade clause in the treaty of 1760 did not grant the Mi'kmaq any rights, but represented a mechanism to help ensure peace between the Mi'kmaq and the British Crown (Coates 2000: 5-48). According to the lower courts, the spirit of the treaty of 1760 died with the cessation of the truckhouse system, abandoned after a few years, and the enactment of the Royal Proclamation of 1763. By stating that the treaty died with the cessation of the truckhouse system, the judgements at the lower courts focussed on the specifics of the treaty and not upon the historical circumstances that produced the treaty. In November 1998, the case was presented to the Supreme Court of Canada.

cited had never been struck down. Therefore, under the Canadian Constitution Act, 1982, the treaty was still in force; 2) to maintain the integrity of the Crown in decisions involving aboriginal rights, the extrinsic historical record had to be considered alongside the text of any treaty.

In reversing the decision of the Appeal Court, in a 5-2 verdict, Judge Binnie (R v. Marshall 1999: 20) wrote,

...when considering a treaty, a court must take into account the context in which the treaties were negotiated, concluded, and committed to writing. The treaties, as written documents, recorded an agreement that had already been reached orally and they did not always record the full extent of the oral agreement. As a result it is well settled that the words in the treaty must not be interpreted in their strict technical sense nor subjected to rigid modern rules of construction.

The court ruled that Marshall had a right to work for a living through the continued access to fish and wildlife and to trade for necessaries. The truckhouse treaty of 1760 acknowledged that right, and that right was never extinguished prior to the repatriation in 1982 of the Canadian Constitution.

Binnie asserted (ibid: 14),

An interpretation of episodes that turns a positive Mi'kmaq trade demand into a negative Mi'kmaq covenant is not consistent with the honour and integrity of the Crown.... The promise of access to "necessaries" through trade in wildlife was the key point, and where a right has been granted, there must be more than a mere disappearance of the mechanism created to facilitate the exercise of the right to warrant the conclusion or the right itself be spent or extinguished.

Binnie stated that the Constitution caused existing rights to be entrenched in s. 35 of the Canadian Constitution Act, 1982, and this gave constitutional status to rights that were previously vulnerable to unilateral extinguishment.

As Binnie noted, the *Canadian Constitution Act*, 1982, embedded aboriginal and treaty rights in the *Charter of Rights and Freedoms* s. 35, which reads in part:

35 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
35 (3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claim agreements and may be so acquired.

In this context, three landmark rulings presaged the Marshall decision:

1) In *Simon v. The Queen*, [1985] 2 S.C.R 387, the Supreme Court of Canada upheld the 1752 treaty that gave Mi’kmaq the right to hunt at all times of the year. The court maintained that aboriginal treaties should be given a broad interpretation, not a narrow, technical one, to reflect the understanding of the aboriginal peoples who signed them (York 1990: 70).

2) In 1990, the Supreme Court ruled in *R v. Sparrow*, [1990] 1 S.C.R 1075 that aboriginal rights to fishing took precedence over any licensing scheme, even those agreed to by aboriginal bands, and that fishing permits only controlled the fisher, they did not define his or her underlying rights.

3) In *Delgamuukw v. British Columbia*, [1997] 3 S.C.R 1010, the Gitksan and the Wet’suwet’en people of British Columbia argued that they had an historical use of ownership within their territory. The Gitksan and the Wet’suwet’en communities maintained a spiritual connection to their land that was demonstrated through songs, dances, and stories passed on through the generations. The Supreme Court decreed that the use of oral history was indeed legitimate evidence, as authentic as any written contract, in proving a claim to a continued use of land.
Though the Marshall decision recognized a limited treaty right to commercial harvesting and not an inherent aboriginal right to commercial resources, many Mi’kmaq and Maliseet people viewed the Marshall decision as a positive step toward the latter. The Mi’kmaq and Maliseet hoped that the Marshall decision would usher in a period where Mi’kmaq rights in Canadian law would translate to Mi’kmaq rights in practice (Coates 2000: 187-193). With its focus on extrinsic evidence, history, aboriginal treaty rights, and access to the fishery and other natural resources, the Marshall decision reflected the contemporary intellectual milieu of the Supreme Court of Canada. The aboriginal fall lobster fishery arose within this political and legal environment.

1.3 The aboriginal fall lobster fishery

The Marshall decision buoyed the Mi’kmaq and Maliseet communities of Atlantic Canada which have been engaged in a long battle to secure the recognition of aboriginal rights under Canadian law (Upton 1979: 177; Miller 1995). Since the Canadian Constitution Act, 1982, the Mi’kmaq and Maliseet, similar to many aboriginal groups in Canada, have turned increasingly to the Supreme Court as a forum to define and to re-shape unresolved issues around aboriginal rights (Coates 2000: 72-93). Incrementally, through legal judgements such as the Marshall decision, aboriginal groups have pursued self-determination and self-government within a well-demarcated complex of rights and responsibilities (Long and Boldt 1988; Hawkes 1991).
In *de jure*, aboriginal rights became entrenched via section 35 of the repatriated *Canadian Constitution Act*, 1982. In *de facto*, the logistics of aboriginal rights, in terms of aboriginal self-government and federal and provincial responsibilities, remains an ambiguous work in progress (Hawkes 1991: 9-15). Two Court rulings that preceded the Marshall decision and directly involved the Mi'kmaq and Maliseet reflect this ambiguity:

1) In the aforementioned *Simon v. The Queen*, [1985] 2 S.C.R 387, the Supreme Court upheld the right of James Simon of Shubenacadie to hunt at all times of the year (York 1990: 70). In deciding in favour of Simon, the Court confirmed the 1752 treaty between the Mi'kmaq and the British Crown. However, while the Supreme Court confirmed Simon's *de jure* rights, Mi'kmaq *de facto* rights were ignored by federal and provincial authorities who continued to apply a strict interpretation of the law and arrested aboriginal people hunting out of season (ibid).

2) In *R v. Peter Paul*, [1998], the New Brunswick Provincial Court, presided over by Justice Turnbull, ruled that the Abenaki Treaty of 1693 gave Mi'kmaq and Maliseet peoples ownership over their lands. While Justice Turnbull argued in favour of Mi'kmaq ownership vis-à-vis the British Crown, higher courts later reversed the decision, averting, at least temporarily, historically based aboriginal claims.

Both rulings were significant not only because they involved the Mi'kmaq and Maliseet and ambiguous judgements. In both instances, the Mi'kmaq and Maliseet returned to 18th century treaties that their ancestors had
signed with the British Crown to argue for the commercial and the communal right to land, river, and ocean resources in Atlantic Canada (Coates 2000: 48). While the results of each ruling were mixed, the precedent of using the courts and treaties to regain entry into what have become highly commercialized sectors of the economy was established by the Mi’kmaq and Maliseet.

Hence, from the perspective of the Mi’kmaq and the Maliseet, the Marshall decision transcended the circumstances of the individual case. Specifically, the Marshall decision did more than allow Donald Marshall Jr. to capture and sell eels. By recognizing Marshall’s limited treaty right to commercial harvesting, the Marshall decision confirmed the rights of all Mi’kmaq and Maliseet. The Marshall decision recognized traditional access to wildlife and natural resources and guaranteed the Mi’kmaq protection of those rights in law (see Table 1, Miramichi Leader, September 21st ’99: A2; and Table 2, Globe and Mail, October 13th ’99: A19).

In late September 1999, encouraged by the Marshall ruling, the Mi’kmaq established an inshore lobster fishery to test the extent of their treaty rights. About 100 Mi’kmaq and Maliseet fishers, mostly centred around Burnt Church, New Brunswick and Indian Brook, Nova Scotia, took to the water to assert their rights through a lobster harvest (see Table 2, Globe and Mail, September 30th ’99, A6). The number of aboriginal people who engaged in this fishery was relatively small. Regardless, the aboriginal fall lobster fishery met with protest from some non-aboriginal commercial lobster fishers who viewed the new fishery as a grave threat to their own economic security.
From the non-aboriginal perspective, the aboriginal fishery was seen as a threat that would invariably undermine the livelihoods of licensed commercial fishers and the non-aboriginal communities that depended on the fishery. The non-aboriginal fishers contended that the rules and regulations placed around the lobster fishery by the Department of Fisheries and Oceans should apply equally and should determine right of access to the fishery over a treaty made with the Crown in the 18th century. The non-aboriginal fishing community claimed that the lobster fishery could not accommodate any more fishers, that the added fishers would be a strain on a limited resource, and that the aboriginal fishery was an attack on conservation.

In early October 1999, the rift between non-aboriginal and aboriginal communities over the closed season lobster fishery led to confrontation in Burnt Church. The town of Burnt Church is located on the north shore of Miramichi Bay, at the mouth of the Miramichi River, in eastern New Brunswick. Burnt Church is situated south of the town of Neguac, and across the bay from Miramichi City, Baie Ste-Anne, and Pointe Sapin (see map on following page). Other aboriginal communities nearby include Eel Ground, 21 kms west of Newcastle, New Brunswick and the mouth of the Miramichi River, and Red Bank, 24 kms west of Newcastle. Burnt Church is a fishing community made up of aboriginal and non-aboriginal peoples. The aboriginal community at Burnt Church is comprised of three reserves, Burnt Church #14, Tabusintac, and Pokemouche (located further north), and was incorporated as a reserve in the mid-19th century. The reserve at Burnt Church has a total population of
Mi'kmaq Country: traditional districts and modern bands.

Reprinted from Prins 1996
about 1, 400 people, around 300 of whom live away from the reserve. The population of the Miramichi region by comparison is about 22,000.

In October 1999 in the Bay around Burnt Church, the non-aboriginal fishers vandalized aboriginal lobster traps, while the Mi'kmaq responded with an increased resolve to fish and a warrior-led surveillance of their fishing interests. On Sunday October 4th 1999, several non-aboriginal fishers from the various communities of Miramichi Bay raided and destroyed thousands of aboriginal lobster traps. The raids received inordinate national media attention, especially as events turned violent, but the actions of the non-aboriginal fishers did not bring about a cessation of the aboriginal fishery. It in fact appeared to steel the resolve of some aboriginal fishers who continued to fish, supported by an increased and vigilant aboriginal warrior presence.

The actions of the non-aboriginal fishers led to recriminations, as both aboriginal and non-aboriginal fishers blamed variously the Department of Fisheries and Oceans (DFO), the federal Liberal government, and the RCMP for the tense situation in Miramichi Bay. Positions on each side of the debate hardened, even though other stakeholders, such as the Minister of Fisheries and the Atlantic Congress of Aboriginal Chiefs, negotiated a solution to the impasse. It was during this period that the aboriginal fishery established at Burnt Church became a news media focal point, and Burnt Church came to symbolize in the news media the polarized and passionate feelings in the fishery caused by the Marshall decision.
Generally, the situation in Burnt Church and in Atlantic Canada became so severe that the Supreme Court of Canada felt compelled to issue a clarification of the Marshall decision in November 1999 (*R v Marshall*, [1999] 3 S.C.R 456, November 17th). The clarification on the Marshall decision was delivered in response to an appeal for intervenor's status issued by the West Nova Fishermen's Coalition (*R v Marshall*, [1999] 3 S.C.R 456 November 17th). At issue was the extent of independence aboriginal people had in the fishery. The federal authorities acknowledged that aboriginal people hold certain rights as guaranteed in the *Charter of Rights and Freedoms*, but that the absolute authority to regulate the fishery falls to the federal government. Aboriginal people interpreted the Marshall decision, along with previous Supreme Court rulings, to mean that aboriginal people had the right to establish their own fishery regimes and mechanisms for conservation and self-management. Non-aboriginal commercial fishers maintained that the licensing and regulation of the fishery fell under the auspices of the DFO and federal government alone.

The second announcement by the Supreme Court in November 1999 paralleled closely the federal government position. While the Supreme Court dismissed the intervenor claim by the West Nova Fishermen's Coalition, they wrote that,

...the resulting acquittal cannot be generalized to a declaration that licensing restrictions or closed seasons can never be imposed as part of a the government's regulation of the Mi'kmaq limited "commercial right to fish" (ibid: 3).

The Court further adjudged that the September 17th 1999 decision
...did not rule that the appellant (Donald Marshall) had established a treaty right "to gather" anything and everything physically capable of being gathered. The issues were much narrower and the ruling was much narrower (ibid: 17).

Therefore, the Supreme Court stated that the treaty right is a regulated right that can be contained by regulation within its proper limit (ibid: 20). The November announcement by the Supreme Court underscored the federal government's role as ultimate authority in the regulation and conservation of the fisheries.

In this second announcement, the Supreme Court asserted that the Marshall decision necessitated a return to R v. Sparrow 1990. The Court maintained in R v. Sparrow, [1990] 3 S.C.R 1073 that an infringement on aboriginal or treaty rights could be justified only after the following questions were addressed:

(i) Is there a valid legislative objective? The special trust relationship and the responsibility of government vis-à-vis aboriginals must be considered in the above;

(ii) Has there been as little infringement as possible?

(iii) Is fair compensation available?

(iv) Have aboriginal groups been consulted with respect to conservation?

The federal government has since responded to the new set of circumstances through a review of policy via a discussion paper on policy directions and principles (Atlantic Fisheries Policy Review 2001). In reconsidering the management of Canada's Atlantic coast fisheries, the
government affirms that the role of the DFO must change from micromanager to one of policy maker and strategic direction setter. In light of the new realities of aboriginal fisheries, the goals of fishery policy should be three-fold: i) conservation; ii) orderly management; and iii) shared stewardship (ibid: vii).

While federal and aboriginal negotiators have been trying to get at an agreement since 1999, as of yet no decisive regime has come about. Some aboriginal fishers still claim the right to organize and manage their own fishery, and continue to resist federal government attempts to regulate in places like Miramichi Bay. This continues to lead to the occasional flare-up and confrontation between some aboriginal and some non-aboriginal fishers in the area, sensationalized through media reports of open confrontations and vigilantism.

The preceding outline represents a brief summary of the Marshall decision and the events that followed it. The issues arising from the Marshall decision have not been fully resolved and are deeply embedded, as the continued struggle by the Mi'kmaq and Maliseet to have their rights in law reconciled with their rights in practice illustrates. In order to gain a better appreciation of the ongoing social and economic tensions that the Mi'kmaq and the Miramichi face, a brief historic thumb sketch is provided in the next section, followed by a discussion on the rationalization of the Maritime fishing industry.
1.4 History of Mi’kmaq/ non-aboriginal relations in the Maritimes

There are two social-historical currents that converge in the Miramichi that will be discussed in this section: 1) The history of aboriginal dispossession and socio-economic marginalization in Canada, a policy that has had disastrous consequences for aboriginal peoples throughout Canada, and a situation that has yet to be ameliorated; 2) The rationalization of the fishing industry in Canada, which has led to a highly regulated, licensed, and vertically integrated enterprise that excludes most aboriginal fishers and many non-aboriginal fishers.

(i) Mi’kmaq/ non-aboriginal contact

The Miramichi region is comprised of a number of English, Acadian, and Mi’kmaq communities, all of which have a close connection to the sea. The Mi’kmaq have been present in the area, fashioning a life around fishing, for approximately two thousand years. Although estimates of the total Mi’kmaq population in pre-contact times in the Atlantic provinces vary, a good estimation would be about 10,000-25,000 (Prins 1996: 1; Upton 1979: 2). Prior to European contact, the Mi’kmaq practiced a hunting-gathering pattern of subsistence, living in mobile camps dictated by the seasons (Upton 1979: 3; Royal Commission 1996). In the warmer months, the Mi’kmaq congregated in locations along the Miramichi river where they spent their time fishing abundant species such as salmon, lobster, sturgeon, bass, and smelt (Upton 1979: 2-3). As the weather grew colder, the Mi’kmaq would move their camps
further inland where they could hunt large land animals such as moose. The Mi'kmaq did not abandon fishing in the winter and used the colder months to harvest inshore species such as tomcod and eel.

In the 1500s, Breton, Portuguese, and Basque fishers began to arrive in the Miramichi (Prins 1996: 1-2). The Europeans made little impact in the Miramichi in so far as a physical presence was concerned in the 16th century. The European fishers came in the summer months and set up camps where they gutted, dried, and cured the fish before returning home with their goods. These early visitors did not establish permanent settlements, but they did establish contact and a trade relationship with the Mi'kmaq people. Of the few early attempts made to found a permanent colony, Nicolas Denys, the Sieur de Fronsac, is important. In 1653, Denys placed his son, Richard, in charge of a new fort and trading post at Miramichi (in Upton 1979: 16-27). The endeavour was a success until Richard died in 1691 at which time the French officially abandoned the site. However, the Denys enterprise left behind it a few scattered French communities around Bay du Vin, Burnt Church, and Neguac and created a trading relationship between the French and the Mi'kmaq. This symbiotic trade tie between the French and Mi'kmaq grew throughout the 17th and 18th centuries, and this relationship became culturally merged through the syncretism of Catholicism and Mi'kmaq religious traditions (Henderson 1997).

By 1600, a transformation of the Mi'kmaq traditional economy and life way was discernible. As a consequence of European contact, the Mi'kmaq
began to abandon their seacoast forager lifestyle, developing into market
hunters and middlemen for the fur trade (Prins 1996: 2). While the economic
link with Europe began to have ramifications, the Mi’kmaq also suffered a
catastrophic population loss, as high as one half the total population, from
diseases brought by Europeans (Prins 1996: 2; Upton 1979: xii). The
demographic changes and economic shifts brought to Mi’kmaq society would
have substantial impact, creating an avenue for European expansion into
North America.

In 1606-7, a Parisian named Marc Lescarbot lived with the Mi’kmaq in
the Bay of Fundy (Ellingson 2001: 11-20). Historically, Lescarbot is an
important figure because it was through his accounts, a comparison of what he
discerned to be the corrupt world of Paris versus the pristine world of the
Mi’kmaq, that the concept of the noble savage developed in Europe (see
Chapter 5). The fact that Europeans like Lescarbot came to North America but
often stayed for only a short time during this early contact period is significant.
On the one hand, people like Lescarbot did have valuable first hand
experience with the peoples of the Americas. On the other hand, the
knowledge gained was somewhat superficial, more of an acquaintance with
than a true knowledge of aboriginal life. The intellectual and physical distance
between Europeans, including Lescarbot who actually visited these shores,
and North Americans allowed the myth of the noble savage to grow more
quickly in Europe than any real knowledge and understanding of the Mi’kmaq
and other aboriginal people. Lescarbot’s stereotype of Europe and North
America would later influence social philosophers such as Rousseau and Hobbes, transforming the noble savage dichotomy into a central metaphor in the Enlightenment discourse of Imperial Europe (Lescarbot 1610; Cranston 1991: 302-322).

In the 18th century the British presence increased in the Maritimes with the establishment of Halifax in 1749. Though the French were no cultural relativists themselves, denying the Mi'kmaq rights under the seigneurial system (Upton 1979: 26-27), the British held a harsher view of the Mi'kmaq. The Mi'kmaq were seen as French allies and this led to frequent skirmishes between the two sides (Coates 2000: 21-48). In 1749, during what is historically referred to as “the British-Mi'kmaq War,” the British governor at Halifax issued a proclamation authorizing the indiscriminate killing of Mi'kmaq men, women, and children for monetary reward (R v. Marshall, [1999] 3 S.C.R: 21-29). The British and Mi'kmaq eventually signed a series of “friendship treaties,” highlighted by the Halifax Treaty of 1752, and continuing to the truckhouse/trade treaties of 1758-60 used by Donald Marshall as part of his defence (ibid: 26-29). Through these treaties the aboriginal communities of the Maritimes, which posed a serious military threat to the British, were guaranteed their pre-existing rights to fish, hunt, and gather (ibid: 29). The aim was to create a trade relationship with the British similar to the one the Mi'kmaq previously enjoyed with the French and to ensure a lasting peace in the region. The animosity and distrust between the Mi'kmaq and the British
Crown continued until 1758 with the fall of Louisbourg and the effective end of French rule in the Maritimes.

The British initially practiced a type of indirect rule in the Maritimes. Because they lacked the human resources, the British administered to, and ruled over, the Mi'kmaq from a distance while allowing the Mi'kmaq to continue to live, relatively speaking after two centuries of European contact, a traditional lifestyle. This meant that while Mi'kmaq cultural practices were maintained, the Mi'kmaq were placed on the margins of Maritime society, with no voice in decisions made by British colonial and later Canadian federal and provincial governments (Prins 1996: 174). The approach of the British epitomized the mindset and agenda of colonization. According to Prins (ibid: 182-183),

In the eyes of the British colonials, the Mi'kmaq were primitive degenerates unfit to handle their own affairs. Treating them like children, the government assumed guardianship over the Mi'kmaq, appointing Indian agents to carry out its responsibilities.... As far as the government was concerned, the best long-term solution...was to 'civilize' the Mi'kmaq and settle them down as small scale farmers.4

In the early 19th century, the British adopted the reserve system to accomplish this task and through the 19th century the Mi'kmaq were relocated to twenty-four reserves, many of which were located close to traditional lands (ibid).

This process continued with the formation of Canada through the British North America Act, 1867. Under s. 91 (24) of the Constitution Act, 1867, the Government of Canada gave itself exclusive jurisdiction to enact laws and play an administrative role relating to "Indians" as well as to "lands reserved for

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4 An irony exists in that these laws originally meant by the British to "civilize", i.e. to dispossess and colonize aboriginal peoples, are presently being utilized by aboriginal peoples to undo colonialism.
Indians" (Morse 1991: 64). The government used this provision of the constitution to make new treaties with aboriginal peoples intended to promote peaceful relations, while obtaining cessions of large tracts of land that could be made available for non-aboriginal settlement and exploitation (ibid). The power embodied in s. 91 (24) permitted the federal government to do what it wished regarding all aspects of the lives of aboriginal peoples, including outlawing traditional religious practices. This gave Christian denominations exclusive domain over particular communities, and gave absolute authority to Indian agents appointed by Ottawa (ibid: 65-66). The Constitution Act, which also gave the federal government auspices over resources such as the fisheries, came to equate aboriginal people with natural resources and wildlife, as another element of nature to be governed over, to be set aside, and to be preserved.

In the 1880s, Moses Perley critically evaluated the British-Canadian programme:

The first step was a joint occupation of the country by the Indians and British settlers: The second was assigning to the Indians certain districts of counties, within which they were to be distributed; the next, confining each tribe to a certain tract or portion of land called a reserve and finally reducing those reserves by degrees until in 1842 only one half remained... and to conclude by selling all that remains... without provision for their [the Indians] future welfare (in Upton 1979: 111).

This approach to governance, enshrined in the Indian Act of the Canadian Constitution of 1867, allowed subsequent Canadian governments, through the Department of Indian Affairs, to unilaterally dispossess and marginalize the Mi'kmaq ever further (Morse 1991: 59-91). The various levels of government created a dependent and captive population: the government defined who was
(and was not) aboriginal, where aboriginal peoples could (and could not) live, where they could (and could not) work, and where and when they had to attend school. As York (1990: 79) writes, “The Indian Act, with its restrictions on native autonomy, and the reserve system, with its patchwork of tiny reserves on infertile land, have locked Indians into a cycle of unemployment, overcrowding, poor health, and dependence on welfare.” By denying aboriginal peoples such basic rights as citizenship and the franchise until 1960 (Pratt 1991: 35), the Canadian government, continuing the British system of discrimination, maintained control over aboriginal peoples and excluded aboriginal peoples from participating fully in Canadian society for over a century.

Government policy toward the Membertou community in which Donald Marshall Jr. resides is an example of the systemic racism the Mi'kmaq have endured in Canada since European contact. In 1882, the Mi'kmaq reserve at Kings Road, on the outskirts of Sydney, Nova Scotia was established, after the Mi'kmaq had inhabited the site for decades (York 1990: 61). The land was considered of little use at the time, so was initially amicably ceded. As the city of Sydney began to expand, in part thanks to a new rail line that went through the Mi'kmaq reserve, government officials, locally and federally, contrived to move the Mi'kmaq people off what was becoming a valuable piece of real estate. In 1916, Justice L.A. Audette determined the Kings Road reserve would be moved asserting,

No one cares to live in the immediate vicinity of the Indians.... The removal would make the property in the neighbourhood more valuable for assessment
purposes—and it is no doubt an anomaly to have this Indian reserve in almost the centre of the city, or on one of its principal thoroughfares.... The overwhelming weight of evidence is to the effect that the reserve retards and is a clog on the development of that part of the city (in York 1980: 63).

Justice Audette concluded,

The racial inequalities of the Indians, as compared with the white men, check to a great extent any move towards social development.... I do therefore, without hesitation, come to the conclusion....that the removal of the Indians from the reserve is obviously in the interest of the public (ibid: 64).

Beginning in 1925, the Kings Road Mi'kmaq were moved to Membertou, a "worthless piece of swamp, rocks, and woodland" (ibid), on the southern fringes of Sydney, Nova Scotia.

The move to Membertou physically and psychologically removed the Mi'kmaq community from their main economic source and cultural core, the Sydney River. According to York (ibid),

The Membertou reserve is too small and barren to allow any significant economic development, and commercial enterprises are almost impossible because the site is isolated from the prime business districts of Sydney. It combines the worst of both worlds—too remote to allow commercial development, but not remote enough to allow hunting and fishing.

Donald Marshall's father summed up the predicament of the Mi'kmaq at Membertou, "We can't fish any more because the harbour is polluted.... And I'd starve to death if I depended on hunting on this reserve—unless I shot the dogs" (ibid).

The Membertou example illustrates how, through an absence of aboriginal enfranchisement, legal representation, and self-determination, the Department of Indian Affairs, vested politicians, and the courts undermined Mi'kmaq society, creating dependency in place of self-sufficiency. In Nova Scotia, Canadian policy created an economic and social underclass of
aboriginal peoples alienated from opportunity through a racist, condescending, and paternalistic management model. This model was implemented time and again through Canadian history.

The remnants of this approach to policy survive to this day, but the winds of change began in the early 1960s. As noted, aboriginal people in Canada were finally given the right to vote in 1960. The franchise and subsequent policy can be viewed in two conflicting ways: 1) Negatively, as a government attempt at assimilation. From this viewpoint, bestowing all rights of citizenship on aboriginal peoples was an attempt to sever the special status relationship between aboriginal people and the federal government, which would end the fiduciary obligation of the federal government; 2) Positively, as a path to aboriginal self-government. In light of the civil rights movement begun in the United States, the actions of the federal government could be viewed as a move to allow aboriginal peoples to realize their potential on their own terms supported by the Canadian state (Long and Boldt 1988: 38-56).

The federal government's White Paper of 1969 marked the cornerstone of what was intended as a new, progressive approach to aboriginal issues. The White Paper proposed to repeal the Indian Act, viewed by aboriginal and non-aboriginal critics as a source of aboriginal subjugation, and to abolish the Department of Indian Affairs, while giving aboriginal peoples full management and administrative control over their reserves and local institutions (Upton 1979: 177). In exchange, aboriginal peoples would have to relinquish any future land and/or treaty claims (ibid). While certain of the government's
initiatives were lauded—especially notions of self-government—the latter point of relinquishing lands was perceived by aboriginal people as an abrogation of federal government responsibility. Aboriginal groups were concerned that the elimination of the special relationship between the federal government and aboriginal peoples along with the loss of a powerful legal tool, i.e. land claims and treaty rights, would not de-colonize aboriginal peoples, but would re-colonize them. This legitimate worry politicized aboriginal people across Canada who came together opposed to the federal government's new model (Prins 1996: 190-200). In response to the White Paper, several national and provincial aboriginal associations arose, including i) the Union of Nova Scotia Indians; ii) Union of New Brunswick Indians; iii) Indians of Quebec Association; and iv) the National Indian Brotherhood (NIB). The White Paper did lead to a new relationship between the federal government and aboriginal peoples, but it was one unintended by those who drafted it.

Four developments grew from this increased political awareness: 1) The new aboriginal organizations and associations began to take legal action in the areas of aboriginal treaty rights, aboriginal title, and the right to self-determination; 2) Aboriginal peoples employed legal advisors and historians to assist their research and bolster their claims; 3) The historical underpinnings of aboriginal title were explored; 4) This pan-aboriginal awareness paved the way for the formation of the Assembly of First Nations in 1979 (ibid). The burgeoning political and legal will of aboriginal Canadians had bearing on the Mi'kmaq peoples of the Maritimes, who had the longest history of contact with
Europeans, and had endured the colonialisist project the longest. For example in New Brunswick, to counter high unemployment—which ran at 94% in 1977—the aboriginal population recognized that land claims were a key to challenging their continued marginalization. The Mi’kmaw asserted that their “possessory title” under British law was a rule of natural law immune from challenge and could never be abolished (Prins 1996: 209). This meant that the Mi’kmaw still held claim to land usurped through three stages (Upton 1979: 177-181):

1. lands taken by the Royal Proclamation of 1763
2. lands taken after the Royal Proclamation established usufructuary rights in British law
3. lands taken after the formation of Canada in 1867

This position was summed up in 1977 by the Union of Nova Scotia Indians in a Mi’kmaw/aboriginal rights proclamation paper (ibid: 181):

The Micmac concept that the free use and occupancy of the land, air, water and its resources to maintain social, economic, cultural, educational, and political areas of Micmac life has anthropologically, historically, and legally been accepted. [The Canadian Government] must compensate for Micmac aboriginal title by guaranteeing, through statute, aboriginal rights in the cultural, social, economic, and political fields. These aboriginal rights must compensate for the loss of a way of life AND must contribute positively to a lasting solution of cultural, social, economic, and political concerns as felt and as advanced by the Micmacs of Nova Scotia [emphasis in text].

It is within this milieu that the status quo relationship between aboriginal peoples and the Canadian state came under scrutiny and led to new regimes and a new understanding as entrenched in the repatriated Canadian Constitution, 1982. The Marshall decision and the Burnt Church lobster fishery that followed in 1999 are a consequence of this changing environment.
(ii) The rationalization of the Maritime fishing industry

Court rulings such as the Marshall decision and the subsequent autumn fishery at Burnt Church must be understood within the context of aboriginal rights. Moreover, these events must also be understood within a broader social context, i.e. the professionalization and industrialization of the Atlantic fishery and the reorganization of the workforce (Clement 1986; Calhoun 1991; Kearney 1993). The lobster fishery at the centre of the Burnt Church dispute epitomizes the move toward an increasingly regulated industry administered by Ottawa and the Department of Fisheries and Oceans. Since the 1970s the regeneration of a licensing scheme in the lobster fishery has created a group of fishers entitled to exclusive use of the resource (Davis 1991: 13-31). The supply/demand of the licenses has led to a premium in the market, militating against new entrants. As the industry has become vertically integrated, many aboriginal peoples have become economically marginalized and restricted from participating in the fishery. This economic disadvantage has been exacerbated through an entangled network of rules, regulations, and conflicting levels of bureaucracy that favour certain non-aboriginal fishers and the highly integrated offshore industry. Through stricter regulations in areas such as the lobster fishery, the opportunity to maintain a basic standard of living through traditional means, something that was accepted historically, has become more difficult for the aboriginal communities of Atlantic Canada (Prins 1996: 210).
The exclusion of the Mi'kmaq from the lobster fishery may have accelerated in the 1970s, but in fact the changes to this industry took place over a long period of time. To begin with, the lobster industry in the Maritimes burgeoned with the development of the cannery and the railway in the 1870s (Wherry 1982: 26). Intercontinental rail allowed for the easy transport of canned lobster and salmon to Boston, where it was then shipped to European markets for sale. By 1887, the industry had become so large, expanding to over 500 canneries in Atlantic Canada, that the Canadian government sought to control the lobster fishery (ibid: 38). A federal commission created open and closed seasons, establishing a winter lobster fishery to encourage the development of a live lobster trade to New England while preventing the capture of lobsters during the summer moulting period (ibid: 39). The first lobster licenses were issued during this period (ibid). Conservation of the lobster was not the main thrust behind these licensing schemes. It was to create a large-scale export industry by staggering seasons and ensuring each cannery and fishing region access to lobster supplies.

The lobster cannery industry faded in the 20th century and was slowly eclipsed by the live catch trade and trawler industry that dominates to the present. This modification meant a devolution from a mass production industry to a trap, transport, and sell complex. This transformation took place following the Second World War with a change in consumer habits in Canada and abroad, along with concomitant technological developments (Wherry 1982: 111-139; Calhoun 1991: 61; Matthews 1993: 40).
The present demand for lobster is no less than it was in the 18th century, but a preference for how lobster is served has changed, with less emphasis on the canned product and more emphasis on fresh or, alternatively, frozen lobster (Wherry 1982: 112-137). This shift in attitude has been expressed in a lobster fishery that no longer is geared to processing lobster meat but to independent lobster fishers and trawler/freezers (ibid). Davis and Thiessen (1988: 68) note the consequences of this shift, “Offshore vessels are simply floating industrial work places with a formal division of labour, routinization of work, and little opportunity for individual input.” Hence, while consumer demands have changed through time, the lobster fishery continues to thrive and to develop as part of a modern, rationalized Atlantic fishing industry. Moreover, while eating patterns have changed, the pressures on lobster stocks have remained.

The lobster fishery is a lucrative fishery and provides a high yield rate. This means that lobster is more valuable per pound than most other types of seafood, so the overall market value and cash return is higher than those of many other fish and crustaceans harvested (Acheson 1988). Hence, a lobster license is a highly prized commodity. In Canada, the lobster fishery is federally regulated by season, trap size, trap limits, and carapace size. The reasons for licensing are numerous, but remain part of an overall scheme by the federal government to create an economically viable, competitive, and controlled industry (Kirby 1982; Emery 1994). The rationalization of all fishing enterprises since the 1940s has been premised on the belief that the resource was being
improperly utilized. There were too many fishers applying too much pressure on a limited resource. To compete internationally and to maximize profits, the federal government believed that Canada had to create a modern, efficient, and effective fishery based on principles of private ownership (Fairley 1985; Fairley et al. 1990).

One of the rationalizations upon which private ownership was premised was the "tragedy of the commons" (Hardin 1968). Malthusian in scope, the tragedy of the commons (TOC) argument is rooted in the cynical belief that human beings are atomistic and concerned with immediate goals that emphasize individual survival (the present) over longer term group success (the future). In terms of fishing the TOC is interpreted thusly: Individual fishers are viewed traditionally as competing with each other in a zero-sum game. Utilizing a resource held in common, a fisher must maximize his or her harvest before competitors do because there are only so many fish to go around. A fish caught by one person represents one less fish caught by another person. The TOC argument constructs a view of common property regimes as unsystematic and chaotic. Fishers catch all they can out of fear and necessity because there are no rules governing any individual's behaviour. In the absence of a comprehensive legal structure, the individual relying on the commons is forced to look out for himself or herself.

From the TOC perspective, the commons is perceived as unprogressive and primitive; a destructive approach that has harsh consequences for the communities that rely on fishing and equally severe
consequences on the resource itself. Fisheries policy experts in Canada accepted the TOC a priori and argued that the only way to counter the chaos of common property was to formalize private ownership in the industry. Whether or not the TOC ever represented an accurate depiction of reality, it nonetheless became the foundation for Canadian fishing policy in the 1970s. The federal government adopted a specific view of private ownership, in terms of exclusive access through quota and licenses, that was an essential intellectual buttress to this project (Kirby 1982: 191-223; Wade 1987: 95-106).

An attempt at privatization within the fishing industry has been long underway (Wherry 1982; Clement 1986; McCay 1994, 1996). To entice inshore fishers to partake in the lobster fishery and other ground fisheries, the federal government in 1947 established a modernization plan in Atlantic Canada (Kearney 1993: 10). This altered the organization of the fisheries and of fishing communities. While the canneries brought a new social-economic relationship, employing women in the processing plants and proletarizing both men and women, the modernization programme completed the paradigmatic shift and changed the entire fishing industry (ibid: 107-08). The federal government made capitalization of fish fleets with the objective of raising incomes a priority. This transformed fishing from a seasonal, self-sufficient enterprise into an intensive, market oriented one. This was an on-going change that had started with the 19th century lobster cannery. The idea was to create an economically efficient industry geared toward centralization and the
offshore trawler fishery, and a more competitive yet stable, streamlined, and prosperous fishery (Davis and Thiessen 1988: 69).

This movement intensified in the lobster fishery in Canada in the 1970s. Since the 1970s, the federal government has regulated a strict license/boat size requirement in the lobster fishery as part of the rationalization of this particular fishery. The intent was to create a lobster fishery that operated on the principles of free enterprise that could be both an inshore and offshore venture and avoided the perceived threat of the TOC. However, while the initial licensing fee was nominal, about $5, the outlay for new and larger vessels was formidable, $40,000-$60,000. The Atlantic provincial governments established a loan programme to assist the lobster fishers with new equipment, but even so this created an exclusive industry in which only the most wealthy could participate and survive.

Since aboriginal issues fall under the auspices of the federal government, Mi'kmaq and Maliseet fishers were excluded from the provincial boat loans. The aboriginal fishers could not get loans from banks without collateral property such as a freehold house and land. Moreover, licenses were often tied to the purchase of a retiring fishers' boat which also made them costly ventures. Aboriginal fishers, prevented from partaking in the license and boat purchasing programmes, were placed on the outside of the lobster fishery, looking in.

What has added to the stress in the fishing industry overall is that the management schemes employed by the federal government have been built
upon a faulty premise from the outset. The tragedy of the commons paradigm places all the onus on the independent, small scale fisher, blaming fishing techniques for the depletion of resources, but the TOC argument ignores the deleterious effects on the various communities of the Atlantic region brought by modernization and industrialization. The TOC paradigm, "omits important behavioural motivations and situations and provides an incomplete and sometimes misleading model with which to understand fishermen or formulate policy" (Feeny et al. 1996:189).

People have been displaced from the industry not because the commons is an impractical way to do business, but because the various fisheries have become highly industrialized, capital-intensive endeavours, i.e. fishers and their communities have been turned into capitalists (owners and workers), and the federal government has initiated and sponsored this transformation. A contradiction is inherent in the TOC model because private property and conservation do not always go hand in hand. As profit margins become more important to private interests, the issue of sustainability becomes a secondary consideration (Feeny et al. 1990: 9). In other words, the tragedy of the commons perspective may exacerbate the conditions that it sets out to ameliorate because fishers see regulation as an attempt to take away their rights to fish and so make every attempt to fish out what they can when they are permitted (Seabright 1993: 113-134).

The reorganization of labour, the development of a vertically integrated, regulated industry, improvements in technologies and equipment, and an
increased national and international fishing presence in Atlantic Canada has not led to economic viability but instead has precipitated the grievous collapse of several modern day fisheries, most notoriously the cod industry (Dunne Report 1990; *Atlantic Report* 1990), and the displacement of many Atlantic Canadians. The federal government of Canada has practiced a top-down style of management in the fisheries that confuses macroeconomic goals with the overall social-cultural health of the community, and this has led to uneven development in the Maritimes (Sacouman 1980: 239). While many people have suffered great hardships during this period, other interests—certain individuals and corporations—have profited handsomely (Kearney 1993: 76). The class system in the fishery has developed into a group of “haves,” who vigilantly guard their fishing territories and licensed rights, and “have-nots,” those excluded, having but faint hope of ever participating in the fishery. Through federal fishery policy, the Mi’kmaq and Maliseet have fallen ever more into the latter category.

In Atlantic Canada, the contradiction between privatization and sustainability has resulted in a great deal of economic disparity felt by many, especially those people of aboriginal descent (Sacouman 1980: 232-245; Matthews 1983: 194-215; Christmas 1998: 43-48). In this region, aboriginal peoples have always endured the most through the proletarization of the workforce, expressed succinctly in terms of last hired, first fired (Upton 1979: 173-174). In places like Burnt Church, where the fishery was whittled away through the increased regulation of the industry, aboriginal unemployment has
run as high as 80-90%. Opportunities have been few for many aboriginal peoples in Atlantic Canada, and they have slowly been forced out of sectors of the economy in which they had traditionally held a stake. Consequently, the Mi'kmaq and Maliseet have been forced to look for ways to insinuate themselves into the economy, to make a living and to rejuvenate their communities.

As noted, to regain a foothold, aboriginal people have made challenges through the courts, supplemented by historical evidence that supports inherent Mi'kmaq rights and treaty rights in the resource sector (Coates 2000). Donald Marshall's actions were taken within this framework. Marshall's efforts must be contextualized within the historical and economic circumstances that have prevented the Mi'kmaq, the Maliseet, the Passamaquoddy and other aboriginal peoples in the Maritimes from pursuing a livelihood. The same pressures felt by many non-aboriginal fishers within an increasingly rationalized industry have been felt exponentially in the aboriginal communities. The return to treaties and land claims has been an attempt to gain back what has been lost.

This section concentrated on the circumstances under which Donald Marshall acted, i.e. the proletarization of the Atlantic fishing industry, the marginalization of the Mi'kmaq, and the historical relationship between the Mi'kmaq and non-aboriginal peoples in Atlantic Canada. The intention was to establish a background for comprehending the motives behind the aboriginal fall lobster fishery and the reactions that ensued. Both aboriginal and non-
aboriginal communities in Atlantic Canada have endured privations with the rationalization of industry, and while the Maritimes have become marginalized within Canada, the Mi'kmaq and Maliseet have become marginalized within the Maritimes. The aboriginal fall fishery during a closed season was a significant attempt to reassert aboriginal treaty/communal rights in an increasingly privatized and exclusive fish industry. Hence, the fall fishery was as much a class struggle and an example of capitalism in action, as it was about aboriginal and non-aboriginal cultural differences.

This brief history of the region and of the rationalization of the fishery, while only a gloss, was meant as a means to contextualize the Marshall decision and the news that surrounded that decision. In the next chapter the Marshall decision is revisited along with the topic of news.

1.5 Summary

In this chapter the modernization of the Atlantic fishery was examined in context with the history of Mi'kmaq and non-aboriginal relations. The rationalizations used to modernize the fisheries—issues of privatization, ownership, profitability, and exclusion—parallel the history of colonization of the Mi'kmaq. The dispossession of the Mi'kmaq intensified with the modernization of the fishery and, as Mi'kmaq people became more distanced, more proletarized, they became more politically active and fought to preserve their rights. Historic treaties have represented one such path used by the
Mi'kmaq and Maliseet to regain a foothold in the socio-economics of Atlantic Canada.

The thumbnail historical sketch presented in this chapter was meant to provide some background to the Marshall decision and to place the news that surrounded the Marshall decision into context before proceeding to an analysis of news. In the following chapter, the parameters are established for the discourse analysis of news. The chapter begins with a definition of news and several related keywords and is then followed by a discussion of methodology.
CHAPTER 2
THE DEFINITION OF NEWS AND THE METHOD OF ANALYSIS IN THIS THESIS

There is so much to be said in favour of modern journalism. By giving us the opinions of the uneducated, it keeps us in touch with the ignorance of the community—Oscar Wilde (1962)

News is about the economic, political, social, and cultural hierarchies we call nation and society. For the most part news reports on those at or near the top of the hierarchies and on those at the bottom...who threaten them, to an audience, most of whom are located in the vast middle range—H. Gans (1979)

2.1 Chapter overview

This chapter is divided into three sections. The first section presents definitions of keywords used in this chapter. This leads to the second section—a definition of news. The third section presents the methodology—van Dijk’s (1984; 1985; 1988a; 1988b; 1991) discourse analysis of news. The intention in this chapter is to provide a sense of how news is understood in this thesis and to contextualize that understanding of news before proceeding to the analysis of specific news stories from the two newspapers, the Miramichi Leader and the Globe and Mail.

2.2 Keywords defined

Several news related terms used in this thesis need to be clarified at this stage:

News episode—This is a category I have constructed for purposes of the analysis. News episodes are a collection of related, individual news stories
taken from each newspaper that, in this thesis, form part of the overall news narrative surrounding the Marshall decision.

**News event**—This refers to any incident or episode considered newsworthy by news producers. These are events that fit a predetermined news format. Good examples of this would be a press conference or reportage of a dramatic event, such as an accident or disaster. It is not the event that matters as much as whether that event can be transformed into a news story.

**News item**—This term refers to a specific type of news story, i.e. daily news reports that typically are printed in the hard news section of newspapers. News items are news stories that are concerned with facts, usually derived by a reporter or journalist through second-hand information (Bell 1991: 52). This distinguishes them from other types of news writing, such as editorials, commentaries, or letters-to-the editors.

**News producer**—The term news producer is used to denote the institutional aspect of news. It includes the individuals, i.e. the reporters, the journalists, the copywriters, the editors, the printers, and the owners that are responsible for producing the news at a given news outlet or news publication.

**News story**—This refers to on-going news episodes relayed through all forms of news writing: commentary, editorial, daily reports.

**Newspaper**—A newspaper here refers to a widely distributed, mainstream news publication issued within a defined format and published according to a schedule, i.e. daily, weekly, monthly. Mainstream refers to newspapers whose reportage on current episodes is ostensibly objective and balanced. The
perception of neutrality lends an air of authenticity to the information provided by these news outlets, which are market driven information providers, highly dependent on advertiser revenues.

This is not a complete list of terms in this thesis, and other terms will be defined as they are encountered in the text. However, a definition of these terms was necessary before proceeding to a discussion of news.

2.3 News defined

The assertion in this thesis is that news is a social text and that the structure of the written text reveals the unconscious systemic processes through which knowledge is imparted. From Park's (1940: 669) seminal definition:

News is "something that will make people talk," tends to have the character of a public document, and is characteristically limited to events that bring about sudden and decisive changes. Exclusive attention to some things inhibits responses to others resulting in a limitation of the range and character of the news to which a society will respond collectively or individually. The function of news is to orient man and society in an actual world.

In other words, news is the end product of a complex process which begins with the sorting and selecting of events and topics according to a socially selected set of categories (Fowler 1991: 12). News is not something that is found or gathered, nor is news a means to convey neutral or value-free facts about the world. Rather, news is a cultural project, and is a practical accomplishment created through a journalistic process that is oriented to a marketplace (Philo 1983). News, therefore, is a way of knowing and, as a way of knowing, is inherently ideological (Tuchman 1978: 178).
The term ideology in this sense refers to knowledge that is historically and culturally situated (Tuchman 1978: 178). Because news is a type of knowledge delimited by the historical and cultural manner in which that knowledge is obtained and relayed, much of what is presented in news is implicit (van Dijk 1988b: 107). In other words, news constructs reality such that the concept of the everyday world is constituted by its taken-for-grantedness (Tuchman 1978: 189). McQuail (1983) offers a concise description of news that illustrates its implicitness: (i) News is timely. It is about recent events; (ii) News is perishable. Its value as a commodity relates to its immediacy; (iii) News is unsystematic. It deals with discrete unrelated events; (iv) News is concerned with the unusual or the unexpected. It covers the unique or offbeat; (v) News is predictable. Within the realm of the unusual, news centres on those types of events that consistently reappear: conflicts, accidents, prominent personalities, politics, etcetera; (vi) News has relative value for its audience. Its impact depends on the physical or psychological proximity of the audience to events. Hence, news is significant because it imparts to occurrences a "public character" as it transforms mere happenings into publicly discussible events (Tuchman 1978: 3).

To transform mere happenings into discussible events, a news producer must create an affinity between the news and its intended audience. The success of any news producer is determined by how that affinity is created within a marketplace, i.e. a news producer must be able to produce its news and get that news to the consumer in a timely and organized fashion. As
the news media attempt to accommodate significant and disparate events, news tends to simplify and reduce the complex issues surrounding the diverse events to digestible and recognizable narratives. In other words, the unpredictability of real events leads to the production and reproduction of reified images in news as a consequence of the need to construct reference points in an ever shifting social-cultural milieu. To borrow a cliché, in the telling and selling of news, the more things change, the more they remain the same.

The dualistic narrative represents one of the most direct mechanisms used by news producers to create an affinity with an intended audience (Davis 1985: 43-59). These narratives rely on readily recognizable distinctions, specifically that between a well-defined protagonist/antagonist. The newsworthiness of any event becomes dictated by this conceit, and an event is more likely to become news if it fits the criteria of a recognizable and predictable news format. Through this process, the information content of news tends to become a predictably structured artefact or routine of professional and stylistic practices that tends to resolve the world into simple binary distinctions: violent, nonviolent; extreme, reasonable; normal, abnormal; good, bad, based on an assumed identification of interest and perspective with the audience (Davis 1985: 43).

As a dualistic narrative that relies on culturally recognizable distinctions, news contains an element of the mythic. According to Leenhardt (Clifford 1982: 181), "Myth juxtaposes images, it does not classify; it interprets rather than squarely represents." This is expanded upon by Wagner (1978: 255), "A
myth, a metaphor, or any sort of tropic usage is ... an episode—a dislocation, if you will—within a realm of conventional orientations." News and myths are forms of heightened reality and news, like myth, is a way of transforming mere "happenings" into "events" that temporally or permanently alter the status quo. News documents changes in the social, political, and economic realms, and attempts to instill a sense of order on discrete, unrelated episodes (McPhail and McPhail 1990: 118). Similar to myth news marks an attempt to reconcile differentiations between humans and their surrounding world (Hugh-Jones 1979: 248), and in telling and retelling these socially significant stories news, like myth, depends on culturally embedded tropes, stereotypes, and metaphors. News, like myth, is a medium for communicating and negotiating ideas of the individual and the group within a larger social matrix.

As news attempts to reconcile current episodes within a predictable and commercial model, news writing, similar to myth, is placed "outside of time." This placement outside of time is ironic since news is often defined, as alluded to above, through its constraints of time and of space (McQuail 1983). News is about current episodes and the marketplace, so news must be produced for immediate consumption and sale. Getting the news to the market in timely fashion or in the "specious present" (Park 1940: 676) is vital for the news producer, so news is produced with immediacy and urgency, and little self-reflection. Space is also a concern. News items are restricted in length because news producers can only allot so much space to each news item, and as news is a collective enterprise, following strict guidelines is imperative. This
means that news writing has a tendency to adhere to identifiable and familiar scenarios, actors, and narratives. The burden placed on news by time and by space, means that news looks outside time, to universal metaphors or cultural markers to relay its messages. The reliance on a stock of cultural images and symbols means that news represents an interplay between macrostructure, the higher level of meaning behind a classification system, and microstructure, the expression of that classification system in a social-cultural milieu (van Dijk 1985: 69-93).

Hence, news writing, like good story telling, becomes a process of imparting order and meaning to events and experiences. It is an act of signification, the composing of a bounded narrative told as fabula, a series of logically and chronologically related episodes that are caused or experienced by actors (Bal 1997). Narrative delineates the issue to be solved, outlines action taken, evaluates that action, provides resolution, and qualifies the changed relationships. Thus, the news story is an interpretation of the phenomenological world narrated within socially prescribed frameworks that juxtapose and resolve the contradictions between subjects and objects. It is the act of creating order and assigning symbolic value to the randomness of reality. Moreover, news becomes a complex entanglement of real reality and fictional reality that leads to a form of implicit knowledge gathered by professionally validated methods that specify a relationship between what is known and how it is known (Tuchman 1978: 82; Luhmann 2000: 82). As Tuchman (1978: 82-83) writes, “unlike more rigorous and reflective
approaches to facticity, news work is a practical activity geared to deadlines
.... In news, verification of fact is both a political and a professional
accomplishment. "News writing, therefore, is more than a chronicle of events.

How do the implicitness of news and the complex entanglement of
fiction and truth impact an analysis of a newspaper? It means that newspapers
are important not as sources of information, but for how they organize and
transmit that information to the public. As Van Dijk (1985: 81) notes:

The themes of the news text are not only relevant in the construction of a general
meaning structure of the text itself, the "text base," but also have an important
role in the activation, retrieval, and transformation of situation models in memory.
In general, high level topics of text may also become high level topics
(macropropositions) in the representation of a model. Conversely, what we have
represented as high level "definition of a situation" may be used to construct
topics for a text.

Van Dijk (1985: 69-93) maintains that, while the content of a newspaper is
important, the most significant aspect of news is the way that the content
reflects the news format, and the way that the format of news relates to larger
social scripts. Newspaper writing is an interplay between social script, the
author function (Foucault 1988: 196-210), and shifting dominant values,
chronicling for posterity fleeting moments in time (van Dijk 1985: 81). This
means that a newspaper is the product of many social forces—the politics of
the specific newspaper, the institutional and bureaucratic standards of news,
and the larger social setting in which the news is produced (van Dijk 1984;

The newspaper represents a format for relaying information about
current, usually unanticipated, events. The journalist reports about ever
changing circumstances in the real world—as in this thesis a Supreme Court
decision and the succeeding events arising from it—so each column is written as an original creation. However, the communication between journalist and audience is mediated through a written structure, the newspaper, that determines how the information will be imparted. Newspapers are written within cultural and institutional frameworks, but the transitory nature of the medium means that the communication with the audience is continuous. Each new edition of the newspaper marks a new moment in time as the newspaper addresses unfolding episodes and happenings. In other words, newspapers are part of an evolving discourse that traces change in social values and mores, but the discourse takes place within a recognized and enduring structure, a discursive “frame of reference” (Park 1940: 670).

By defining news as a complex process through which information is socially selected and sorted, and by defining newspapers as the discursive forum through which this sorting takes place, what is being asserted is that news events are less important to a sociological survey than the way events are ordered, shaped, fixed, and presented within a pre-existing format. In this sense, a newspaper may be viewed as an expression of the relationship between langue and parole. Langue refers to the pre-existing linguistic plan into which each member of a society is born, and parole represents the unique, original, and individual act of speaking (Saussure 1966: 6-17). Langue is not a function of the speaker, but a product passively assimilated by the individual; conversely, parole represents an individual act, willful and intellectual (ibid).
From this understanding of news, the discussion can now move to a consideration of methodology. The methodology is grounded in van Dijk’s discourse analysis of news. The discourse analysis that is proposed in the next section was derived to address the dualistic aspect of news—the recognition that newspapers mark a dialectic between langue and parole; order and chaos; structure and function.

2.4 Introduction to Van Dijk’s method of discourse analysis

Van Dijk (1985: 76) combines the structuralist principle of oppositions within a social cognition model to uncover macrorules, the abstract higher meanings of a text, derived from the complex detail of a newspaper text. Van Dijk’s structuralist/social cognition approach insinuated that greater truths can be extrapolated from the written news text. The newspaper, as a cultural artefact, is an expression of the socio-cultural milieu in which it is produced. Through the text of news, the collective social values are revealed and the ethos/ideology of a society is laid bare. In their role as gatekeepers, newspapers aid in determining how those social values will be arranged, and news producers dictate the form knowledge takes in their newspapers (van Dijk 1991: 27-43).

Structuralism is about social-cultural structures of signification, i.e. the ways that societies categorize and organize the world through symbolically rich and arbitrary systems of language (Leach 1985: 95-111; Lévi-Strauss 1966: 186-205), while social cognition refers to the socially embedded
schemas and patterns that groups use to recognize and make sense of the world around them (Quinn and Holland 1987: 193-265). Social cognition relates to the collective psychological impulses that lie beneath expressions of culture. Hence, social cognition explores how a person or society knows and how a society organizes and transmits knowledge to other members through time and space. By comparison, structuralism explores the deep structures assumed to be the foundation of human cognition. In other words, social cognition and structuralism both focus on the relationship between culture, cognition, and language. Whereas social cognition is concerned with the composition of knowledge, i.e. how knowledge is learned, stored, and retrieved, structuralism focuses on the symbolic manifestations or meanings of that culturally constructed knowledge.

Social cognition is implicit in a structuralist approach, exemplified in Lévi-Strauss (1963) where mental constructs are transformed into classificatory systems through which people think and enculturate the natural world. However, social cognition needs to be considered separately here because of three notions, schema, narrative, and metaphor, each of which play a role in representing knowledge in a presupposed world (Quinn and Holland 1987: 193-265). Schema, narrative, and metaphor are central topics in cognition theory, acting as an ensemble through which episodes are constructed, ordered, and made meaningful.

Schemas are simple models of culturally specific knowledge which inform perception and individual knowledge (Bartlett 1932). They refer to the
knowledge taken for granted in order that one can pay attention to the less predictable aspects of life (Quinn and Holland 1987: 22-25). Moreover, schemas are the backdrops against which cultural narratives, i.e. accounts, reports, or stories that relate and link episodes, develop. Metaphor, as a figure of speech, is a sub-category of analogy and is used to create recognizable connections between cultural schemas and narrative. The metaphor is a typification through which tropes and themes merge seamlessly within a schema to mold predictable and recognizable social narratives from random circumstances.

Van Dijk expresses this relationship in his analysis in the form of a structuralist homology, themes : schemes :: microstructures : macrostructures. This homology plays a central role in the news analysis of the Marshall decision that follows. By themes, van Dijk (1991: 26) means the topics or subjects discussed at the “local” level. This refers to the telling of a specific story or the relaying of a specific episode. However, the story or episode derives its meaning from the framework in which it appears and, therefore, must be part of a larger context—a scheme. Van Dijk (1991: 49) elaborates on scheme, defining it as a series of hierarchically ordered categories that may be specific for different discourse types. What is most important about schemes is that they are conventionalized and manifest themselves differently in various circumstances.

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5 Typifications are literary devices used to rationalize the world in which we live. Typification refers to classification in which the relevant characteristics are central to the solution of practical tasks or problems constituted in everyday activities. Typifications are embedded in and take their meaning from the settings in which they are used and occasions that prompt their use (Tuchman 1978: 50).
societies or cultures. Narratives and academic theses are examples of types of schemes that may or may not be reproduced along similar lines in various cultural settings at various moments in time.

According to van Dijk (1991: 26-49), a story and its corresponding schema at the local level are reflections of larger, global themes. In other words, stories are not isolated units, and their reference points are familiar cultural markers, linguistic categories, and grammatical devices that make a story immediately recognizable and authorial. The global themes are expressed through microstructures, the sentence forms, meanings, and speech acts embedded in an episode or story, which are then transformed into macrostructures. Macrostructures are the overarching ideological or hegemonic\(^6\) paradigms that reduce and generalize stories to create thematic coherence. This reduction is accomplished in three ways: 1) Macrostructures delete all the information no longer relevant, such as local details; 2) Macrostructures take a sequence of propositions and replace them by one generalization; 3) Macrostructures construct an overall episode by its constituent details. For van Dijk (ibid: 64), the themes expressed in any news story are an expression of an overall social script, full of implicit information. Ricoeur (in Ebersole 1995: 190) succinctly summarizes van Dijk’s approach to news,

Our own existence cannot be separated from the accounts we give to ourselves. It is in telling our own stories that we give ourselves an identity. We recognize ourselves in the stories that we tell about ourselves. It makes very little difference

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\(^6\) Hegemony refers to dominance and subordination in the field of relations structured by power (Lull 2000: 48).
if these stories are true or false; fiction as well as verifiable history provides us with an identity.

Van Dijk argues that through this association, *themes : schemes :: microstructures : macrostructures*, the news media transform an acquaintance with information into knowledge of an event. In the analysis of the Marshall decision news stories, van Dijk's homology will be utilized as follows:

- **Themes.** This will refer to the topics embedded in the news stories surrounding the Marshall decision. The themes of the news are discussed in Chapters 3 and 4.

- **Schemes.** This will refer to the formulaic presentation of both newspapers, the *Miramichi Leader* and the *Globe and Mail*. This means the structure of the news: news items, editorials, and commentaries and the way these things appear in the final product, the newspaper. Schemes will be elemental to Chapters 3 and 4.

- **Microstructures.** This refers to the themes within a larger Canadian context: Aboriginal—non-aboriginal relations, aboriginal rights, land claims, the burden of history, and the role of government. This topic was glossed in Chapter 1.

- **Macrostructures.** This will mean the way that reality is socially constructed within a dominant ideology. The analysis of the Marshall decision news stories intends to show that aboriginal issues were understood within the context of colonialism and neo-colonialism, expressed through a dichotomous narrative. A consideration of macrostructures forms the bases of Chapters 5 and 6.
To illustrate how an acquaintance with information is socially constructed, van Dijk's methodology relies upon a discourse analysis approach to news. The next section elaborates on van Dijk's approach to discourse analysis, while outlining how the discourse analysis of the Marshall decision news stories will be conducted.

2.5 Definition and application of discourse analysis

Discourse is about form and process as a perpetual act of negotiation as much as it is about content and permanence. As Schiffrin (1994) explains, discourse analysis draws on theoretical resources from several intellectual traditions and builds on earlier work in sociolinguistics, the ethnography of speaking, community, and performance approaches to language. These approaches distinguish themselves by concentrating on the dialogical processes through which persons, social institutions, and cultural knowledge are socially constructed through spoken discourses and other signifying acts.

Burr (1995) elaborates on the above by saying that discourse is a set of meanings, metaphors, representations, images, stories, statements and so on that in some way together produce a particular version of events. Discourse refers to a particular picture that is painted of an event (or person or class of persons) at any moment in time. Burr (ibid: 48) maintains that if we accept the view that a multitude of alternative versions of events is potentially available through language, there may be a variety of different discourses surrounding any one object, episode, or person, i.e. a different way of representing it to the
world. The dialectic between sign and signified is the essence to
understanding how discourses develop, and though common sense categories
are constituted through language, the meaning and use of any particular term
is contextual and negotiable (Schiffrin 1994: 232; Dignam 1997). Discourse is
something that is momentarily reified, yet is also an ongoing process,
constantly evolving. In essence, discourse represents the dialectic between
the social and the cultural.

The assumption in the analysis in this thesis is that a larger social
discourse, in terms of a macrostructure, is revealed through news reportage.
In this case discourse is revealed on two interdependent levels, one self-
reflexive and the other socio-cultural. First, discourse refers to the text of the
newspaper in which news stories are written as narratives produced to
conform to a news paradigm. Following Mageo (1992: 69), “Narrative
discourse is triadic in its structure where meanings are continually in flux,
frozen temporally only to be renegotiated in relation to a new cast of
characters in the next.” Second, discourse refers to the underlying meanings
of a news text, or the larger social-cultural context in which a news story is
written. As Burr (1995: 50) writes,

...a discourse can be thought of as a kind of frame of reference, a conceptual
backcloth against which our utterances can be interpreted. So there is a two-way
relationship between discourses and the things that people say and write:
discourses show up in the things peoples say and write, and the things we say
and write are, in their turn, dependent upon the discursive context in which they
appear.

In this regard, discourse is about the conundrum of language, the possibilities
that lie behind each textual or social expression and the conformity of thought

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that a language demands (Taylor 1985). Or as Foucault (1970: 52-64) noted, discourse is not simply about that which translates struggles or systems of domination, but is the power to be seized.

While not a Foucauldian analysis, this thesis is premised on the assumption that words and the way that words are organized through texts exercises control and intellectually colonizes various Others (Said 1978), in this case the Mi’kmaq living in Atlantic Canada (Hartley and Montgomery 1985: 260). Newspapers are in the business of selling social constructs perpetuated through adversarial narratives manufactured for market consumption. Hence, the manner in which news stories are put together matters, even when each news story is open to multiple interpretations.

What is therefore important about discourse analysis vis-à-vis news media is that it points out discrepancies in power between those who control the telling of the news and those who are its subjects. Discourse examines how power remains beyond the grasp of any marginalized group, while attempting to discern the agendas behind the text. Subsequently, the analysis in this thesis is intended as an analysis of the bureaucratic, institutional, and social contexts that determine the form news takes as a finished product. Hall (1977: 150) writes,

> the troublesome question is the matter of unwitting bias; the institutional slanting, built in by the steady and unexamined attitudes which, via the mediating structure of professionally defined news values, inclines all media towards the status quo.

By examining the discourse in two newspapers, a national and a local publication, the intent is to illustrate points of articulation within the two
newspapers and to comprehend these within an overall news structure and
cultural context.

According to van Dijk (1991: 36), a news discourse is the product of
social processes and social cognitions that function dialogically at both the
macro and micro levels of a society. This means that newspapers are a social
institution through which cultural episodes are “entextualized,
decontextualized, and recontextualized” (Farnell and Graham 1998: 413). The
news discourse surrounding any one story presupposes a news paradigm that
places that episode within a context of previous episodes, reactions, and
expectations. News stories tend to be decontextualized, marked out as
bounded social facts, then recontextualized, forced to fit news models. Within
this framework the question “what has been omitted?” becomes as important
as “what has been included” (Bernard and Ryan 1998: 605; Tuchman 1978:
5). While newspapers are successful in telling their news stories, newspapers,
because they rely on format over content, tend to construct versions of the
truth that are skewed and ignore alternate, equally valid versions of episodes.

Recognizing that the news text is a mosaic of citations of other cultural
texts—integrated and reworked by the practices of signification at other levels,
i.e. the economic and the political representing and producing new levels of
meaning (Hall 1980)—the challenge in the analysis that follows is to
demonstrate the extent to which van Dijk’s thesis applies to the Marshall
decision news stories in the Miramichi Leader and the Globe and Mail. By
emphasizing language and social context in the news, the focus of the
analysis is upon “the dialogical processes through which persons, social institutions, and cultural knowledge are constructed through spoken language and other signifying acts/forms…” (ibid: 411).

Following van Dijk (1984, 1985, 1988a, 1988b, and 1991), the discourse analysis will be conducted in two parts. The first part of the analysis is more technical and each news story is considered according to the following components:

A) Structure of the news stories, which will include:

- Story placement in relation to other stories within the newspaper. For example, higher profile stories appear near the front of the newspaper in the hard news section, while lesser profile stories are typically placed nearer the back of the newspaper.

- Headlines. Headlines are an organizing principle for the representation of any news event in memory (van Dijk 1991: 50). According to Bell (1991: 147), 60% of all newspaper readers read only the headers, so the headline must be written for maximum effect.

- Sub-headers add emphasis and summarize the article, and brings the audience closer to the “model of the situation” (van Dijk 1991: 50).

- Opinion page editorials are meant to add substance and viewpoint to the factual news items. What is said in these brief columns often adds insight into the political position of the newspaper, i.e. they define, explain, and place the news in a moral context.
B) Language use and grammar, which will focus on:

- Word choice of news producers. Certain words are consciously chosen to convey specific messages. For example, agency can be assigned or negated depending upon the choice of verb, active or passive, and the relationship between subject and object.

- Syntax. Sentences are short and emphatic. Paragraphs are written so that the most newsworthy events are always the most recent, and the most recent events appear first.

- Semiotics of news writing. News items often appear along with pictures. This allows for three levels of interpretation: i) the picture; ii) the accompanying caption; iii) the news item/ news story.

  The second part of the analysis will consist of a more abstract structural analysis that summarizes the textual analysis of each news episode. In this section, the various news stories that make up each news episode are considered as part of an overall narrative structure. The intention in this part of the analysis is to uncover van Dijk's' homology, themes : schemes :: microstructures : macrostructures, as expressed through the Marshall news stories.

  The analysis to be conducted on the two newspapers will involve a discourse analysis along the lines of van Dijk, but is also influenced by Campbell (1995). Campbell employed an interpretive method to examine how careful the British media were in their reportage of specific episodes, placing each news episode into a meaningful perspective. In his study of race,
stereotypes, and the news, Campbell discovered that positive stereotypes of the Other (Said 1978) were just as effective, if not more so, than negative images in advancing the dominant ideology of news producers (ibid: 62). Positive news stories about racial minorities tend to appeal to people who see themselves as progressive and liberal minded, but these news stories avoid substantial issues as readily as negative items. In this case, the media reproduced an image with which they believed the consumer felt comfortable. However, the positive images were born of the same epistemological inspirations and asymmetrical power relationships as the negative portrayals. Campbell concluded that positive news stories of minorities are often disingenuous because they appear to be enlightened and informed, yet they are still images produced and controlled by the outsider. Campbell’s notions of positive and negative stereotypes, and how these images are negotiated in news stories, will be important in the news analysis that follows.

2.6 Summary

Chapter 2 presented a definition of news and the methodology to be used in the news analysis of Chapters 3 and 4. The intention of the chapter was to demonstrate that news writing is a socially and culturally embedded form of storytelling, unique because of its dualistic nature—news writing is both a dynamic and static form of writing. A discourse analysis of news is a way of coming to terms with the dualistic nature of news and uncovering the narratives through which news stories are conveyed. That news writing is a
type of fiction, i.e. a social construction, as much as it is a conveyance of
objective fact appears to be obvious, but it is a truth that is often forgotten
when a discussion of news is entered into. With regards to aboriginal peoples
and the news in Canada, the social construction of news is a fact that should
not be ignored.

This chapter leads to the analysis of news stories from two
newspapers: the *Miramichi Leader*, a local publication, and the *Globe and
Mail*, a national publication.
CHAPTER 3

THE MIRAMICHI LEADER, A COMMUNITY NEWSPAPER

We lead. Let those who dare follow.

—motto of the Miramichi Leader

3.1 Chapter overview

This chapter is in three sections: The first section includes a brief description of the Miramichi Leader; the second section includes the textual and structural analysis of three news episodes in the Leader; and the concluding section summarizes the news analysis of the Leader.

The news stories analyzed from the Miramichi Leader have been divided into three news episodes. The category of news episodes was constructed to illustrate the narrative development in the Leader’s reportage, beginning with the initial story on the Marshall decision, September 21st 1999.

The news episodes represent three days of coverage from the Leader:

(i) News episode #1 consists of two news items from September 21st 1999. This was the first day of reportage and presents the newspaper’s initial response to the Marshall ruling.

(ii) News episode #2 is comprised of nine news stories that appeared on October 5th 1999. This was the edition of the newspaper published a day after the violence between aboriginal and non-aboriginal lobster fishers at the Burnt Church wharf in Miramichi, New Brunswick.

(iii) News episode #3 consists of three stories published October 12th 1999. This day’s coverage included the New Brunswick Family Day Awards dinner.

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held at Eel Ground, New Brunswick. The Family Day Awards was a ceremony honouring the achievements of various non-aboriginal and aboriginal citizens from across the province, and marked a coming together of aboriginal and non-aboriginal communities in New Brunswick. Through this item, the tone of news reportage reverted markedly from the conflict of Burnt Church to consolidation.

The news stories, chosen for the analysis from the forty Marshall related items printed in the Leader between September 17th-December 31st 1999, were selected for two reasons. The Family Awards news item appeared in sharp contrast to other news reports during this period. The questions surrounding the significance of this news story were the starting point for the analysis: Why was this news story included in the Leader and how was it related to other news items on aboriginal people during this period? These were two questions that required an answer.7

In this chapter and the next, the analysis appears in two parts. The first part consists of a textual analysis organized thusly: A) Arrangement of news stories and B) Language use and grammar. The second part of the analysis of each news episode is a structural analysis that summarizes the textual analysis. Each news story is presented alongside a short synopsis. The aim of the chapter is to illustrate that the manner in which the stereotyped images of aboriginal people were presented in the Miramichi Leader news stories during the September-December 1999 time frame under review.

7 Note: the news items are reprinted in Appendix 1.
3.2 Outline of the Miramichi Leader

The Miramichi Leader, published each Tuesday, is a medium sized weekly newspaper, circulation 7,500, servicing a fair sized region, the Miramichi, population 22,000. Locally owned and operated, the newspaper subscribes to the Audit Bureau of Circulations, an independent, self-monitoring program. The Leader is also affiliated with the Atlantic Community Newspaper Association (ACNA) and the Canadian Community Newspaper Association (CCNA). The ACNA comprises a membership of 162 newspapers, including about 20 New Brunswick papers, while the CCNA includes over 500 member newspapers. Membership in these two professional organizations marks the Leader as an accredited and certified newspaper, recognized nationally by its adherence to certain standards of journalism. The community newspaper’s mission is to provide a forum through which local concerns may be expressed in an open market. The newspapers embody the spirit of journalistic freedom, integrity, and independence, while seeking economic viability within small market settings.

According to Bright et al. (1999), community newspapers in Canada tend to complement and overlap the national press. By providing a forum through which local issues and concerns are expressed and discussed, the Leader is typical of community based newspapers across the country. Newspapers such as the Leader fill the gaps, providing regional perspective on news events to supplement the national viewpoint of larger newspapers such as the Globe and Mail. Smaller newspapers do not ignore or detach
themselves from the provincial or national audiences to which the larger newspapers cater. In fact, readers of smaller newspapers are likely to have read the national or provincial publications, yet require further information on how the stories impact upon them and their communities (ibid: 313). The *Miramichi Leader* represents a forum through which local stories are disseminated in the conventional style and language of print journalism.

It is in this context that the reportage surrounding the Marshall decision is considered. The Marshall decision represented a national story with immediate ramifications for the Miramichi, and the *Leader* provided the mainstream local perspective on the events during this period.

3.3 Textual and structural analysis of three news episodes in the *Miramichi Leader*

In this section, the *Leader* stories are examined according to the format outlined above: A) Arrangement of news stories, and B) Language use and grammar.

3.3.1 *Miramichi Leader* news episode #1: Textual analysis of two news items, September 21st 1999

In this section the first news item printed by the *Leader* after the Supreme Court announcement of September 17th 1999 is examined. This item is analyzed in its relation to another news item printed adjacent to it, the ongoing manslaughter trial of an aboriginal man, Percy Augustine.
September 21st 1999: news item #1

Court backs native right to sell wood [page 2], by Karen Gauvin Donovan.

**keywords: Supreme Court, treaty rights, resources, agreements**

The Supreme Court ruled that natives have a right to fish and hunt without a license and sell what they get to make a living. It may also give natives the right to harvest and sell wood without having to enter agreements with the province. All sides, the Provincial Government, the Department of Justice, the Department of Natural Resources, and the Mi'kmaq would have to decide the implications of the ruling.

Eel Ground Chief George Ginnish said it was good news for aboriginal people that someone has finally recognized their legitimate treaty rights, and that now all sides had to come together and negotiate a new set of rules and regulations.

The government spokesperson, Justice and Aboriginal Affairs Minister, Brad Green, said the decision would not affect the current agreements between the province and the First Nations communities with regard to woodcutting on public lands. The impact of the Marshall decision on similar cases before the courts was unknown, but Minister Brad Green said he welcomed the opportunity to meet and discuss the Marshall decision with aboriginal leaders.

A) Arrangement of the news story:

(i) Story placement. This news story appeared on the top of page 2, adjacent to a news item on a manslaughter trial. Even though this news article noted that the court decision would have an impact in the region, granting aboriginal peoples the right to sell wood, at this point the story was not a front-page item. The Supreme Court announcement was important enough to merit attention in a thirty two-paragraph news item, but lacked the sensational or graphic details to afford it a higher profile.

(ii) Headline. The headline was clearly stated and matter-of-fact. The header said that aboriginal peoples claimed a right and the court backed it up. The header did not mention the protagonist, Donald Marshall, or the eel fishery that the court ruling was based upon, but instead focussed on the implication the ruling would have in the lumber industry in New Brunswick. The header made
clear that the impact of the ruling on the pulp and paper industry in New Brunswick was more important than the impact upon the eel fishery.

Further, the header was a recognition of current developments in aboriginal rights. This story transcended an isolated case of illegal fishing and indicated a larger economic impact for the whole region: aboriginal people have the right to participate in the resource sector and this right has the legality of the courts. How these rights should be implemented within a regime of rules and regulations would need to be resolved.

B) Language use and grammar:

(i) Word choice. Inclusiveness, reconciliation, and co-operation were the themes of this news item. In the first paragraph “everyone involved” will need to find out what the decision will mean in “our woods” and “our river.” Aboriginal people, the Provincial Government, the federal government, and the courts will need to dialogue to determine how the Marshall decision will be implemented (paragraph 29). Chief Ginnish of Eel Ground said that while it was too early to tell what the Marshall decision would mean, it was “good news” (paragraph 7) and should lead to “negotiation...not litigation” (paragraph 10).

This sentiment was echoed throughout the article by various authorities. The Department of Natural Resources believed that the decision would not affect the Crown agreements already in place with 11 First Nation communities, although they had their “legal people” studying the decision (paragraphs 20, 21). Justice and Aboriginal Affairs Minister Brad Green said
that the decision would “serve as a guideline” (paragraph 27) in the future, while not impacting agreements already in place. Minister Green said that he “welcomes the opportunity to meet” and “to discuss” the decision with aboriginal leaders (paragraph 29).

The quotations attributed to the various actors in this item suggested rapport between the interested parties and gave the news item an overall positive tone. Aboriginal people, the Provincial Government, and the various departments appeared committed to implementing the Marshall ruling cooperatively.

Though a non-confrontational mood prevailed at this point, as the aboriginal fall lobster fishery had yet become a reality, the item did hint at possible tensions in the future, especially in George Ginnish’s statement, “I think everyone is saying negotiation is the way to go, not litigation” (paragraph 10). Moreover, there was a sense that the ruling could lead to future disputes, since Department of Justice spokesperson Bryan Whitfield said, “It is just too early to say what we’re going to do” (paragraph 18).

The distance between Chief Ginnish’s view that this was “good news” and the government’s position that there was need to “study” the decision illustrated the contrast between aboriginal and non-aboriginal perspectives, and the possibility for future confrontation. Ginnish, symbolically representing the archetypal aboriginal leader, stated that the Marshall decision was confirmation of rights aboriginal people knew they had. The Provincial
Government and department spokespeople said that the decision would need to be examined further before any acknowledgement of rights was made.

(ii) Syntax. The focus on the Miramichi overshadowed any details of Donald Marshall or the court decision, which were briefly summarized in paragraphs 4-6. This may have something to do with the Leader's format. The Leader is a weekly publication issued each Tuesday, thus the Supreme Court decision was already 5 days old by the time this news item was published. The particulars of the case and the Marshall press conference were already covered in other media, such as the Globe and Mail. The Leader provided a Miramichi perspective to augment what had previously been said and printed.

However, Marshall's past was not completely overlooked, "[H]e is the same man who spent years in prison for a murder he didn’t commit" (paragraph 4). This connection between Marshall and previous prison time allowed for the possibility of a less favourable interpretation of the Supreme Court ruling. The importance of the Marshall decision to the Miramichi was recognized from the outset and the implications beyond the eel fishery were noted: "The decision is in, now everyone involved must try to figure out what it will mean in our woods and on our river" (paragraph 1). And, "It may also give natives the right to harvest and sell wood without having to enter into agreement with the province" (paragraph 3). The news item expressed two currents of thought. On the one hand Chief Ginnish, representing the aboriginal perspective, said that the courts confirmed what had been already known: "They've had a task force, but the present government hasn't picked it
up" (paragraph 8). On the other hand Minister Brad Green presented the Provincial Government's view that agreements signed with the First Nations communities remain valid, “For the moment, according to an initial analysis of the Supreme Court decision, there does not appear to be any need to review those agreements” (paragraph 25). The two views showed that a point of departure could arise between the various interests and contextualized the guarded optimism of this news item.

The focus on natural resources, especially the issue of access to wood on Crown lands (paragraphs 11-29) and the access to fish and to hunt, illustrated how current the topic of aboriginal rights in the Miramichi was at the time of publication. The Marshall decision was one of several court challenges put forward by aboriginal peoples in this region, and the Leader was quick to draw a connection between the Marshall ruling and parallel cases before the courts: “It is not known what kind of impact the decision will have on Miramichi court case involving eight Burnt Church men” (paragraph 30). The above case involved eight men charged with catching lobster without a license and was, at the time of publication of the Leader, before the Provincial Court. The lobster fishery was already an area of great dispute in the Miramichi and this contention was immediately noted by the Leader's coverage.

In summary, this first news article suggested that the Marshall decision would be significant in many areas in the Miramichi, and may mean some uncertainty in the future, but that the implementation of the decision should not
create much upheaval in the various natural resource industries. The news
item, in fact, emphasized collaboration and community over confrontation.

*September 21st 1999: news item #2*

Court due to rule in Augustine case [page 2], dateline Miramichi
*keywords*: murder, trial, guilty verdict, appeal

The story reported that a decision was expected that day on a murder
case that had been before the courts for years. Percy Augustine was twice
convicted of manslaughter in the stabbing death of Terrance Martin on the Burnt
Church Reserve in July 1996. He was last given a conditional sentence of two
years less a day to be served in the community. Augustine claimed he was not
guilty, the Crown believed he deserved a ten year sentence.

The prosecutor, Jack Walsh, said the sentence was too light and the
judge gave too much weight to rehabilitation at the expense of retribution, while
Augustine’s lawyer said that the judge failed to consider evidence directly related
to the guilt or innocence of Augustine. Augustine has three previous convictions
for crimes involving violence and served a sentence of 12 months in 1984 for
sexual assault.

A) Arrangement of the news story:

(i) Story placement. The story appeared on page 2, below the previous news
item. The story placement was significant. This news item paralleled the above
item and was also about aboriginal people vis-à-vis the justice system. The
two items demonstrated thematic continuity. Both involved aboriginal males,
charges of murder, claims of innocence, court trials and retrials.

(ii) Headline. The headline produced symmetry between this news item and
the one above by placing the court in the subject position in each item, “Court
backs...” and “Court due to rule....” For local readers, the fact that both these
cases involved aboriginal peoples and the courts would be ascertained
immediately.

By referring to the trial in familiar terms as the “Augustine case,” the
newspaper implied that its readership was acquainted with the particulars of
this case. This was a local, continuing news story, a story that many of the

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newspaper's consumers would have followed, and therefore Augustine's name was recognizable to the reader. This was a more sensational story than the previous news item, defined by an act of violence and claims of innocence by the alleged perpetrator.

B) Language use and grammar:

(i) Word choice. The first paragraph said that a decision was expected in a "murder case" that had been "before the courts for years." The New Brunswick appeal court had reserved judgement on a "convicted killer who has always said he is innocent" (paragraph 2) in the stabbing death of a man on the Burnt Church reserve in 1996 (paragraph 3). Augustine had been "convicted twice of manslaughter" (paragraph 3), but was appealing his sentence of "two years less a day to be served in the community" (paragraph 4). In this story, Augustine's actions were callous and an indication of a previous behaviour pattern. The possibility of a third trial along with the sentence of two years less a day appeared incongruous to the crime. The story then went on to describe the murder: "Augustine stabbed Martin twice in the chest with a kitchen carving knife" (paragraph 8), and the story ended by stating: "Augustine has three previous convictions for crimes involving violence and...sexual assault" (paragraph 11).

The language choice established thematic continuity between this news story and the first. Both news items reported on aboriginal men who had been charged with murder and claimed to be innocent. While the first story glossed over the particulars of the Marshall case, it included reference to Marshall's
past: "[H]e [Donald Marshall] is the same man who spent years in prison for a murder he didn't commit" (paragraph 4). Donald Marshall had been exonerated after spending "years in prison" (paragraph 4) convicted of a murder of which he was innocent. Percy Augustine was in the process of challenging a manslaughter verdict at the Provincial Court in a case that had been in the courts for "years" (paragraph 1). Augustine's first trial was "tossed out" based on error while the second trial found him guilty of manslaughter (paragraph 8). This was a conviction that satisfied neither the prosecutor nor the defence team.

The use of the term "murder" placed both these news stories in a particular category in which the protagonist was associated with heinous and unacceptable behaviour. Whether either man was guilty was less significant than the association of both men with the concept of murder. The connection was made that both Augustine and Marshall were aboriginal men and both had some experience with violence in their past.

Each news story solidified the theme of aboriginal people and the judicial system. Marshall was mentioned in relation to his previous unjust prison term, while Augustine, as the news emphasized, "has three previous convictions for crimes involving violence and served a sentence of 12 months in 1984 for sexual assault" (paragraph 11). In the first story aboriginals in conflict with the law were mentioned, including Donald Marshall, Joshua Bernard, an Eel Ground man, "charged with illegal possession of Crown wood" (paragraph 18), and eight Burnt Church men who were "charged with selling
lobster without a license in the early 1990s” (paragraph 31). An image of aboriginal peoples within a restricted frame of reference, as participants in various legal battles, i.e. in conflict with the state, was reinforced via these two articles.

(i) Syntax. The particulars of this trial were complex and outlined in paragraphs 4-10. Percy Augustine had been previously convicted of manslaughter in the death of Terrance Martin at Burnt Church, New Brunswick. Augustine was handed a conditional sentence to be served in the community of two years less a day (paragraph 4). Both Augustine and the Crown debated the court's ruling. Augustine maintained his innocence, while the Crown argued that the verdict was too lenient (paragraphs 5, 7).

The Augustine case offered a worthy topic for debate, retribution vs. rehabilitation (paragraph 10), but instead the article concentrated on the details of the crime (paragraph 8) of a “murder case” that was “before the courts for years” (paragraph 1). The news item could have delved into various issues about the prison system, including the topic of whether or not the penal system is an effective tool for re-training and socializing people who have breached a society’s norms. An editorial could have addressed the issue of high aboriginal incarceration rates, and it may have weighed the merits of alternate forms of justice, such as aboriginal forms that focus on healing over punishment. The news story avoided this type of analysis and instead presented a formulaic story of good and evil.
In summary, the textual analysis indicated that the Marshall ruling was presented by the *Leader* as an important story, but not a sensational one: there were no dramatic episodes to focus upon, thus lacking the elements to make it a front page item. The first news article was presented in the context of ongoing disputes in the natural resource sector and recognized that the decision transcended the initial court challenge, i.e. the eel fishery. The possibility of further conflict or social upheaval was central, as the item tried to defuse tensions by calling for reconciliation and negotiation over further litigation. However, the second item served to harden the relationship between aboriginal people and the justice system and highlighted other possibilities: chaos and violence. A structural analysis assists in refining this association.

3.3.2 Miramichi Leader news episode #1: Structural analysis of two news items, September 21st 1999

The intent in the following section is to demonstrate that the juxtaposition of the two articles was more than accidental, i.e. that there is continuity between the two news items, and that this relationship may be expressed through van Dijk’s homology, *themes : schemes :: microstructures : macrostructures*. To begin the analysis, each news story is segmented into three parts. This is done in Table 3.
### Table 3: *Miramichi Leader* news episode #1 in three structured segments

<table>
<thead>
<tr>
<th>Story</th>
<th>Segment #1</th>
<th>Segment #2</th>
<th>Segment #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court backs native right...</td>
<td>Marshall decision has altered the status quo in the natural resource sector (new order in Miramichi must balance aboriginals, non-aboriginals, nature, and conservation)</td>
<td>Aboriginal response: Chief Ginnish, &quot;Good news&quot; Non-aboriginal response: DFO, &quot;Doesn't change agreements&quot;; Gov't: &quot;welcomes opportunity&quot; (establishes parameters for disagreement between parties)</td>
<td>Future uncertainty: what happens to other, unsettled cases? (possible disputes)</td>
</tr>
<tr>
<td>Court due to rule...</td>
<td>Court ruling (symbol of law and order expected in a murder trial (extreme transgression of social norm))</td>
<td>An issue of retribution or rehabilitation (how does a civil society restore order)</td>
<td>A list of accused's previous crimes and anti-social behaviour (the possibility for continued mayhem without the intervention of the justice system)</td>
</tr>
</tbody>
</table>

Evaluating social disharmony with aboriginal people derived a connection between these two news items. In the first story, the possibility of a breakdown in rapport between the aboriginal and non-aboriginal communities dictated the direction of the story. The news item stressed the need for cooperation between the various stakeholders to prevent social disintegration, and in one
sense was a story about social accord. However, in emphasizing cooperation, the news story hinted at possible friction should there be disagreements among the stakeholders as to how to redistribute resources post-Marshall decision. The several aboriginal cases under review in the courts symbolized the breadth of the situation and the extent of social upheaval possible.

The inclusion of the second story magnified this point. In the second story, social disorder was displayed on a micro level, i.e. between various members of an aboriginal community. This second story served to show how far an individual could possibly go, and when projected onto the first accentuated certain motifs: i) aboriginals within the justice system; ii) aboriginal males as prone to violence; iii) aboriginal women as victims of aboriginal male violence.

This relationship between aboriginal males and violence was accomplished by juxtaposing the two news items that presented two conflicting yet complementary images of aboriginal behaviour, the noble (Marshall) and the ignoble (Augustine). The news stories were thematically linked through a construction of aboriginal people universally in conflict with the social mores and norms of non-aboriginal society. This presentation marginalized aboriginal people in the news discourse. Both news items were about aboriginal men, the violation of social norms, and the contact between aboriginal people and the judicial and penal systems. Moreover, while criminal activity was muted in the first story by comparison to the second, it was still an important element: Donald Marshall’s past (paragraph 4), Joshua Bernard (paragraph 11), and
eight men charged with illegal lobster fishing (paragraph 30). The court-
aboriginal emphasis was part of a metanarrative in which the implications of
negotiated settlements, outstanding court cases, and Crown agreements
allowed for an interpretation within a larger context of aboriginal rights,
reparations, and legal disputes. The courts, synonymous with crime and
punishment, became synonymous with aboriginal people. The criminalization
of aboriginal behaviour was accentuated through the second news item, which
appeared, accidentally or not, alongside the Marshall announcement. This
placement and thematic linkage of two distinct stories created contiguity where
none really existed.

The two stories together evoked a notion of space and distance
between the non-aboriginal and aboriginal communities. The accord of the first
story in fact highlighted tensions between the two communities, and the story
left the impression of two worlds in conflict, an historical conflict between the
state and aboriginal people implied through the metaphor of nature. In this
dominant discourse, aboriginal people are presented as being either "in"
nature, a primitive people indistinguishable from their natural surroundings, or
"of" nature, a bucolic people living in harmony with nature (Said 1978: 31-110).
In either scenario, the aboriginal represents the obverse to a Western notion of
civilization, marked by dominion and ownership over nature and control over
base instincts (ibid). In these two news items, the image of a retrogressive
aboriginal people resigned to the past was constituted through this discourse.
Consequently, aboriginal people were mentioned in relation to compensation,
land claims, courts, aboriginal rights, and other reminders of colonialism, i.e.
the aboriginal world was constructed as an anachronism.

While the Supreme Court ruling was based in a 1760 treaty, the two
news items left the reader with an image of a people who were either ancient
(sage), e.g. Ginnish and Marshall, or redundant (primitive), e.g. Augustine, or
a bit of both at the same time, e.g. Joshua Bernard. The past, in both a
negative and a positive sense, evoked nature, and invoked the noble savage,
i.e. aboriginal people of the past. This primal and romantic image which
emerged can be expressed in terms of Lévi-Strauss’ (1966: 109-34)
homology, *noble : savage :: order : chaos*.

Two base oppositions emerged in the two news items and can be
expressed thusly: *order : chaos :: culture : nature* (from Durkheim and Mauss
1963 and Lévi-Strauss 1964). The second homology, *female : male :: noble :
savage*, can be placed along a vertical axis, and the relationship can be
represented as follows:

```
          female/ male
nature (chaos)---------------------------------------- culture(order)
              ig nobility (in nature)       nobility (of nature)
          noble/ savage
```

The graph indicates the inherent adaptability of the model. Stereotypes of
male and female are placed along a continuum, such that male attributes can
be at one instance akin to culture and order, and in another instance can be
associated with nature and chaos. The same applies to the concepts of

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nobility and ignobility. A male may be noble or ignoble, depending upon the stereotype used. The female may also be idealized as noble or ignoble depending upon the message of the text.

The point of the above graph in relation to news episode #1 is that all actors and events appeared in relation to other actors and other events, and that in these two stories certain images were used to accentuate certain stereotyped behaviour of aboriginal males. This established a schema through which any following news items could be comprehended. Any notion of aboriginal peoples may refer back to the stereotyped Other (Said 1978), and this could be mediated along this above axis. This suggests that the development of any news narrative could mean a transformation along predetermined lines.

Hence, in these two stories the role of the court vis-à-vis aboriginal people was the transforming agent. In the first story, the Supreme Court created a new relationship, overturning lower court decisions, by recognizing Mi'kmaq treaty rights to earn a livelihood from the land. The first sentence summed up the sentiment of the Miramichi, "The decision is in, now everyone involved must try to figure out what it means in our woods and on our river" (paragraph 1). The court, as a paragon of order, dictated the nature of nature. The question raised was this: What types of rights do the various players have in the resource sector, or do aboriginal rights fall outside the regime of rules and regulations placed on other stakeholders? This question cuts to the core as to how the environment should be perceived and created a possible
tension between the idea of order and the idea of nature. The view of nature became two-fold through this decision: it is both a resource for commercial gain but, just as importantly, it represents the means for a "moderate livelihood" for aboriginal people. In this regard, the court established an ambiguous relationship between nature and culture, and in so doing allowed for the "in" nature and "of" nature ideals to develop. Table 4 summarizes the above.

Table 4: Presentation of aboriginal/ non-aboriginal males in Miramichi

**Leader news episode #1**

<table>
<thead>
<tr>
<th>Nature</th>
<th>Aboriginal males</th>
<th>Order</th>
<th>Non-Aboriginal males</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eels</td>
<td>Donald Marshall</td>
<td>Supreme court</td>
<td>Bryan Whitfield, DFO</td>
</tr>
<tr>
<td>Wood</td>
<td>Chief Ginnish</td>
<td>Crown agreements</td>
<td>Wade Wilson, natural resources</td>
</tr>
<tr>
<td>Lobsters</td>
<td>Joshua Bernard</td>
<td>1760 treaty</td>
<td>Brad Green, Justice and Aboriginal Affairs Minister</td>
</tr>
<tr>
<td></td>
<td>Eight men charged</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In news item #1, the Supreme Court transformed the relationship between Mi'kmaw → Province (state) → Environment (nature). The second story validated ideas of nature, aboriginalness, and the courts that determined the parameters of the transformation. This can be expressed through Table 5.
Table 5: Aboriginal males, aboriginal females, order, and chaos in

*Miramichi Leader* news episode #1

<table>
<thead>
<tr>
<th>Chaos</th>
<th>Aboriginal males</th>
<th>Aboriginal female</th>
<th>Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stabbing death</td>
<td>T. Martin (victim)</td>
<td>19 year old woman in her home (Burnt Church)</td>
<td>N.B Court of Appeal, Justice George Rideou</td>
</tr>
<tr>
<td>(violence)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rape</td>
<td>P. Augustine (accused, convicted)</td>
<td></td>
<td>Aloysius Hayes, defence lawyer</td>
</tr>
<tr>
<td>Intrusion into home</td>
<td></td>
<td></td>
<td>Jack Walsh, prosecutor</td>
</tr>
</tbody>
</table>

Martin was killed protecting a woman, and this was a noble act. This act of bravery parallels Marshall’s resolve and selflessness, placing oneself at risk to aid others. Yet each act was tempered: in news item #1, Marshall and other aboriginal fishers continue to break the law; in news item #2, Martin was killed by a violent, unrepentant, repeat offender who was also aboriginal. In this second story the possibility of chaos through the ignoble and egregious acts dominated: Augustine has three previous convictions for crimes involving violence and served a sentence of 12 months in 1984 for sexual assault (paragraph 12).

Through violent imagery and terms such as sex offender, rape, and stabbing, this story created an ignoble stereotype that was violent, male, and aboriginal. The message was that the noble tendency, symbolized by the young female and her protector, is always under attack by the ignoble tendency of aboriginal people, symbolized by Augustine and illegal fishers, who always attempt to undo order and instill chaos. The court’s role is to
prevent this possibility. The lesson for the first story was that the courts might perpetuate chaos when they make judgements like the Marshall decision that challenge the status quo. The courts must be responsible is the lesson of these two news items.

In summary, the initial Leader item, "Court backs native right..." was significant for several reasons. As the first article on the topic published after the Marshall announcement, the item represented a point from which to begin the analysis and follow the development of the succeeding news narrative. The Marshall decision was the starting point for this analysis, but the Marshall case symbolized a historically complex relationship between aboriginal and non-aboriginal communities in the Miramichi (Paul 1993; Prins 1996; Joe and Choyce 1997).

This particular item was produced within the context of aboriginal rights, federal rules and regulations, and the legality and morality of historical treaties, all presented against the backdrop of an increasingly bureaucratized resource based economy upon which many Miramichiers depend. This article and the Marshall decision marked a watershed moment from which a new set of social and economic circumstances involving aboriginal and non-aboriginal people could arise, a decision fraught with peril and possibility. This news item reflected that ambiguity. However, when placed adjacent to a news item on an aboriginal murder trial, optimism was replaced with fear and uncertainty.
3.3.3 *Miramichi Leader* news episode #2: Textual analysis of nine news items, October 5th 1999

The *Leader* chose this day for analysis because it was the first day of publication after the episode at the Burnt Church wharf. The violent and dramatic confrontation between aboriginal and non-aboriginal lobster fishers in this region marked a watershed moment in a post-Marshall decision milieu, highlighting the perceived chaos caused by the Supreme Court ruling. The Burnt Church episode was the central story in the *Leader* on this day.

**October 5th 1999: news item #1**

Violence erupts in lobster fight [page 1], by Gail Savoy  
*Keywords: violence, confrontations, protest, police inaction*  
Burnt Church residents were somber in the wake of a weekend of violence and confrontation between non-aboriginal and aboriginal fishers. Two charred trucks belonging to non-aboriginal fishers stood on the wharf in the aftermath. Nearby on the wharf three Mi’kmaq warriors teepee had been erected, as native activists from across the region arrived to protest the destruction of native lobster traps and RCMP inaction. Two natives were taken to hospital and remained in stable condition after non-aboriginal fisher Leigh Morrison allegedly rammed their van.

All around the community both aboriginal and non-aboriginal people were asking why the RCMP stood around and did nothing during the day of violence. However Reginald Comeau of the Maritime Fishermen’s Union said that the commercial fishermen had to do something to disrupt the native fishery. Aboriginal fishers such as native activist and lawyer Millie Augustine said that the Marshall decision opened doors closed for 240 years and the aboriginal lobster fishers would continue to harvest.

A) Structure of the news story:

(i) Story placement. This was the front-page story. It was centered on page one and included two photos, one of a burned out truck and the other of an overturned van and truck. The photos and placement heightened the drama in the story.
(ii) Headline. The header was terse and potent, with graphic and active words, "violence," "erupts," and "fight." The wording suggested that an eruption of violence was inevitable. Most noteworthy, this header also parallels the front-page headline of the Globe and Mail, October 4th 1999, "Anger explodes..." which will be discussed in the next chapter.

B) Language use and grammar:

(i) Word choice. The image of violence erupting in Burnt Church was contrasted with the image of a "saddened community angered at the government officials...who let it happen" (paragraph 1).

The violence central to the story was given agency, as though the violence that happened was something from outside the community. This created distance between the community and the events. The RCMP "stood by" as "furious" aboriginal people blocked the wharf after the traps had been destroyed (paragraph 11). The community wondered why the RCMP took the role of observers as "angry confrontations occurred between non-native protesters and native fishermen..." (paragraph 10). The DFO had been "silent" on the matter "too long" (paragraph 20) and the government should have negotiated "new deals" and "called a halt" to the fishery from the outset. By constructing an image of violence from external pressures, this allowed the Leader to report the episodes sensationally without pointing a finger of blame at any specific (local) group or individual.

The Leader did offer another explanation for the episodes. In paragraphs 24-29, Big Cove lawyer Millie Augustine was quoted as saying that
the issue was not about fishing but rather it was “a racist one.” Augustine introduced an issue that could have been expanded upon in this news item, or somewhere else in the newspaper. The news item instead focussed on property damage sustained by non-aboriginal fishers and the inability of the authorities to control the situation.

By glossing issues of race in this news item, the militaristic aboriginal response appeared incongruous with the situation, an overreaction, as “Mi’kmaq warriors” (paragraph 6) erected “three huge tents” (paragraph 7). The Mi’kmaq argument, that the warrior presence was a necessary defensive posture taken for protection, appeared overblown in this context. Had the history of deprivations endured by the Mi’kmaq been included in this news story, the Mi’kmaq position may have been more understandable.

(ii) Syntax. The news item focussed on the community anger directed at the government, the DFO, and the RCMP for their inaction in the period leading up to the confrontation at the wharf (paragraphs 1, 10, 30). What happened was regrettable and Burnt Church residents were saddened according to the item, but as Reginald Comeau said the non-aboriginal fishers had “no choice but to take things into their own hands” (paragraph 21). Aboriginal peoples were also disenchanted with the lack of a police presence (paragraph 12-15), and Gary Clair said, “We could have saved 75% of the traps and equipment. The authorities stood back and did nothing” (paragraph 15). This collective concern meant that a pall remained over the region. “There are some who feel scared. They need to feel safe” (paragraph 33), the news item concluded.
A siege mentality had become entrenched, as symbolized by the Mi'kmak warriors, and the stance of aboriginal people like Chris Bonnell, “There are traps around us to buy. We are not done,” he said with a smile (paragraph 19). Millie Augustine added, “We will set double the traps this time…. We have waited 240 years for this, we can wait a little longer” (paragraph 27). The news item focussed on violence and the possibility of further violence if the rift between the non-aboriginal and aboriginal communities was not resolved. The news item intimated that these two groups had become antagonistic toward one another because of non-decisions and non-action by outside forces, i.e. the police and the federal government. (iii) Semiotics. The front-page photos were sensational. They depicted the burned out truck belonging to Kevin Cassidy, a non-aboriginal fisher, along with a photo of non-aboriginal fisher Leigh Morrison’s van and an unidentified overturned truck near Morrison’s shed. The photos symbolized the destruction, disorder and the disharmony in the region by depicting the aftermath of the violence, i.e. overturned and burned out vehicles. The photos offered visual evidence of how far the situation had deteriorated in the region. However, the focus in these two photos was on the destruction suffered by the non-aboriginal community. This raises an interesting question: Would a focus on the destruction to aboriginal property have altered the mood of this news item?
October 5th 1999: news item #2

Morrison family caught in crossfire, [page A4], by Gail Savoy

keywords: protest, rules, regulations, hostilities, scared

The Morrises, Leigh and Michelle, said they were caught in the middle of open hostilities between aboriginal and non-aboriginal fishers because they had been the voices of concern in the commercial fishing community over the past few weeks. Morrison and his wife held a peaceful protest at the Burnt Church wharf. They circulated a petition asking the government to suspend the native fishery until rules and regulations were in place.

At the same time of the peaceful protest a flotilla of more than 60 boats from Escuminac were hauling, emptying, and destroying native traps. When news of the raid reached the wharf the mood turned ugly. Natives refused to allow the Morrison's and Kevin Cassidy to remove their vans from the wharf. The trucks had been vandalized and later were on fire. Michelle Morrison said the RCMP refused to help because it would incite the natives.

Later that night vehicles drove by the Morrison home and rammed their shed over and over. Michelle Morrison got scared and Leigh Morrison lost the composure he had maintained over the 10 days he faced down taunts on the wharf. Morrison hopped in the family vehicle determined to scare the vandals away. Michelle Morrison called 9-1-1. Leigh Morrison and two other men fought with five natives as the RCMP watched until more officers arrived to aid them. Two natives were hospitalized. Michelle Morrison was taken to hospital for shock. Michelle Morrison said her husband was just defending their property and she remained fearful.

A) Arrangement of the news story:

(i) Story placement. This news item appeared alongside three related stories and a photo of “demonstration organizer Michelle Morrison” displaying a petition she was circulating.

(ii) Headline. The header indicated that the story was about the Morrison family. The Morrison family appeared to be in the middle of something, trapped in unfortunate circumstances not of their choosing. The implication was that the Morrisses were innocent bystanders in a maelstrom.

B) Language use and grammar:

(i) Word choice. The first paragraph expanded on the header; the Morrisses have been caught in the open hostilities between aboriginal and non-aboriginal fishers. Leigh Morrison was one of the “quiet voices of concern”
(paragraph 2) in the commercial fisheries, “voicing concerns” about the lack of government involvement in the aboriginal fishery (paragraph 3). His wife, Michelle, decided to hold a “peaceful demonstration” (paragraph 7). Michelle “wrote a petition asking for the government to suspend the native fisheries until rules and regulations were in place” (paragraph 11) after the federal Fisheries Minister announced he would not call a halt to the aboriginal food fishery (paragraph 6). Michelle Morrison said, “We are not a violent people” (paragraph 10) and that she just wanted the government “to wake up and help us” (paragraph 12).

However, the “peaceful protest” (paragraph 14) did not go as planned when non-aboriginal fishers “tired of waiting for the government to act” (paragraph 15) hauled and destroyed aboriginal traps. Michelle Morrison got scared after the “raid” (paragraph 18), and when she tried to leave, the aboriginal fishers “refused her passage” and “denied her access” (paragraph 18-19). The Morrisons went home and were “scared” (paragraph 22) as “vehicles traveled slowly by their home that evening” (paragraph 24).

The words “peaceful protest,” “caught in the middle,” “not violent,” “quiet voices of concern,” created empathy for the Morrisons. This set the tone for the last eleven paragraphs where Leigh Morrison finally “lost his composure” (paragraph 25) and fought with five aboriginal men (paragraph 26). This was a key episode, presenting a man pushed to his breaking point. This was a significant news item because it focussed on the plight of a non-aboriginal
family and the circumstances that forced Leigh Morrison to act, to take matters into his own hand, in order to defend his property.

(ii) Syntax. The narrative began with the Morrison family quietly concerned with aboriginal fishing. As a consequence of government inaction, the Morrisons decided to become more active in peaceful protest. Their peaceful efforts were mistakenly associated with the actions of those non-aboriginal fishers who destroyed aboriginal traps. The Morrisons became the lightening rods for aboriginal vengeance: their truck was set on fire on the wharf, and aboriginals drove by their house that night. Leigh Morrison had no option but to defend himself after the aboriginals rammed his shed “over and over” (paragraph 21). Leigh and Michelle Morrison represented the typical non-aboriginal family, protecting themselves (paragraphs 25-26) and their livelihood (paragraph 5), in the face of government inaction.

(iii) Semiotics. Michelle Morrison was pictured with the petition she was circulating. The image reinforced the “peacefulness” and orderliness of the protest. The protest was a popular action and was aimed at the government. The protest was not about vigilantism or destroying aboriginal property. It was intended to raise awareness in government and the Canadian public about the plight of the fishers and their communities.

October 5th 1999: news item #3

Removing native fishery threat vital to conservation: Ken Clark [page A4], dateline Escuminac
keywords: conservation, resolution, threat, livelihood, protection

Escuminac City Councillor said that a stop had to be put to the fishery to conserve lobster stocks in the bay. The fishers had to remove the threat since government had no logical resolution and had no intention of taking any action.
Clark said that desperate times called for desperate measures and that people's livelihoods were on the line. A flotilla of about 75 fishing boats left at 8 am Sunday on a mission to halt the native lobster fishery in Miramichi Bay. Reporters went with the flotilla and witnessed the removal and disabling of thousands of lobster traps. Clark said the purpose of the action was not confrontation but protection of breeding stocks.

A) Arrangement of the news story:

(i) Story placement. This news item appeared beneath the photo of Michelle Morrison displaying her petition and on the same page as the previous news story.

(ii) Headline. According to Ken Clark, a local city Councillor and fisher, the threat posed by the native fishery was a fact, and removing that threat was a necessity for conservation. The attribution of the quotation to Clark, a local fisher and Councillor, made the statement valid. This was the opinion of an experienced lobster fisher and community representative.

(iii) Editorial. The news article was an interview with one side in the dispute. The aboriginal lobster fishers were not afforded the opportunity to balance what Clark claimed, and Clark's view was privileged in this item.

B) Language use and grammar:

(i) Word choice. The use of the word "conservation" could be employed variously. When speaking of conservation in this context, was it the industry that was being conserved, or was it the lobster stock, or was it the access that non-aboriginal commercial fishers had to that stock that must be conserved? Clark said that the "action" (paragraph 3) was taken to protect the stock because not protecting the stock "takes clothes off their kids' back and food off
their tables" (paragraph 7), so the commercial fishers’ livelihood must be protected because they were “on the line” (paragraph 6).

(ii) Syntax. Clark justified the actions of the non-aboriginal fishers as “necessary to conserve lobster stocks in the bay” (paragraph 2). These were “desperate times” that required “desperate measures” (paragraph 6) because the Minister of Fisheries had no intention of taking action and seeking a “logical resolution” (paragraph 3). The theme of necessity contextualized the actions of the non-aboriginal commercial fishers who went out and “removed,” “disabled,” and “returned” the lobster traps to the water (paragraph 9). This was a surgical procedure, not intended as an act of hostility against aboriginal people or aboriginal rights.

October 5th 1999: news item #4

Harbour authority won’t remove occupying natives from wharf [page A4], written by Gail Savoy

keywords: demonstration, warriors, fees

The Burnt Church Harbour Authority was not making plans to remove the warriors camped out on the wharf. The Harbour Authority is the organization that operates, maintains, and oversees the wharf. Boats that tie up at the wharf must pay a fee, but the native fishermen who have been using the wharf since September have not paid any berthing fees yet. The Harbour Authority had plans to repair the wharf but put the project on hold with the beginning of the native fishery.

A) Arrangement of the news story:

(i) Story placement. This news story appeared below the above item.

(ii) Headline. The header intimated that aboriginal people were on the wharf illegally. The word “occupying” suggested that the aboriginals took possession of the wharf and reiterated the militancy of the front-page story. The Harbour
Authority had demonstrated leniency by allowing the aboriginals to remain, even though they could have had them removed.

B) Language use and grammar:

(i) Word choice. The Harbour Authority decided to “let things calm down” (paragraph 1) before “making any move” (paragraph 1) to remove the aboriginal fishers from the wharf. The aboriginals had “erected” three “teepees” (paragraph 4) and were “camped out” (paragraph 2) on the wharf after they “took the wharf over” on Sunday October 5th 1999.

The news item went on to say that the aboriginal fishers had not paid their berthing fees since September and that a repairs project had to be suspended because of the fall lobster fishery by the aboriginal fishers (paragraphs 6-7). The Harbour Authority would be well within its rights to demand the aboriginal fishers leave the premises because not only have the aboriginal fishers taken over the wharf, they have refused to pay their way.

(ii) Syntax. The article created the impression that the Harbour Authority was being a lot more flexible and co-operative than the aboriginal fishers. It allowed the aboriginal fishers to use the premises when the Mi'kmaq began the fall fishery, and it allowed them to remain there despite the increased militancy and unpaid fees. The non-aboriginal community appeared as peacekeepers, trying to avoid trouble that other people had started.
October 5th 1999: news item #5

Outmanned RCMP watch as traps torn apart [page A4], written by Rick MacLean

keywords: vandalism, RCMP, meetings, restraint

The RCMP were unable to step in and stop fishermen from destroying thousands of native traps because there were not enough officers said Sgt. Roger Somers. Instead they took details of the damages and were investigating. The RCMP hoped there would be restraint from all the parties involved and set up a team to help ease tensions. An incident in which three people were sent to hospital was also being investigated.

A) Arrangement of news story:

(i) Story placement. This was the fourth news item on this page.

(ii) Headline. The header explained the lack of a police presence during the violence. The RCMP did not have the resources and personnel to prevent the non-aboriginal fishers from destroying the aboriginal traps.

B) Language use and grammar:

(i) Word choice. There were not enough officers to prevent the “vandalism” (paragraph 3), so the RCMP acted as observer and took “details of the damages” (paragraph 4) rather than getting actively involved. Through the incident two trucks were “torched” (paragraph 9) and “vandalized” (paragraph 9). Three people were “hurt” (paragraph 10), and one of those people was still in the hospital with “serious, but not life threatening, injuries” (paragraph 11). In light of this, the RCMP was “establishing a team of officers” to “help ease tensions” (paragraph 8).

The RCMP were not abrogating responsibility in the community was the message of this news article. In fact, The RCMP were intending to play a role in the reparation between the various parties involved in the lobster fishery conflict. In their capacity as peacemakers, the RCMP were conducting
investigations into various incidents around the lobster fishery and were meeting with representatives from the various sides to initiate dialogue.

(ii) Syntax. The news piece presented the RCMP view through Media Relations Officer Sgt. Roger Somers (paragraph 2). One of the themes that reappeared in the various pieces on this day was the apparent inaction by the police. This item allowed the RCMP to reassure the community that it had not abandoned them. The RCMP were working behind the scenes with all sides to “ease tension” and to cease the vandalism.

October 5\textsuperscript{th} 1999: news item #6

Peaceful protest turned ugly fast [page A5], written by Gail Savoy

\textit{keywords: peaceful protest, tension, confrontations, media}

A peaceful demonstration entered the Burnt Church wharf at 10:45 a.m. Sunday morning. Michelle Morrison led the way carrying the Canadian flag and singing O Canada. In response to the commercial fishermen and their families some natives shouted, “Go back to Europe,” and “It’ll be a tough spring.”

Things turned ugly when native fishermen and their supporters learned a flotilla of fishermen from the Escuminac wharf were hauling their traps, releasing the lobster, and throwing the disabled traps back in the water. The group grew larger and louder as angry natives and non-natives squared off. The angry mob shouted threats at Leigh Morrison and his passengers, Evan Savoy and Bill Loggie, when they returned to the wharf. A shoving match occurred and the RCMP tried to get things under control.

After more angry shouting and verbal exchanges things began to quiet down as the majority of the protesters left the wharf. Band Councillor Chris Bonnell said it would be an eye for an eye come next spring. A woman said the fight was not with the natives but with the government for putting them in this position. She said the media had not fairly portrayed commercial fishermen.

A) Arrangement of the news story:

(i) Story placement. This item appeared on page 5, adjacent to the news story continued from page 1. This was one of four items dealing with the lobster fishery that appeared on this page.

(ii) Headline. This was a dramatic header that contrasted the initial peacefulness of the protest with the sudden and violent change of mood.
B) Language use and grammar:

(i) Word choice. The article emphasized the "peacefulness" (paragraphs 1, 2, and 6) of the protest organized by Michelle Morrison. As Morrison carried the Canadian flag and sung O Canada (paragraph 3), aboriginals "shouted remarks" and played "native music" loudly (paragraphs 4-5). The mood turned "ugly" when "native fishermen...learned a flotilla from the Escuminac wharf were hauling their traps...." (paragraph 10). As "tensions" (paragraph 8) grew, the aboriginals became "an angry mob" (paragraph 16) that shouted threats at Michelle Morrison and her husband (paragraphs 16-20). "Angry shouting" (paragraph 21), "verbal exchanges" (paragraph 21), and "shoving" (paragraph 20) occurred until the "protesters left the wharf" (paragraph 21) and then things "began to quiet down" (paragraph 21).

The "peacefulness" of the protest illustrated that the non-aboriginal fishers and their families that arrived at the Burnt Church wharf were there to demonstrate, not to provoke a confrontation with the aboriginal fishers. The scene turned ugly once the aboriginal fishers at the wharf found out about the raid on their lobster traps. The aboriginal fishers then transformed into an angry mob that tried to exact revenge on the peaceful demonstrators. The news item concluded: "Our fight is not with the natives. It is with the government" (paragraph 25), as quoted from one unnamed female protestor. This quotation reinforced the sentiment that this was not an aboriginal vs. non-aboriginal conflict, and the aboriginal fishers misconstrued the meaning of the protest.
(ii) Syntax. The theme of the news report was of peace lost through misunderstanding. The non-aboriginal community protested out of necessity "to protect lobster stocks from overfishing" (paragraph 2), but the aboriginal community reacted when some members of the non-aboriginal community attacked and destroyed their lobster traps. This led to shouts and recriminations. The woman quoted at the end of the article summed up the tone of the story. Had the federal government stepped in beforehand, the situation would have not deteriorated to the point where "friends" (paragraph 25) were fighting with each other.

October 5th 1999: news item #7

Economics, not fate of stock, real issue in struggle: Coon [page A5], written by Rick Maclean

*keywords: economics, lobster stock, conservation, opportunity*

David Coon, policy coordinator for the environmental lobby group the Conservation Council of New Brunswick, said that economics, not the future of the stock, was the real battle at Burnt Church. The business of the aboriginal fishermen threatening the stock was just a red herring. Although the lobster season is not exactly linked to biology, the fishery is closed in the summer when the lobster are moulting and mating, he noted.

Coon was hopeful that the court decision recognizing the native right to fish would give small-scale fishermen an opportunity to regain what was lost to the corporate sized fishery.

A) Arrangement of the news story:

(i) Story placement. The news item appeared below the peaceful protest report.

(ii) Headline. The header indicated that there were underlying economic issues in the lobster fishery that needed to be addressed. This news report introduced a new element into the discussion. Many of the articles in the *Leader* had cited stock conservation as the central concern in the fishery, and
a threatened stock appeared as an unmitigated fact. The header suggested that the issue could be examined in another light, economically.

(iii) Editorial. This item contradicted the claim made by Escuminac Councillor Clark on the previous page that ceasing the aboriginal fishery was a necessity for the preservation of the stock and the livelihood of the commercial fisher.

B) Language use and grammar.

(i) Word choice. The article was an interview with David Coon. He chose strong words to describe the popular sentiment of threatened stocks, "a red herring" (paragraph 4). The "real issue" was economics (paragraph 4). The aboriginal fishers were gaining an "economic advantage" (paragraph 3) by lobstering during a closed season. The importance of the "renewed right to fish" (paragraph 11) was that it gave "inshore fishermen" a "real opportunity" to "regain...what's been lost to the corporate sized fishery" (paragraph 11). So, the rights that aboriginal fishers have gained may in time benefit all in-shore fishers.

Coon's interview was "hopeful" (paragraph 11) and implied that the DFO's regulations based on season was not the only way to regulate the lobster fishery. It was a way of implementing artificial controls with which some fishers agreed and others disagreed (paragraph 7).

(ii) Syntax. The item suggested that those who partake in the various fisheries are aware of contradictions between regulations and issues of conservation. The regulations privilege certain interests, "corporate sized fishery" (paragraph 11), and exclude other people, "small-scale fishermen" (paragraph 11) from
participating. The vertical integration of the fishery, not aboriginal fishers, should be the real issue considered.

October 5th 1999: news item #8

Numbers, not season, key to stock: Chadwick [page A5], written by Rick Maclean
keywords: numbers, seasons, monitoring, conservation

Mike Chadwick, acting director of the science branch of the federal Department of Fisheries and Oceans in Moncton, said the amount of lobsters caught are more important than the season. Different areas in the Atlantic region employ different kinds of seasons. In the Miramichi the season tends to be a couple of months, with areas that are closed entirely. Chadwick declined to comment on the effect of the native fishery in Burnt Church, but said a lobster that is caught can't be caught twice, and would not be there in the spring.

A) Arrangement of the news story:

(i) Story placement. This news article appeared in conjunction with the above item and offered a DFO explanation for the structure of the lobster fish season.

(ii) Headline. The headline produced an association between this news report and the preceding one. The first item read, “Economics, not fate of stock…” and the second was equally symmetric, “Numbers, not season…” Similar to the first item, this article was an interview. In this case Mike Chadwick, acting director of the science branch of the DFO, was sought out.

B) Language use and grammar:

(i) Word choice. Similar to Coon, Chadwick said fishing seasons “can vary widely” (paragraph 3) and confirmed that in the lobster fishery there was “every kind of season you could imagine” (paragraph 4). The “key” (paragraph 1) to a “conservation plan” (paragraph 8) was to limit the numbers of lobsters caught.

Chadwick stated that the DFO was monitoring the aboriginal fall lobster fishery but could not be sure of the impact (paragraph 7-9). Monitoring is “an
essential element” (paragraph 8) of conservation, said Chadwick. The
attention that the DFO was giving the fall fishery contrasted with the view
expressed in other articles that the DFO had remained silent during this
episode.

(ii) Syntax. The article provided the DFO, through Chadwick, an opportunity to
voice their view on the aboriginal lobster fishery. The interviewee, Chadwick,
presented a detached but concerned outlook on the fishery. Chadwick echoed
Coon’s point that the use of season was one of several possibilities for the
regulation of the lobster fishery. However, this article did not go so far as to
lend support for the aboriginal fishery.

October 5th 1999: news item #9

How could DFO have failed to see what would happen [page A6], editorial by
Rick Maclean
keywords: confrontation, responsibility, solutions
The editorial claimed that the Department of Fisheries and Oceans and
the federal government were responsible for the confrontations in Burnt Church.
If these two agencies had a plan in place to begin with, a solution could have
been found before the situation had got out of control and frightened non-native
fishers took action. Because of this delay a search for a solution had been
compromised.

A) Arrangement of the news story:

(i) Story placement. This was an editorial written by Rick Maclean, the author
of the above articles (news items #7 and #8).

(ii) Headline. The header reiterated a standard theme. It asked the question
“How the DFO could have failed to see…?” The implied answer: the
bureaucrats in the DFO were, as usual, unaware of the reality of the Atlantic
fisheries. Those at the top of the management pyramid were ignorant to what
transpired beneath them.
(iii) Editorial. The editorial served to make sense of the episodes that had transpired at Burnt Church on the weekend. The mayhem pictured on page one was the consequence of the “DFO’s utter inability to help find a solution” as they “delayed the search for compromise” (paragraph 14). The editorial continued the theme that a peacefulness or a harmony had been disrupted, “These people are neighbors. When this is over they still have to live and work next to each other” (paragraph 13), and that the “top brass” must take responsibility for what happened (paragraph 7).

B) Language use and grammar:

(i) Word choice. The editorial left no doubt as to whom was “responsible for what happened on the weekend” (paragraph 7). It was the “crowd hanging around the water cooler in Ottawa...asleep at the switch....”(paragraph 3). By “wringing” their hands and appealing for calm (paragraph 4) the DFO has allowed a “violent confrontation” (paragraph 4) to happen. The Maritime Fishermen’s Union could only keep things “under control” (paragraph 11) for so long before the “lid” (paragraph 8) came off.

The editorial was a harsh indictment of the DFO and summed up the mood of the Leader’s news coverage on this day. The people in the Miramichi were friends and neighbours set at each other by an unprepared federal Department of Fisheries.

(ii) Syntax. While the other news items on the day may have alluded to a cause for the wharf incident, this editorial was direct, “Now let’s be clear here” (paragraph 2), and, “The federal Fisheries Department has failed miserably in
the Burnt Church lobster case" (paragraph 1). The editorial deflected criticism away from both the non-aboriginal and aboriginal lobster fishers, “The natives, quite rightly, were eager to start fishing.... “(paragraph 9), while “The non-natives were frightened they'd end up losing their livelihoods in a part of this province where earning a living is a tough act” (paragraph 10).

The editorial firmly chastised the DFO for its lack of preparedness and its detached attitude, while asserting that the animosity between the aboriginal and non-aboriginal fishers was a product of these outside forces.

(iii) Semiotics. The editorial appeared alongside a cartoon by Leader political cartoonist, Bill Hogan. The cartoon depicted an indignant lobster exclaiming, “Well, nobody asked us!” On a fishhook was a sign that read, “Natives get open season.” This cartoon was reprinted in the Globe and Mail on the same day.

This concludes the summary of the nine news items. The next section will summarize the news items/ stories via a structural analysis.

3.3.4 Miramichi Leader news episode #2: Structural analysis of nine news items, October 5th 1999

The coverage on this day marked the most sensational episode, or more accurately, the most graphic episode of the three-month interval studied, the standoff at the Burnt Church wharf and the physical confrontations between members of the aboriginal and non-aboriginal communities. It was through the news reports on this day that a dichotomy between a noble and a
savage Mi'kmaq emerged in the news reportage and the distance between the aboriginal and the non-aboriginal communities was accentuated. The analysis starts by charting the news items in a similar fashion to news episode #1 above. Table 6 deconstructs each news story and arranges them into three segments: the initiating action → the actions that change the status quo → the consequences of that action (restoration of order or chaos).

Table 6: *Miramichi Leader* news episode #2 in three structured segments

<table>
<thead>
<tr>
<th>Story</th>
<th>Segment #1</th>
<th>Segment #2</th>
<th>Segment #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violence erupts in lobster fight</td>
<td>Mi'kmaq teepees, burnt out automobiles = symbols of anarchy</td>
<td>Anatomy of the breakdown of order, e.g. Morrison question police behaviour = inaction, irresponsibility: mayhem the consequence of loss of law and order. a continuance of the aboriginal fishery will mean more fear and recrimination</td>
<td>Mi'kmaq claim racism, vow to continue to fish = a greater social disintegration. A chaotic situation becoming more chaotic.</td>
</tr>
<tr>
<td>Peaceful protest turned ugly fast</td>
<td>Michelle Morrison’s peaceful march = orderly, organized</td>
<td>Mi'kmaq response // aboriginal nature: shouts, threats, physical violence, “mob” (paragraph 16). Aboriginal vs. non-aboriginal exemplified by Morrison vs. Bartibogue</td>
<td>Revenge: Chris Bonnell vows of getting even ‘next time’; non-aboriginals plea: “we’re friends.” a solution is needed before the chasm widens and the situation becomes critical.</td>
</tr>
<tr>
<td>Morrison family caught in crossfire</td>
<td>Morrisons as archetype non-aboriginal fishing family = represents pre-Marshall social order/balance</td>
<td>Episodes that led to Leigh Morrison’s explosion (chaos brought about by outside forces)</td>
<td>Continued fear. Morrison “defending home and property” (property rights under attack)</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>Removing native fishery threat vital to conservation</td>
<td>Boats halt native fishery</td>
<td>Ken Clark, City Councilor, explains actions of flotilla, need to conserve lobster stocks in Miramichi (husbandry over nature)</td>
<td>Non-aboriginal fishers restoring social order for benefit of community and conservation (re-establish balance)</td>
</tr>
<tr>
<td>Harbour authority won’t remove...</td>
<td>Harbour authority remained calm (civil behaviour)</td>
<td>Aboriginal warriors took over wharf, set up teepees, wouldn’t pay berthing fees = invasion, intrusion onto private property (uncivil behaviour)</td>
<td>Plans to repair wharf put on hold (structural disintegration and aboriginal occupation of wharf symbolic of social decay)</td>
</tr>
<tr>
<td>Outmanned RCMP watch...</td>
<td>Lack of officers handicapped RCMP from protecting aboriginal lobster traps</td>
<td>Increased presence, 24 hour patrols, and meetings to help ease tensions (re-establish law and order cooperatively)</td>
<td>Outlined damage done through incidents: ruined property and personal injury = need for an increased police presence</td>
</tr>
<tr>
<td>Economics, not fate of stock, real issue...</td>
<td>Environmental spokesperson Coon narrowed issue to economics (husbandry over nature for financial profit)</td>
<td>Differentiated between “conservation” (fishing industry) and biology (lobster’s nature)</td>
<td>Marshall decision renewed small scale fishery = environmental balance</td>
</tr>
<tr>
<td>Numbers, not season, key to stock...</td>
<td>DFO’s scientist’s view of fall lobster fishery (objective, detached)</td>
<td>Lobster seasons are human product designed for conservation and fair access (cultural and civil)</td>
<td>Aboriginal impact→ uncertain impact on balance between nature (lobsters) and culture (rules and regulations)</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>---------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>How could DFO have failed...?</td>
<td>Violence the inevitable outcome of Ottawa and DFO inactivity (lack of leadership and preparedness)</td>
<td>Aboriginal people invariably exercise court rights; non-aboriginal fishers inevitably resist (lack of law and order = conflict between competitors)</td>
<td>Editorial cartoon: ignignant lobster responding to “native open season” (anthropomorphic lobster accentuated relationship between non-aboriginal lobster fishery, conservation, and culture)</td>
</tr>
</tbody>
</table>

Throughout the news items, interviews, and editorials on this day, the *Leader* presented a news narrative that can be summarized thusly:

Government inaction (Ottawa, DFO, RCMP)→ non-aboriginal initiative (local, non-aboriginal fishers), born of necessity→ aboriginal (Mi’kmaq) response (militancy)→ violence (breakdown of law and order). The image created was of the non-aboriginal and aboriginal communities in absolute conflict, a conflict marked by three characteristics: 1) The impetus for violence arrived from outside either community, i.e. the Marshall ruling and the lack of preparedness by governments and bureaucrats led to severe consequences in the Miramichi. 2) Non-aboriginal fishers acted out of necessity and concern for the
lobster fishery, not self-interest, and their attempts to stop the aboriginal fall fishery were about conservation. Outside forces, not the local non-aboriginal population, were to blame for the disorder. In this scenario, aboriginal fishers were marginalized and presented as outsiders in terms of fishing fights. 3) The impact of the upheaval was mostly about the non-aboriginal communities. The restoration of harmony, a harmony that applied to non-aboriginal communities and de-emphasized aboriginal issues, was the central focus of the news items on this day. Hence, in these news stories there was no exploration of the effect of the fall fishery on the Mi'kmaq. Table 7 elaborates on the chaos and order negotiated in the news stories in this section.

Table 7: Order, chaos, culture, nature in Miramichi Leader

news episode #2

<table>
<thead>
<tr>
<th>Order</th>
<th>Chaos</th>
<th>Culture</th>
<th>Nature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rules and regulations in fishery (pre-Marshall ruling)</td>
<td>Aboriginal fall fishery</td>
<td>Conservation and economics</td>
<td>Lobster's biology</td>
</tr>
<tr>
<td>RCMP; DFO; Gov't</td>
<td>Torched vehicles; warriors; teepees; mob</td>
<td>Peaceful protest led by Michelle Morrison</td>
<td>Violence (physical and verbal)</td>
</tr>
<tr>
<td>Organization of the fishery (the non-aboriginal fisher family)</td>
<td>Destroying fishing gear; trucks ramming shed; driving by under cloak of night (destruction of private property)</td>
<td>Stoic Morrison family act to defend selves and property as last resort.</td>
<td>Physical confrontations; fear; intimidation</td>
</tr>
<tr>
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<td>---</td>
</tr>
<tr>
<td>Harbour authority</td>
<td>Aboriginal fishers using wharf without paying</td>
<td>Restraint and willingness to negotiate by Harbour authority</td>
<td>Invasion of wharf; militant presence</td>
</tr>
</tbody>
</table>

The lead story was important for establishing a mood that ensured the news would be interpreted in a restrictive manner on this day. In the front-page account, the connection was made between violence, aboriginal fishers, warriors, and lawlessness, and this established the boundaries for how the aboriginal and non-aboriginal communities would be presented in the Leader on this day. The emphasis placed on property damage sustained by the non-aboriginal fishing community, as summed up by “one angry woman” accentuated the distance between aboriginal and non-aboriginal peoples: “This is a man’s livelihood gone. His [the non-aboriginal fisher’s] whole life is gone by what they [natives] did”. This passage allowed for a change of direction from the earlier coverage (news episode #1). The ambiguity of the first day of reportage in news episode #1, exemplified by Marshall’s nobleness and Augustine’s savagery, was replaced by the image of aboriginals prone to organized violence and confrontation on a grand scale. The fears of the non-
aboriginal community were realized on this news day: Aboriginal rights were an assault on the economic and social well-being of the non-aboriginal community.

The police, the federal government, and the courts—institutions associated with the maintenance of order—became institutions through which disorder and disharmony were made manifest. This was encapsulated in the Maclean editorial, “How could the DFO have failed…” and the accompanying political cartoon depicting an indignant lobster. From the viewpoint of the Leader, order was turned upside down and was replaced by primal chaos: teepees on a charred wharf, warriors, nighttime attacks, destroyed property, and physical injuries.

The reportage intimated that civil society was being usurped by Hobbessian savagery (Macpherson 1978: 204-265). The fragility of the social structure was highlighted through the burning of material possessions, which represented a greater affront than any injury sustained by an human being, especially when that person was a Mi’kmaq. The destruction of property represented an attack on private ownership and by extension an attack on liberal epistemology, i.e. the concept of individual rights and ownership in things (ibid.). The physical assaults on two aboriginal people were downplayed, mentioned in passing during the coverage and never made the focus of any of the stories.

However, the plight of the non-aboriginal Morrison family, in particular, figured prominently in the reportage. Michelle Morrison became an important
actor in the narrative during the reported violence at Burnt Church through three news stories in the Leader: “Violence erupts...”; “Morrison family caught in crossfire” and; “Peaceful protest...” This second article emphasized the non-violent nature of the non-aboriginal protest. It was a “peaceful protest at the wharf calling on the Department of Fisheries and Oceans officials to step in and protect the lobster stocks from overfishing” (paragraph 2). The reader learned that, “Approximately 30 people followed on foot, with Michelle Morrison in the lead, carrying the Canadian flag and singing O Canada” (paragraph 3). In the next two paragraphs, the aboriginal response to Morrison’s patriotic protest followed:

As the protest made its way across the wharf some natives smiled, others shouted remarks including “Go back to Europe,” and “It’ll be a tough spring,” in response to the commercial fishers’ and families’ demonstration, native music began to play loudly from one of the lobster boats parked along side the wharf (paragraph 4-5).

Michelle Morrison functioned in direct opposition to the Mi’kmaq fishers in the news stories. Morrison symbolized the non-aboriginal fishing community; she was the wife of a commercial fisher, a peaceful protestor, and a Canadian.

By using symbols such as the Canadian flag and the anthem, Morrison and the “peaceful protestors” were identifying themselves with the rest of the country. They, the peaceful protestors, represented Canada, its laws, civil society, and traditions. In contrast, the Mi’kmaq showed little respect for law and order and were disruptive, shouting remarks and playing loud music to drown out the national anthem. Morrison was trying to restore the order abrogated by the state in the post-Marshall milieu, and the Mi’kmaq
undermined her efforts through taunts, jeers, and threats. Even if the reader empathized with the aboriginal fishers, the Mi’kmaq response, as presented by the Leader, illustrated the urgent need to re-instate some order.

Through the Leader’s coverage, Morrison became protector of her family, her home, and the non-aboriginal community, standing up to the perceived threat posed by the aboriginal lobster fishers. The photo on page 4 of Morrison with her petition, “Calling for the government to halt the native fishery until rules and regulations are in place,” added legitimacy to Morrison’s actions. Morrison was depicted as principled and valiant, protesting in a civic and civil manner, contrasted with the Mi’kmaq fishers who appeared uncompromising. This was an ironic twist since the Supreme Court decision had recognized the aboriginal right to a moderate livelihood, and in this context the Mi’kmaq appeared to have been acting within those court defined parameters. The consequence of this continued chaos was voiced through an “unnamed” woman in the last two paragraphs of “Peaceful protest...”: “We are supposed to be friends. Our fight is not with the natives. It is with government. They have put us in this position.” This quotation added substance to Morrison, and to the image of women as rational mother figures attempting to reach a solution while defending their families. In her multiple roles— as protector, mother, peaceful protestor, and concerned Canadian—Michelle Morrison became the foil through which the savage aboriginal was projected in the Leader’s stories on this day.
The coverage on this day takes us to the next news episode. The news stories that follow are important because they expand upon the image of woman as mother and as protector by applying the mother image to certain actors within the aboriginal community. However, it is the manner in which the image is negotiated in the next news episode, i.e. to conform to the Michelle Morrison prototype of womanhood—a viewpoint that serves to affirm a non-aboriginal perspective of the Marshall decision and the fishery, that is noteworthy.

3.3.5 Miramichi Leader news episode #3: Textual analysis of three news items, October 12th 1999

The three items analyzed on this day highlighted a news item that presented the Mi'kmaq positively—The New Brunswick Family Awards Day held at Eel Ground, New Brunswick. On this day the Leader's presentation of aboriginal people was in marked contrast to the presentation of aboriginal people the week previous, during the Burnt Church wharf episode.

October 12th 1999: news item #1

How much lobster landed? Fisherman says native catch four times higher than DFO estimates [page A1], written by Rick Maclean

keywords: catch estimates, traps, lobsters, seasons

Non-native fisherman Greg Ross said the number of lobsters estimated to have been caught by the native fall fishery was inaccurate. Ross, who has spent more than two decades in those waters, said the federal number of 200,000 pounds of lobster was too low. Based on stories told by natives and estimates from the food fishery, Ross said the number was closer to 800,000 pounds of lobster landed.

Ross said that the 800,000 lobsters equaled the amount caught by 53,000 traps and that somebody would suffer in the spring fishery. He said that commentators who say that the number of lobster caught is low compared to the commercial fishery missed the point. There was a lot of lobster being caught in a small area.
A) Arrangement of the news story:

(i) Story placement. This news item appeared on the front page, beside a photo of Mi'kmaw singer Jennifer Ward Savoie and above the following item.

(ii) Headline. The header raised a central concern for the non-aboriginal community and implied a second question: What was the effect of the Mi'kmaw fishery on the lobster stocks? Since the lobster live below the water, getting a gauge on real population numbers is difficult. If the aboriginal fishery was taking too many lobsters, the spring commercial fishery would be threatened. The header suggested that there were a lot of unknowns and a lot of fear surrounding the fall fishery.

(iii) Sub-header. The sub-header answers the above question with an exclamation point. A fisherman claimed that the DFO had underestimated the aboriginal lobster catch by four times. The DFO, already under scrutiny in the news media for its attitude during this episode, was derided further for its perceived miscalculations. The word of a local fisherman would carry more weight than the DFO at this juncture, especially in a regional paper such as the Leader.

B) Language use and grammar:

(i) Word choice. Greg Ross, a non-native fisherman who has spent two decades in those same waters (paragraph 2) raised the concerns about the DFO estimates. Ross was not “buying DFO numbers” (paragraph 9) because he has “fished in the area for nearly 20 years and was also the vice-president
of the Burnt Church Harbour Authority” (paragraph 10). If Ross was right, “the area’s fishery will be in trouble next spring...”(paragraph 15). Ross went on to say that he was “frustrated by commentators” (paragraph 25) who said that the numbers of lobsters caught by the aboriginal fishers was low when compared to the commercial fishery, “There was a lot of lobsters caught here in a small area” (paragraph 26), Ross concluded.

Ross echoed the community concern that regardless of what was said by others, the aboriginal fishery was a threat to the commercial fishery. Ross represented a member of the community and someone in the know, in contrast to the DFO and a federal government too removed from the issue.

(ii) Syntax. The story began with Ross’ questions and concerns about the aboriginal fishery. DFO Spokesperson Bob Allain then explained the method used by the DFO to arrive at their numbers, “It’s based on trap count. Then they randomly select a number of traps that are fishing. They’ll look at those traps and look at the catch rate. That rate is then projected across the full range of traps that are in the area” (paragraph 5). The item then returned to Ross’ counter claim that the estimates were too low because the method employed by the DFO was suspect and based on numbers gathered at the lowest ebb of the fishery (paragraphs 18-19).

The news item presented the viewpoint of the non-aboriginal commercial fishers and legitimated their view. Greg Ross’ expertise and knowledge of the fishery meant that the DFO numbers should be looked at with suspicion.
October 12th 1999: news item #2

Don't take frustrations out on us: Neguac mayor [page A1], written by Gail Savoy
keywords: boycott, business, conflict

Neguac Mayor Richard Bremault said he did not want Neguac businesses and the community to become the victim of a boycott by the Burnt Church First Nation. He said the federal government was to blame for the situation in the region and that the boycott would only extend the conflict.

The boycott was called by Big Cove lawyer Millie Augustine who said native people should avoid shopping in Neguac until the mayor denounces the fishermen who took part in a raid on native lobster traps.

A) Arrangement of the news story:

(i) Story placement. Appeared on page 1, beneath the above item and adjacent to the photo of Jennifer Ward Savoie.

(ii) Headline. The header implied that the audience was acquainted with the particulars of the story. The meaning of the ambiguous “Don’t take frustration out on us...” would be comprehended immediately by the news consumers:

The aboriginal population had called a boycott of Neguac businesses in response to the lobster trap raids. The mayor of Neguac was asking that it be called off. The word “frustration” epitomized the mood of everyone in the region. The aboriginal population, though, was misdirecting their frustration. According to the mayor and the headline, Neguac was not to blame for what had transpired, and should not be punished.

B) Language use and grammar:

(i) Word choice. In this six paragraph news item, the Neguac mayor said he did not want to be the “victim” of a boycott by the Burnt Church First Nation (paragraph 1). The Mi’kmaq were “directing their anger the wrong way” (paragraph 3). They should “blame” (paragraph 4) the federal government for the situation and seek “dialogue” (paragraph 6) to resolve the situation.
The item expressed two themes: 1) the anger expressed by the aboriginal community was unnecessary, as opposed to the necessary actions of the non-aboriginal fishers expressed in other items; 2) the federal government was responsible for the confrontations and tensions in the region.

(ii) Syntax. The item began with the mayor’s statement that Neguac was being unjustly blamed and punished for the actions of others. This situated the news item, as the mayor and the community of Neguac were presented empathetically. The mayor understood the aboriginal frustration resulting from the aboriginal fall fishery conflict but contended that a boycott would be counterproductive. The mayor proposed dialogue as a resolution. By focussing on the mayor’s sympathetic tone in this brief news item, while glossing over aboriginal explanations for the boycott, the particulars of the aboriginal boycott became a secondary interest to the Neguac response and proffered solution. This depoliticized the boycott and placed a focus on the plight of non-aboriginal people in the region. Hence, the perspective of the mayor became, by extension, the view of Neguac and the sentiment of the whole region.

October 12th 1999: news item #3

New Brunswick Family Awards, Eel ground hosts New Brunswick family awards [page B1], written by Karen Gauvin Donovan

keywords: celebration, presentation, community

As one native community was caught in the midst of a bitter fish feud, another celebrated with drumming and singing. The Eel Ground First Nation hosted the provincial family awards. This was the first native community to host the episode. Howard McKay of Eel Ground won an award in the senior category. McKay was recognized by all as a worthy role model, a dedicated and tireless volunteer and an outstanding and caring member of the community.

A) Arrangement of story
(i) Story placement. The news item appeared on the front page of the B section and was prefaced by the photo and caption on page 1, featuring Red Bank singer, Jennifer Ward Savoie. The B section was marked off from the hard news section and functioned as a regional calendar for community announcements, local sports, and entertainment. The text of the news story was placed in the upper left quarter of the page, while the remainder of the page was given over to four photos of the episode, featuring various participants from the festivities.

(ii) Headline. The header announced that this was a “good news” story. This story was printed in 18 point Broadway font with the word “family awards” written in stylized bold typeface. The bold typeface attracted attention and indicated that the item was a centrepiece in this edition of the newspaper.

(iii) Sub-header. The sub-header confirmed that this was a general interest story with positive implications for all New Brunswickers. This was an account of a provincial family awards ceremony hosted by an aboriginal community. The fact that the event took place in an aboriginal community was noteworthy. This was a story of collaboration and rapport in contrast to the stories of conflict and disunity that appeared the previous week.

B) Language and grammar

(i) Word choice. Words such as “singing”, “dancing”, “celebrating”, and “hand-holding” (paragraphs 1 and 2) informed the reader that this was a positive story, and stressed that the family day was about unity. In this context, aboriginal performances were presented as “entertainment” (paragraph 2).
Aboriginal people performed traditional, ceremonial songs and dances in a festive and non-threatening milieu, attended by aboriginal peoples, non-aboriginal people, and government representatives.

The use of music in the story was noteworthy. Music in this story was about collective goodwill. This stood in contrast to the loud music played over stereos by Mi'kmaq fishers at Burnt Church the week previous. In that instance music was presented as an attempt by Mi'kmaq fishers to disrupt the “peaceful protest” of Michelle Morrison. In this story, the music of aboriginal people symbolized harmony between the various communities. However, while the ceremonial aspect of the music was noted, by labeling the music as “entertainment” in this story, music was depoliticized, or repoliticized to mean “harmony” rather than “conflict”.

The contradictions between this news item and the news items of the previous week continued. The image of aboriginal people “gathering” and holding hands was purposeful and stood in sharp contrast to the violence at Burnt Church. This was meant as a show of solidarity. However, within this report another image of aboriginal people emerged. The story presented Eel Ground elder Howard McKay as the one person that epitomized the sense of community. He was referred to as a “role model” and his good deeds were enumerated. In paragraph six, the reader was told that McKay assisted people who could not fill out their income tax and “other government forms.”

Subtly, while placing one man, McKay, on a pedestal, the item reinforced an image of aboriginal people as dependent on government. “Other
government forms” reified the relationship between government and aboriginal, the statement that they need help filling them out, only served to underlie the dependency.

(ii) Syntax. The sense of cooperation and community established in the opening two paragraphs were refined through Howard McKay. The Eel Ground resident and his contributions represented the heart of this story (paragraphs 4-8). The reader was informed that McKay “won an award in the senior category. The award is given in recognition of outstanding contribution to family life in New Brunswick” (paragraph 4). McKay symbolized all that is noble about aboriginal people, elders, and New Brunswickers: “McKay has given time, money, and even space in his home to support both young and old in Eel Ground” (paragraph 5).

McKay has done numerous things from helping people with government forms to organizing picnics and the “annual pilgrimage” to Quebec (paragraph 7). The article intimated that these are the actions of a “role model... dedicated and tireless volunteer and an outstanding and caring member of the community” (paragraph 8), summed up McKay’s character. The positive portrayal of McKay emphasized the positive energy of the Family Awards Day and the story surrounding this day.

(iii) Semiotics. The pictures were instrumental in this story. On the front page, the young Red Bank singer, Jennifer Ward Savoie, appeared. She was adorned in a pueblo motif shirt that was embroidered with geometric designs. Against this backdrop, the shirt depicted aboriginal women, dressed in
“traditional garb,” performing various jobs, like sewing and working cloth. Savoie also wore a beaded necklace that projected an image of tradition and ceremony.⁶

In the B section, there were four photos published. The photo at the bottom left corner was of a young aboriginal girl, Lily Ginnish, arrayed in a beaded shirt and headdress. She appeared happy, young, and wide-eyed, and she embodied the spirit of family day. The other photos supported this communal mood. Pictured were aboriginal leaders, government representatives, and RCMP members in a relaxed environment. All the people appeared smiling, making the tensions of the fishery seem distant. The protagonist of the text, Howard McKay, was pictured at the top of the article, addressing the audience from a podium. The notion of calmness and harmony prevailed through the images.

The positioning of the Family Awards ceremony, i.e. a “good news” story, stands in contrast to the preceding reportage in the Leader. The juxtaposition of the news stories on this news day takes us to a structural analysis of the three news items.

3.3.6 Miramichi Leader news episode #3: Structural analysis of three news items, October 12th 1999

To begin with, the stories of this day were similarly charted as above. Table 8, similar to the previous tables used, arranges the news items

⁶ The Mi’kmaq are noted for their elaborate beadworking skills.
according to their schemes: initial action→transformation→consequences of the transformation.

**Table 8: Miramichi Leader news episode #3 in three structured segments**

<table>
<thead>
<tr>
<th>Story</th>
<th>Segment #1</th>
<th>Segment #2</th>
<th>Segment #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eel Ground hosts New Brunswick family awards</td>
<td>Cooperation at Eel Ground juxtaposed to conflict at Burnt Church (Good vs. bad behaviour)</td>
<td>Howard McKay as respected elder and role model</td>
<td>Photos of Jennifer Savoie, young female, traditional, singer = traditional aboriginal role MLA, chiefs, constables, and children smiling together.</td>
</tr>
<tr>
<td>How much lobster landed?</td>
<td>Fisheries released numbers of catch estimates (authoritative voice)</td>
<td>Local expert/fisher G. Ross disputes numbers (local knowledge)</td>
<td>Situation needs resolving by spring (single set of rules needed)</td>
</tr>
<tr>
<td>Don't take frustration out on us...</td>
<td>Neguac Mayor pleases with aboriginal community to end boycott (need to work together)</td>
<td>federal gov't to blame for situation (deflects/focuses blame outside community)</td>
<td>Need dialogue (restore trust)</td>
</tr>
</tbody>
</table>

A picture of Red Bank singer and drummer, Jennifer Ward Savoie, graced the front page of the *Leader* on this day. The young woman was photographed resplendent in aboriginal dress, a genial smile on her face. The caption noted that she was among 150 people who gathered for the episode held at Eel Ground the Sunday past. The photo appeared opposite two stories pertaining to the Burnt Church lobster dispute: "How much lobster landed?" by
R. Maclean and "Don't take frustrations out on us: Neguac mayor," by Gail Savoy.

In the Maclean item, non-aboriginal commercial fisher Greg Ross dismissed claims made by DFO that the aboriginal fishery has had limited impact on lobster stocks. Ross was presented as an authority, not a government employed authority, "But a non-native fisherman who has spent decades in those same waters says the numbers aren't even close to being accurate" (paragraph 2). Ross' years in the fishery gave him warrant to suggest that the aboriginal catch was four times the estimate. In the second item, the mayor of Neguac, Richard Breault, emphasized the need for dialogue between the various factions involved in the lobster dispute. If not, the economy and well-being of the community would suffer, the mayor contended. In paragraph 4, the mayor reiterated the sentiment of many in the region, "The federal government is to blame for the situation that we, the region, are all involved in now," he said.

The three stories create an association in light of previous episodes. In the Maclean story the reader was presented with the conflicting views of an experienced local fisher versus those of government bureaucrats. The fisher, Ross, disputed facts and numbers compiled by the Department of Fisheries, instead trusting his powers of observation and intuition. In the second, Mayor Breault of Neguac, another authoritative, local voice, oriented blame for the whole situation toward the government (which would include the DFO). Ross and Breault were in sympathy in their skepticism and in their criticism of
federal authority in this dispute. In the week previous, the newspaper left the reader with the impression that many aboriginal and non-aboriginal people in the region felt similarly. From the aboriginal perspective, the authorities (the RCMP, DFO, government, courts) were not doing their jobs in protecting aboriginal right and, from the non-aboriginal view, they were not doing enough to protect the fishery (future) for licensed lobster fishers.

The three items here illustrated that the problem was not with aboriginal people but with an outside entity—the federal government and its scientists—and that it would require a complete community effort, by aboriginal and non-aboriginal people alike, to restore the status quo. The non-aboriginal fishers' claims were moderated by the mayor's comments, i.e. the dispute was not with the aboriginal populace. The Red Bank singer lent face on the issue, dignified the dispute, and pointed the way toward reconciliation. Table 9 outlines the move to reconciliation through this news episode.

Table 9: Order, chaos, non-aboriginal and aboriginal actors in Miramichi Leader news episode #3

<table>
<thead>
<tr>
<th>Order</th>
<th>Chaos</th>
<th>Non-aboriginal</th>
<th>Aboriginal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gov't (inaction) + DFO (bureaucracy) = disorder (must be resolved)</td>
<td>Boycott (culture) lobster Fishery (culture vs. nature)</td>
<td>G. Ross (fisher, expert) Mayor Breault (elected representative)</td>
<td>J. Savoie, traditional woman, symbol of harmony H. Mckay, elder (sage) L. Ginnish, young girl (hope, collective future)</td>
</tr>
</tbody>
</table>
A line chart summarizes the Table:

Fisher disputes DFO→Mayor seeks dialogue→ Savoie, singer = path to
(disharmony) (disorder through symbol of Renewed
Gov’t inaction) cooperation Order

The feature on the family awards entitled “Eel Ground hosts...” (B1) must be
appreciated as an attempt by the Leader to centre the news schema within a
discourse of order and chaos. Four photos that covered most of the page
accompanied the story of 270 words. The story outlined the provincial family
awards and, in paragraph 2, the reader discovered that the Eel Ground First
Nation “were the first native community to host the episode. Approximately
150 native and non-native people gathered for an afternoon of entertainment,
presentations, and hand holding.”

Central to the story was Howard McKay, an Eel Ground resident who
won an award for his community contribution in the senior’s category
(paragraph 4). His deeds were enumerated:

He has helped young people who find growing up a hard experience and have
nowhere to turn. He assists adult members of families by helping them fill our
income tax and other government forms.
He has also helped to organize numerous activities for seniors and families over
the years, including the annual pilgrimage to Quebec, the St. Ann’s Day
Festivities, and the Eel Ground First Nation picnic.

In this story, McKay was depicted as a concerned community leader, noted for
his altruistic deeds, his giving demeanor, and his contributions to his aboriginal
community. McKay was presented as the archetypal New Brunswicker—
caring, thoughtful, and unselfish. This story in the Leader intimated that the
qualities that McKay, as an aboriginal elder, embodied represent the qualities
to which all New Brunswickers should aspire.
The story was in journalistic parlance a good news story (Bell 1991: 4-36), integrated into a larger narrative, the "superstructure schema of news discourse" (van Dijk 1985: 86) on aboriginal/ non-aboriginal relations in the Miramichi. The inclusion and placement of this article was significant. The Eel Ground item appeared the week following the most dramatic episode of the three month period under examination in this thesis, i.e. the confrontation between Mi'kmaq and non-aboriginal fishers at the Burnt Church wharf. The coverage contrasted with the negative images of aboriginal fishers presented the previous week, providing balance to the Leader reportage. While the news day above concentrated upon disharmony, the coverage of the New Brunswick Family Awards held at Eel Ground, illustrating cooperation and goodwill between aboriginal and non-aboriginal communities, was intended to restore harmony.

However, in an effort to restore rapport between the various communities, the Family Day item also served to reinforce a noble savage stereotype in two ways: 1) Aboriginal women, children, and elders were presented as symbols of universal nobleness and goodness. The aboriginals depicted embodied community, kinship, innocence (through youth), care and concern (through Howard McKay, elder); and, 2) By emphasizing common concerns within both communities, this article bridged the divisive "us vs. them" dichotomy that had dominated the previous week's news. This was the implied message of this piece: Aboriginal people are part of the Miramichi
mosaic, and all Miramichiers must work conjointly to resolve differences and to build a stronger community for all.

By ennobling one part of the aboriginal population, the coverage also reinforced the ignoble imagery. The positive portrayal of the Eel Ground residents was contrasted to the behaviour of the Burnt Church Mi'kmaq. While certain aboriginals were viewed working as toward peace, other aboriginals were depicted as undermining détente by aggressively asserting inherent rights. The corollary between harmony, peace, subservience, and nobility was alluded to in the opening paragraph, “While one native community was caught in the midst of a bitter fish feud, another was celebrating with drumming and singing.” Hence, the aggressive behaviour of some aboriginals served to delegitimize the actions of the Mi'kmaq fishers and depoliticized the discourse.

In the Leader on this day, any consideration given the aboriginal communities and the positive changes brought to the Mi'kmaq by the Marshall decision were presented in context to the non-aboriginal population. In other words, the Mi'kmaq were presented in light of the non-aboriginal community. The Eel Ground community as depicted in the Leader was not meant as a representation of a Mi'kmaq community for Mi'kmaq consumption; instead, the Eel Ground awards celebration presented an ideal order to a primarily non-aboriginal Miramichi readership.

The analysis illustrates that the Leader coverage on this news day, though different in mood to the other news episodes, was consistent in the use of familiar themes and schemes i.e. the use of the noble savage imagery, to
convey meaning. Having conducted a structural analysis on all three news episodes, a summary of that analysis is now required to illuminate the relationship between the three news episodes.

3.4 Summary

This chapter concentrated on three separate episodes that formed part of a larger narrative on aboriginal/non-aboriginal relations in the Miramichi, and were all published within the context of aboriginal rights, the fisheries, and the Marshall decision. These three episodes marked the three defining moments of the crisis: 1) The announcement of the Marshall decision, in which the old order was disrupted and disharmony was introduced into the Miramichi; 2) The chaos exemplified by the violent encounter at the Burnt Church wharf; and, 3) The attempt to reestablish order and community through the Eel Ground Family Day report.

1) News episode #1, September 21\textsuperscript{st} 1999. Two stories appeared which established the direction that the Leader coverage took in the ensuing three-month interval. It was through these two adjacent news items that the stereotypes nobleness and female virtue versus ignobleness and aboriginal male violence were made manifest.

Story number one was entitled, "Court backs native right to sell wood", written by Karen Gauvin Donovan (Sept 21\textsuperscript{st} 1999, pg. 2). This article was the Leader's first on the Marshall decision. The article clearly outlined the importance of the Marshall decision to everyone in the Miramichi. Though the
item had a positive tone and was supportive of the Marshall decision, the story continued a media tendency to speak of aboriginals in relation to government and the courts (Singer 1982).

The second article, “Court due to rule in Augustine case” (Sept. 21st 1999, pg. 2), appeared below the Marshall announcement. An item about “a murder case that has been before the courts for years” (paragraph 1), this second story cemented the connection between aboriginal peoples and legal institutions begun in the above story. The second item recounted a violent incident in which one aboriginal male had been killed and an aboriginal woman attacked. While not trivializing the seriousness of the incident reported, it is the contention here that this story was important, not only because it addressed a topical local story, but because it helped to reify the dominant news schema, noble : savage :: order : chaos. Ideals of male and female behaviour were counterbalanced to highlight the baseness of the male aboriginal. By considering the two stories in conjunction, it is argued that the savage stereotype constructed in the second news item was projected on to the first item through the placement of both stories in close proximity (van Dijk 1991).

2) News episode #2, October 5th 1999. This edition of the Leader reported on the confrontation between aboriginal and non-aboriginal fishers at the Burnt Church wharf on the weekend of October 3rd 1999. Nine news items accompanied by five photos were published on this the single most intensive day of coverage in the wake of the Marshall decision. The items included a
political cartoon, reprinted in the *Globe and Mail*, and one editorial. The front-page story, "Violence erupts in lobster fight", included two photos of burned and overturned vehicles belonging to non-aboriginal fishers.

While the *Leader* presented balanced coverage, blaming neither aboriginals nor non-aboriginals for the incidents, the newspaper created distance between the aboriginal and non-aboriginal communities. Aboriginal people became a collective Other (Said 1978). The *Leader* accomplished this alienation by favouring the non-aboriginal voice. On this day the newspaper concentrated on the personal testimonies of the non-aboriginal community, such as the Morrison family, while excluding aboriginal rejoinders and perspectives. Aboriginal people were placed on the fringes of the stories, often as the antagonists to whom the non-aboriginal community responded. By de-personalizing aboriginals the *Leader* manufactured anonymous Mi'kmaq, living in faceless and arcane communities. This representation allowed an association between savagery, chaos, and otherness to be communicated through the *Leader*'s news items/news stories.

3) *News* episode #3, October 12th 1999. In contrast to the anonymous otherness of October 5th 1999, in this edition of the *Leader* the newspaper gave face to the aboriginal people of the region. Red Bank singer, Jennifer Ward Savoie, appeared on the front page while the front of the B section was given over to the New Brunswick Family Awards held at the Eel Ground Reserve. The appearance and placement of the Eel Ground story was significant for four reasons: (i) The item illustrated the professionalism of the
Leader through balanced reporting. (ii) The story highlighted the larger narrative structure or schema in which all these stories must be considered. In other words, this edition of the newspaper must be considered not in isolation but as part of an oeuvre, a whole collection of news stories on aboriginal peoples and the Marshall decision printed in the Leader. (iii) The story and photos demonstrate how the Leader negotiated the feminine as a metaphor for harmony. Thus, this story operated along a continuum in which the nobility and savagery of aboriginal peoples was often juxtaposed, but ever present. (iv) This story, in context with the other news episodes, addressed the topic of structuralism. In this news story it was illustrated that to speak positively of aboriginal people, to conjure the noble, implies an equally restrictive stereotype, the savage. In other words, during this period of reportage all news items about the aboriginal population of New Brunswick appeared in context to the original news stories announcing the Marshall decision. The positive news stories acted to corroborate the negative images by depicting aboriginal peoples conforming to a safe image constructed by the non-aboriginal population: dancing, singing, entertaining, and/ or acting as sage elders.

In conclusion, the Miramichi Leader was analyzed in this chapter as an example of a community newspaper. The Leader was chosen because it is the dominant English language newspaper in the Miramichi, a region that was, and remains, under national media scrutiny in the wake of the Marshall decision. The Leader was examined not with the intent of gaining greater insight into any real episodes in the Miramichi but to observe how certain
happenings were presented within the context of a local newspaper. The focus was upon news writing as a process, one similar to ethnography, through which Durkheimian social facts (Durkheim 1938) are formed, re-formed, communicated, packaged and sold for public consumption (For a discussion of news as written text see especially Tuchman 1978). The premise in the above analysis was that news producers such as the Miramichi Leader cannot be detached from the news episodes they write about nor from the stories they tell.

Through a qualitative analysis of the Miramichi Leader it was discovered that the news stories surrounding the Marshall decision illuminated two interdependent macrothemes (van Dijk 1985): 1) order and chaos; and, 2) noble savagery. While the newspaper demonstrated integrity and consistency in its presentation, the rigid organization and format of the Leader contributed to a conservative approach to news reporting (see Ritzger 1975 on the relationship between professionalism and the rationalization of institutions). It was argued that the Leader's ability to challenge the status quo was curtailed by the predictable and structured artefact of routine professional practices which resolved the variety and contradictions of the world into simple binary distinctions: reasonable versus unreasonable; normal versus abnormal; us versus them; good versus bad (Davis 1985: 58). However, was the Leader's approach to the Marshall decision and the reportage of subsequent episodes that arose from that ruling only peculiar to the Leader? In the next chapter, a consideration of the Globe and Mail helps to answer that question.
CHAPTER 4

THE GLOBE AND MAIL, AN EXAMPLE OF ELITE\textsuperscript{9} PRINT MEDIA


Anyone can have an opinion, but is it informed? The Globe and Mail. Well written. Well read.\textsuperscript{10}

4.1 Chapter overview

There are three sections to this chapter. The first section presents an overview of the Globe and Mail. The second section is comprised of the textual and structural analysis of three news episodes from the Globe and Mail, while the third section summarizes that analysis. The objective of this chapter to establish a narrative schema in the Globe and Mail coverage of the Marshall decision that parallels the pattern discovered in the Miramichi Leader reportage in the preceding chapter.

The method of analysis follows the approach used in Chapter 3 on the Leader. The analysis of each news episode appears in two parts, a textual analysis of each news item, which includes a short synopsis of each item, followed by a structural analysis of the overall news scheme of each news episode. The news items are reprinted in Appendix 1. Similar to the Leader, the Globe and Mail coverage is analyzed through three news episodes:

(i) News episode #1 examines two news items printed on September 18\textsuperscript{th} 1999 that announced the Marshall Supreme Court decision. This news day

\textsuperscript{9} The use of the term elite to describe the Globe and Mail derives from Tunstall (1970, 1977) who applies this term to an institutionalized, corporate media.
represents the first day of coverage of the Marshall ruling, corresponding to
the Miramichi Leader news episode #1 in the previous chapter.

(ii) News episode #2 analyzes the Globe and Mail coverage of the Burnt
Church wharf incident. Six news items are used from October 4th and October
5th 1999. The Globe and Mail coverage over two days parallels the coverage
devoted to this topic in the Leader, October 5th 1999.

(iii) News episode #3 looks at three positive news items that were printed by
the Globe and Mail after the Burnt Church incident. A parallel was sought in
this section between the Globe and Mail's reportage and the Leader's news
episode #3, the coverage of the New Brunswick Family Awards Day at Eel
Ground.

4.2 Outline of the Globe and Mail

The Globe and Mail, published in Toronto since 1844, is one of
Canada's oldest newspapers and represents one of four dailies produced in
the Metropolitan Toronto region. Along with the National Post, the Globe and
Mail is one of two Toronto based newspapers that have re-made itself as a
national publication. During the period under examination, the Globe and Mail
was owned by Thomson Canada Limited, one of three large newspaper
ownership groups that produce and control over 90% of the newspapers in
English speaking Canada (McPhail and McPhail 1990: 93). Though chain
ownership has led to higher efficiency and profits, this complex of ownership

10 From advertisement campaign, fall 2000.
has also been blamed for the reduced diversity in opinion and interpretation in news media (ibid: 87).

The *Globe and Mail* is an example of elite corporate media, with traditionally strong ties to the money markets of Bay Street and the Conservative Party of Canada. The *Globe and Mail* is both a big and small C conservative newspaper. It is also considered to be one of the most analytical and informative newspapers in Canada, providing sober, balanced reporting on issues of national and international importance. Consequently, the Marshall decision and the aboriginal fall fishery that followed received considerable attention in the pages of this newspaper. The aim of the *Globe and Mail* reportage was to place the Marshall decision and the ensuing set of episodes within a larger national framework, through which aboriginal rights, land claims, and treaties could be debated.

4.3 Textual and structural analysis of three news episodes in the *Globe and Mail*

The textual and structural analysis used in this chapter is of the same order as that used in the analysis of the *Leader*.

4.3.1 *Globe and Mail* news episode #1: Textual analysis of two news items, September 18th 1999

As with the *Leader*'s coverage, the first news items printed were deemed the best place to start this analysis. The *Globe and Mail* printed two news items the day following the Marshall ruling by the Supreme Court of
Canada. The *Globe and Mail*’s initial news items focussed more on the personal, for example Donald Marshall’s trials and tribulations, and the historical interpretation by the court than it did on the practical implications of the Marshall ruling. This appeared in contrast to the *Leader’s* coverage that offered barely a mention to Donald Marshall and instead discussed the implications of the ruling for the Miramichi.

*September 18th 1999: news item #1*

Donald Marshall wins again, *Man set free in landmark case spearheads native rights victory in Supreme Court* [pages A1, A3], written by Kirk Makin, Justice Reporter

keywords: Donald Marshall, Supreme Court, native rights, livelihood, treaties, interpretation.

The Supreme Court of Canada acquitted Donald Marshall Jr., a Mi’kmaw from Nova Scotia, on three charges of illegally catching eels in 1993. Marshall said a 1760 treaty with the British gave his Micmac band the right to catch fish and sell them for sustenance. This is the same Donald Marshall who was wrongly convicted of murder in 1971 and spent 11 years in prison before the conviction was quashed by the Nova Scotia Supreme Court.

Mr. Justice Ian Binnie, speaking on behalf of a 5-2 majority, said that an acquittal would uphold the honour and integrity of the Crown. Binnie added that the interpretation of treaties required one to look beyond the actual wording of the treaty to other documents and oral utterances made at the time which add valuable context. Law Professor Patrick Monahan, York University, said the decision confirms a liberal approach to the interpretation of treaties, by going beyond the words to ascertain their meanings to the parties at the time.

A) Arrangement of the news story:

(i) Story placement. This story appeared on the bottom of page 1 below the fold. Page 1 is reserved for breaking news stories, important items, or other stories of interest intended to catch the consumer’s eye. The Supreme Court decision received front page coverage, but its placement near the bottom of the page indicated: (a) that the Marshall decision was a secondary story at this stage, or; (b) that the Supreme Court announcement came late in the day and
that this was the only space available in the newspaper, or; (c) that the
decision was unexpected and caught the newspaper editorial staff off guard.

(ii) Headline. The header was a terse four-word announcement, “Donald
Marshall wins again.” The wording assumed a familiarity between the reader
and Donald Marshall. Who Marshall was and what he had won did not require
an elaboration. The adverb “again” underscored this recognition. Marshall was
a repeat winner and his notoriety derived from this recurrent victory. Donald
Marshall was the protagonist, and the winning was of the same order on more
than one occasion.

(iii) Sub-header. The sub-header elaborated upon Marshall’s identity. He was
a man previously set free in a landmark case who had now spearheaded a
native rights victory in the Supreme Court. The sub-header guided the header
in establishing an association between Marshall’s past and the present. This
was the same Donald Marshall who was set free by a previous court. The sub-
header created a link between Marshall’s present campaign and a past
confinement, and in so doing established a link of recognition for the reader—
Donald Marshall has won native rights in the Supreme Court once again.

B) Language use and grammar.

(i) Word choice. Adjectives applied to Marshall depicted him as the active
agent in the first half of the article. In the header, it was Marshall who did the
winning and who spearheaded the victory. The term spearhead is interesting
in its own right:
Words such as this gave Marshall’s victory a militaristic tone, playing to a stereotype of the native warrior and of native traditionalism. The spear is an allusion to the past—to a past technology and to a past way of life.

This militarism was emphasized throughout the article in reference to Marshall. In paragraph six, Marshall had thought about “giving up the fight,” but kept at it because he had faced “bigger problems” before. Marshall had been “charged” (paragraph 3), “wrongly convicted of murder” (paragraph 4), had his “guilt affirmed” by two lower courts (paragraph 22), and in the end was acquitted to “uphold the honour and integrity of the Crown” (paragraph 9). The militarism was presented as a noble trait, i.e. Marshall was admired because he persevered and sacrificed for his people to get justice. Marshall represented the individual versus the system. The type of militancy ascribed to Marshall appears in contrast to a belligerent or unjust form of militarism, characterized by acts of aggression and violence against innocent people.

In the second half of this news item the focus turned from Marshall’s personal battle with the legal system and focussed on the Supreme Court’s verdict. In this half of the article, Supreme Court Justice Ian Binnie and other experts figured prominently. According to Law Professor Patrick Monahan, the court had continued a “liberal approach” to the “interpretation of treaties” (paragraph 12), while Judge Binnie noted that the British took a liberal view of necessities (paragraph 16). This meant that the Mi’kmaq had and continue to
have a “general right to trade” to “obtain necessities” (paragraph 18). Binnie said that the courts have been “persistently criticized” by historians for selecting bits of history to decide authenticity. Binnie also said that the judicial process must “do as best it can,” regardless (paragraphs 21, 22).

The tone of the news item changed in the last few paragraphs and concluded with the statement that Binnie’s views were not unanimous. The news item ended with excerpts from Justice McLachlin and Justice Gonthier who both said that the treaty “involved precisely what it stated” (paragraph 25). The news item implied that the Supreme Court ruling, while providing a form of justice for Marshall, could be controversial because of a lack of unanimity and the uncertainty brought by the decision.

(ii) Syntax. There were two distinct parts to this story. The first half concentrated on Marshall and his victories. The second part concentrated on the Supreme Court decision by Justice Ian Binnie based in the treaty of 1760.

The first paragraph continued the link made in the header and sub-header, informing the reader that Donald Marshall was a “Nova Scotia native whose name has become synonymous with injustice.” The opening paragraph also established Marshall’s role as protagonist of this news item: “[Donald Marshall]...led his Micmac Indian band to a major legal victory yesterday in a dispute over fishing rights.” The introduction was followed by a summary of the particulars of the case and then went on to talk about Marshall’s previous prison term. In paragraph 5 the two events, Marshall’s present court victory and his past wrongful incarceration, were drawn together: “Mr. Marshall said
yesterday he's happy the case is over and he never wants to see the Supreme Court again." In paragraph 6, the personal toll on Marshall caused by the many years of legal battles was alluded to, "At the time I almost gave up but in the back of my mind I knew that I had dealt with bigger problems." The first half of the item served to establish Marshall as an empathetic and epic character by illustrating that he had been involved in many a protracted struggle from which he had emerged tired, yet victorious.

The second half of the news item confirmed that the decision in the Marshall case was difficult for all involved, including the Supreme Court. Binnie's rationale for the decision, i.e. of upholding the honour and integrity of the Crown, was echoed by Law Professor Monahan who said, "the decision continues a jurisprudential vein that frowns on narrow, niggling interpretations of age-old treaty agreements" (paragraph 11). Judge Binnie's remarks were then elaborated upon, "'The British took a liberal view of necessities,' Judge Binnie noted in an aside" (paragraph 16), and, "The thread of continuity between these episodes, it seems, is that the Micmac (sic) people have sustained themselves in part by harvesting and trading fish, including eels, since Europeans first visited the coasts of what is now Nova Scotia...." (paragraph 25). While Binnie's rationale moved the news story forward, the item ended with the words of the dissenting judges, "When the restriction on the Micmac(sic) trade fell, the need for compensation for the removal of their trading autonomy fell as well" (paragraph 28).
By including the dissenting voices, especially at the end of the item, the news article completed a cycle from Marshall (and Marshall's tribulations) → Binnie's rationale and the treaty of 1760 → Dissenting viewpoint. In doing thus, the news story went from a positive mood, i.e. Marshall winning against great odds, to an ambiguous ending, i.e. the court's interpretation of history is disputable, emphasized through the dissenting views of some of the Supreme Court judges that ruled on the Marshall decision. This news item set the mood for the coverage that followed in the Globe and Mail in the September to December 1999 interim.

September 16th 1999: news item #2

Marshall eager to leave spotlight after court win, Native also drew media glare in 1982 when murder conviction was overturned [page A3], written by Kevin Cox, Atlantic Bureau, Halifax

Keywords: Donald Marshall, fishing, justice system, fortitude, media

Donald Marshall Jr. said he hoped to never darken another courtroom. The 45-year old native of Cape Breton joked that he had lots of practice dealing with the media and the courts. He was wrongly convicted in 1971 of murdering a Sydney teenager and spent 11 years in prison. After he was freed, a Royal Commission of Inquiry raised allegations of racism in the Nova Scotia justice system and resulted in sweeping changes in the province's legal system.

Mr. Marshall, who had several brushes with the law after he was freed, seemed at ease following his latest legal win. Mr. Marshall planned to go home to rest and moose hunt, while the chiefs and lawyers for the Micmac people prepared for negotiations with the government over how the newly recognized hunting and fishing rights should be exercised.

A) Arrangement of the news story:

(i) Story placement. The item was found on the National News page opposite the continuation of the previous story. A photo of Donald Marshall Jr. arriving at a news conference in Halifax appeared alongside the two news items. This story, more biographical than the first item, expanded upon the first news item by focussing upon Donald Marshall, his past, and his future plans.
(ii) Headline. The header continued the theme of the previous article, concentrating on Donald Marshall as protagonist. The eagerness to leave the spotlight accentuated the theme of Marshall before the courts: Having won again, Marshall was eager to get out of the courts, get out of the spotlight, and move on.

(iii) Sub-header. The sub-header returned to Marshall's past, citing that Marshall was a native who drew media glare in 1982 when his murder conviction was overturned.

B) Language use and grammar:

(i) Word choice. The word glare paralleled the word spotlight in the header, but glare is an interesting term that could imply two different feelings, anger and awe:

   glare n. 1. an angry stare. 2. a dazzling light or brilliance. 3. a garish ornamentation or appearance; gaudiness

The word glare used in conjunction with "overturned murder conviction" cast an air of suspicion over Marshall. The sub-header created a notoriety around Marshall by suggesting that the glare came not from the murder conviction itself, but through the overturning of that conviction. This sub-header could have been omitted from the news item entirely, as Marshall's past had little to do with his recent court case. Moreover, alternate words could have been substituted for "murder conviction" that would have been equally informative. For example, "Marshall also drew media attention in 1982 when unjust conviction overturned," would have been a more accurate and politically neutral sub-header.
Marshall hoped to never “darken” the door of another courtroom (paragraph 1). Marshall, “...who had several brushes with the law” (paragraph 4), went to court this time for “my people” (paragraph 5). Marshall “acknowledged” (paragraph 15) that he had almost given up several times but knew that he had dealt with “bigger problems” (paragraph 16). To note, parts of this quotation from Marshall also appeared in the first item and were excerpted from statements made at Marshall’s press conference held in light of the Supreme Court decision.

The words chosen in this article indicated that Marshall’s journey through the justice system had been a long one but the emphasis remained on the past and the more famous wrongful conviction dating to 1971. It is difficult to judge whether the story could have been approached differently but, by connecting the Marshall decision of September 1999 with the murder of a teenager in 1971, the newspaper created a connection between two very different events.

(ii) Syntax. The item moved from Marshall at the press conference to the details of the case and concluded with the wider implications of this decision to both aboriginal peoples and the federal government.

The story initially presented a Donald Marshall who “seemed at ease following his latest legal win” (paragraph 4). The item began with Marshall stating he “won’t try commercial fishing again” (paragraph 1), and then went on to outline both this current case and Marshall’s past. The article returned to the present in paragraph 5, with Marshall saying, “This time I went to the
Supreme Court for fishing. I wasn't there for myself. I was there for my people. It was more touching than anything else.”

The particulars of the case were then outlined, showing how “a fishing trip in August, 1993... put him [Marshall] back in the media and legal spotlight” (paragraph 7). The article concluded that the spotlight would no longer be on Marshall as “the chiefs and lawyers for the Micmac people prepare for negotiations with the government over how they will exercise their newly recognized hunting and fishing rights” (paragraph 17). The item ended where it began, with Marshall “eager to leave the media glare” (paragraph 17).

(iii) Semiotics. The photo of Marshall that accompanied these items accentuated the focus of the news stories. They concentrated on Marshall the individual, the principal in the case, i.e. the protagonist. Other social actors, such as Justice Binnie, Justice McLachlin, Professor Monahan, Chief Lawrence Paul, could have been included but the newspaper decided to feature the individual who took on the system and won.

The photo of Marshall conveyed his inner strength and vulnerability, and symbolized the dualism of the news story: The photo communicated that Marshall's victory was honourable but that it has created more uncertainty than certainty for the future in Canada. By invoking the past—aboriginal rights and ancient treaties—to satisfy the present the Supreme Court has created an indeterminate future for all Canadians.
Marshall's victory takes us from this textual analysis of news episode #1 to a structural analysis. A structural analysis forms the basis of the following section.

4.3.2 Globe and Mail news episode #1: Structural analysis of two news items, September 18th 1999

The intention of this section is to illustrate that the first two news items from the Globe and Mail expressed a pattern. The Marshall ruling was presented as a triumph for Donald Marshall, an empathetic figure with a notorious past. However, the Supreme Court decision was one burdened by ambiguity and controversy. According to these two news items, while Marshall's behaviour was meritorious, the decision arrived at by the court was not the correct one. This news pattern is outlined, following the Leader analysis from the previous chapter, by comparing the two news items through three segments. In Table 10, the news items are broken down into component parts to illustrate the transformation from initiating action to a new, uneasy equilibrium.
Table 10: *Globe and Mail* news episode #1 in three structured segments

<table>
<thead>
<tr>
<th>Story</th>
<th>Segment #1</th>
<th>Segment #2</th>
<th>Segment #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donald Marshall wins again</td>
<td>Marshall's tribulations; Marshall's past; Marshall's victory (perseverance of the individual)</td>
<td>Judge Binnie's rationale; the treaty of 1760 (legal and colonial context)</td>
<td>Dissenting voices on Supreme Court (point of objection)</td>
</tr>
</tbody>
</table>

The story chart illustrates that a transformation occurred in each news item as the reader moved from the protagonist, Donald Marshall, to the broader impact of the Supreme Court decision. In segment #1, Donald Marshall was the focus of each news item. Marshall was depicted as a noble Mi'kmaq man, a quiet and determined warrior who has reached the end of a journey. In the second segment, Marshall was removed from the scene as his crusade ended. In news item #1, this allowed the story to move from Marshall to a discussion on Judge Binnie, the Supreme Court, and the history of Mi'kmaq/ non-aboriginal treaties.

In the first story, a social transformation was completed through the use of the authoritative voice of the Supreme Court, especially Justice Binnie and the dissenting voice of McLachlin. The Marshall decision, according to the *Globe and Mail*, marked the advent of a new set of circumstances in non-
aboriginal/aboriginal relations, confirmed through a "liberal approach to the interpretation of treaties" (paragraph 12). The article informed the reader that this new relationship would not be easy and would lead to more negotiation, controversy, and possible conflict. Marshall's victory was the beginning of new troubles and uncertainty.

The ambiguity of the Marshall decision was suggested early through the first story. The court decided to "go beyond the actual wording of a treaty and to examine other documents and oral utterances made at the time..." (paragraph 13), introducing nuances that would have been ignored if the court had taken a strict literal interpretation. Judge Binnie asserted that the lower courts that had ruled against Marshall were "too rigid and failed to appreciate the treaty's broad context" (paragraph 23). However, the dissenting judges countered this claim saying, "The exclusive trade and truck system was a temporary mechanism to achieve peace in a troubled region..." (paragraph 27).

In essence, the first item, as did the Marshall decision itself, epitomized a classic, contemporary debate in Canadian society over the compensation of aboriginal peoples for past injustices. The news item opened up each viewpoint for scrutiny, the liberal perspective, embodied by the Marshall decision, and the rigid view of opponents echoed through McLachlin. While Marshall's intestinal fortitude was being celebrated, the Globe and Mail item maintained a cautious tone as to whether any benefits would be derived from the court decision.
In the second story, the introduction of anonymous government and aboriginal negotiators (paragraph 17) also hinted at the unsettled situation brought by the Marshall ruling. The tired Donald Marshall was vacating the stage, replaced by professional negotiators set to continue the unfinished business of debating how the “newly recognized rights” would be “exercised” (paragraph 17). The transformation from the individual, Donald Marshall, to wider social questions created the sense that ambiguity, possibility, and uncertainty swirled around the Marshall ruling.

The second item enhanced this ambiguity through the implied, future negotiations between aboriginal peoples and the federal government in light of the Marshall decision. The Marshall ruling did not offer closure and would lead to future problems, argued the Globe and Mail through this item. Each news story suggested that the Marshall decision was the completion of one episode, Marshall’s protracted legal battles, and the beginning of a new episode, finding a workable resolution for all vested interests. In the second item that new period is one of impending negotiations, discussions, and settlements, involving a cadre of legal experts over a long period of time. The story suggested that in terms of aboriginal issues, things are never cut and dry, nor are they ever resolved. Donald Marshall was illustrative of this tendency: “Mr. Marshall who had several brushes with the law after he was freed, seemed at ease following his latest legal win” (paragraph 4). Marshall symbolized the persistent tension between aboriginal and non-aboriginal peoples in Canada,
and that an association between the courts and aboriginal people will continue
ad infinitum.

Ambiguity in the relationship between Donald Marshall, aboriginal rights, the Supreme Court, and the federal government was created in these news items. Donald Marshall had said it was his aboriginal right to harvest eels to sustain himself, relying on what nature provided as had his ancestors. The treaty of 1760 was an acknowledgement of those natural rights according to the Supreme Court ruling. However, not all of the members of the court concurred with this interpretation, and the dissenters believed that the majority decision went beyond the strict letter of the law, “When the restriction on the MicMac trade fell, the need for compensation for the removal of their trading autonomy fell as well” (paragraph 28). The reader learned that the court could have opted (legally) to maintain the status quo in the natural resource sector by denying Marshall.

The Globe and Mail stories presented a standard story through these two items, as summarized in Table 11.
Table 11: Chaos, order, nature, culture in *Globe and Mail*

news episode #1

<table>
<thead>
<tr>
<th>Chaos</th>
<th>Order</th>
<th>Nature</th>
<th>Culture</th>
</tr>
</thead>
</table>
| 1971 murder; Marshall's "several brushes with the law" (paragraph 4, A3) | Supreme Court; NS Supreme Court; Royal Commission; Treaty Rights; Press conference | Eels Fishing | Aboriginal voice: D. Marshall; Chief Paul (Membertou)  
Institutional voice: Patrick Monahan (York U); Judge Binnie: Judge McLachlin; Judge Gonthier (Supreme Court) |

In the two *Globe and Mail* news stories, the eel fishing, the premise for the court challenge, was de-emphasized, while the mechanisms of state order were accentuated. Donald Marshall was important to the story as the protagonist who brought the original action to the court, but after the decision, he faded into the background, as the focus shifted to a larger macrotheme on aboriginal rights. The courts were vital in the transformation of topic from the microlevel, Donald Marshall the individual against the system, to the macrolevel, inherent and legal rights and access to natural resources.

The court acted as an agent of change, introducing natural and treaty rights into the heavily regulated arenas of fishing and lumbering. In this sense, an institution for law and order opened the door to change and allowed a level of disorder to prevail. The court appeared to be acting counter to its mandate,
as it could have opted to legally maintain the status quo by supporting the lower courts. Donald Marshall, as an aboriginal person operating within that system, illustrated the pros and cons of the court acting in a cavalier manner. Marshall battled in the courts for years before winning this battle (paragraphs 4-5, A1), and in this sense was portrayed as a noble character, fighting a just cause. However, the reader learned in the second story that Marshall has had many run-ins with the law, including the overturned murder conviction (paragraphs 3-4, A3). Marshall's past tempers the empathy the reader may feel for Marshall. In other words, the ambiguity of the court decision and the ambiguity of Donald Marshall allowed for a swing between negative and positive interpretations of the court decision in these two items. The Marshall decision could be viewed as a positive decision for both aboriginal and non-aboriginal alike, leading to new opportunities and access for aboriginal peoples. Or, the decision could be viewed negatively. In this latter reading, Marshall still can be viewed positively, as a crusader, but his background can be viewed suspiciously, and that can cast a pall on the Supreme Court decision. The above relationship can be depicted linearly:

Marshall (actor)→Court (agent of change)→ Marshall decision (new relationship between aboriginal people and state)  
(positive/ negative) (positive/ negative)  
(positive/ negative)

Through these two news stories, the association between aboriginal rights, the state, and the courts was solidified. The news on this day focussed upon the Supreme Court decision regarding Marshall and eel fishing, i.e. the affinity between aboriginal people and nature, the personality of Donald Marshall, as
the archetypal aboriginal male, and the use of Courts to interpret treaties and history. In this presentation, the *Globe and Mail* was able to cast Marshall in a heroic role, as a person who has endured privations while fighting for his people. Yet, Marshall's savage character was always beneath the surface in these new items embodied in the form of previous transgressions. The news on this day intimately connected aboriginal people to the state institutions, especially the legal system, through a typical story of an aboriginal person in the Courts. The Supreme Court decision led to a transformation of Donald Marshall in his many legal battles, while affirming aboriginal treaty rights of all aboriginal people. Hence, the decision, while admirable in intent, could lead to greater instability in the future. It is in this light that the analysis proceeds to news episode #2 and the *Globe and Mail*’s coverage of the confrontation between aboriginal and non-aboriginal lobster fishers and their families at Burnt Church, New Brunswick.

4.3.3 *Globe and Mail* news episode #2: Textual analysis of one news item, October 4th 1999, and five news items, October 5th 1999

This news episode examines the *Globe and Mail* reportage of the Burnt Church wharf incident as analyzed in the *Miramichi Leader* in the preceding chapter. Similar to the *Leader*, the events at Burnt Church, New Brunswick marked a dramatic change in tone in the *Globe and Mail* reportage. The violent confrontation was utilized by the newspaper as confirmation of the chaos that the Marshall decision would bring. This section moved the news
narrative from an ambiguous stage, i.e. the Supreme Court decision in all its permutations, to a defined, violent moment, i.e. confrontation caused by what was reported as an ill-conceived ruling and government inaction.

The analysis in this section includes one news item printed on October 4th 1999 and five news items that appeared on the following day, October 5th 1999. The reason for using two days worth of coverage instead of only one was to create some symmetry between the analysis in the Globe and Mail and the Miramichi Leader. By using the two days of news items in this section, a comparable quantity of news items was attained for each newspaper.

October 4th 1999: news item #1

Anger explodes over fishing rights, N.B. fishermen destroy native traps in reaction to off-season lobster catch endorsed by Supreme Court [A1, A5], written by Kevin Cox and Daniel LeBlanc

keywords: lobster fishing, violence, negotiation, regulation, conservation

Non-native commercial fishers went out and disabled hundreds of lobster traps owned by natives. This led to clashes between the two groups, at both Burnt Church and at a tense meeting in Nova Scotia. Non-native fishers justified their actions saying that the off season fishing jeopardizes their livelihood. They made no apologies for their action.

Michael Belliveau of the Maritime Fisherman's Union said that this could have been avoided had Ottawa not allowed things to escalate. The non-native fishers said that the native fishery threatened conservation and that people who claimed to be non-status natives was illegally operating thousands of lobster traps. Lobster fisherman Junior Theriault, who has been involved in negotiations with the native groups, said the angry fishermen had to give their leaders time to work on an agreement with local bands.

A) Arrangement of the news story:

(i) Story placement. This item was featured prominently, directly under the newspaper banner on page one. The story was accompanied by a large photograph of two men who appeared to be in an intense discussion with one another, while six people looked on from the background. The caption informed the reader that brief scuffles broke out at Burnt Church, New
Brunswick and that non-natives were upset by a Supreme Court ruling that let aboriginal people fish during the off season. This story was situated beside two other news items with forceful headlines: “Douglas Fir campaign leads to violence,” and “Militiamen describe East Timor slaughter.” Taken together, the three articles articulated a theme of violence, confrontation, and anger.

(ii) Headline. Anger was the subject in this header. The header's placement established the mood of the coverage. The "explosion" of anger suggested a dramatic and inevitable fulmination, a boiling over of emotions:

\textit{explode} \text{vb. 1.} to burst or cause to burst with great violence as a result of internal pressure, esp. through the detonation of an explosive; blow up 2. \textit{intr.} to react suddenly or violently with emotion, etc.: to explode with anger.

Fishing rights were depicted as something that ignited strong, passionate feelings that could not be contained. This created for the reader an association between strong, violent emotions and fishing.

Fishing, as an emotive enterprise, elicits several stereotypes of the fisher (Palsson 1991: xv-xvii; Palmer 1993: 414-420): a) The fisher is an individual who is in constant battle with nature and the elements; b) Fishing is a traditional livelihood, through which a strong bond is forged between fisher, community, and the resource; c) Fishing is an anachronistic lifestyle, placing those who continue within the various fisheries under enormous pressures; and, d) Fishers are under increased external pressures from a regime of rules and regulations enacted by the federal government and the Department of Fisheries and Oceans.
(iii) Sub-header. New Brunswick non-aboriginal fishermen were the initiators, destroying native traps in reaction to the off season lobster catch. Even though native traps were endorsed by the Supreme Court, as acknowledged in the sub-header, the association of fishing rights and New Brunswick non-aboriginal fishermen placed the focus on native traps as the cause of the anger. The word fishermen excluded the notion that aboriginal people were legitimate fishers, so native traps represented an intrusion on the legitimate commercial rights of non-aboriginal fishermen. Through reverse logic, this news item implied that the behaviour of the aboriginal fishers led to the explosion of anger by the New Brunswick non-aboriginal fishermen.

B) Language use and grammar

(i) Word Choice. In paragraph one, the non-aboriginal fishers “disabled” the aboriginal lobster traps, using a flotilla of boats. The operation was surgical, not violent, and the anger came from the aboriginal overreaction to this action. The word “destroyed” was avoided. However, in paragraph 6, non-native fishers raised native traps, “sliced them off their buoys”, or “broke their wooden doors.”

The word “vigilante” appeared in quotations within this item mainly when used by the aboriginal fishers to describe the non-aboriginal actions. The word “vigilante” in the news article qualified the aboriginal claims: What was or was not done by non-aboriginal fishers may or may not have been an act of vigilantism. The quotation marks served to emphasize aboriginal overreaction to what were perceived acts of vigilantism. By qualifying
vigilantism in this news item, the “disabling” done by the non-aboriginal fishers in paragraph 1 was transformed from an assault into a case of mischief, or a desperate act. Either way, by qualifying the term vigilante, the news item was effective in taking empathy away from the aboriginal fishers who had their fishing gear ruined, and creating empathy for the non-aboriginal fishers who may have been responsible.

Although the behaviour of non-aboriginal fishers was not condoned in this article, it was placed in context. What the non-aboriginal fishers did was wrong but their reasons were understandable. By paragraph 30, non-aboriginal fisher fears over regulation and conservation were augmented with the statement that some of the lobster traps were being “set illegally by non-status natives.” Fishermen were, by paragraph 28, “fed up” with the closed season lobster fishery. The traps “had to be removed” because of government inaction (paragraph 11). The language of the news item suggested that the violent confrontation was the inevitable outcome of the Supreme Court decision and a lack of preparedness by government. The statements of many witnesses in this story confirmed as much.

(ii) Syntax. The story was constructed around the anger and violence stemming from government inaction, which led to frustration and fear. This allowed for a narrative where the non-aboriginal fishers were acting solely to save the lobster fishery. This also allowed the lobster fishery to be discussed in isolation from other events. Other topics, such as the history of colonialism
and race relations, which may have been contributing factors to the confrontation, remained absent in the reportage.

The last two paragraphs suggested a different angle that the *Globe and Mail* should have considered in more detail. Non-aboriginal fisher Junior Theriault discussed the ongoing negotiations between the various groups involved and said that “angry fishermen had to give their leaders time to work on an agreement with local bands “ (Paragraph 31). Theriault’s comments illustrated that something else, peaceful negotiation was happening in the Maritimes between those with a vested interest in fishing. The negotiations were undoubtedly less exciting than the dramatic confrontations at Burnt Church. Ironically, many of the editorials and stories printed during the September-December interim demanded a cessation of fishing under the pretense that negotiations were needed. The fact that negotiations were ongoing was glossed over through much of the coverage that dealt with the standoff.

This news item was important because it presented the inevitable outcome of the court and government action (or inaction)—violence. As the perception of chaos descended over the region, the question of whether violence was truly characteristic of the lobster fishery or marked aboriginal/non-aboriginal relations in Atlantic Canada became inconsequential to the news reports. Consequently, the larger, historical context within which these events took place remained unexplored in the reporting.
October 5th 1999: news item #1

Ottawa gropes for response to fish battle. PM and Fisheries Minister send conflicting signals as tensions rise [page A1, A4], written by Daniel LeBlanc, Parliamentary Bureau, Ottawa

keywords: contradiction, negotiation, violence, responsibility, conservation, regulation

Prime Minister Jean Chrétien and Fisheries Minister Herb Dhaliwahd contradicted one another. The Prime Minister suggested the government might petition the Supreme Court to suspend the Marshall decision. The Fisheries Minister said that a negotiated settlement that could include a system of "communal licences" should be attempted and called on native leaders to enforce a voluntary moratorium on fishing. Mr. Dhaliwahd said there would be a regulated fishery or no fishery at all.

Federal Reform Leader Preston Manning said that the government should immediately ask the Supreme Court to suspend its ruling and to negotiate a settlement that would remove any special status for natives. Don Matthews, a Liberal MP from Newfoundland, said, "If the natives continue to fish, it will only get worse. The battle lines are literally drawn."

A) Arrangement of the news story:

(i) Story placement. This article appeared on page one beside a photo of the flag of the militant Mi’kmaq Warrior Society, flying on the wharf in Burnt Church, New Brunswick.

(ii) Headline. "Ottawa gropes for response..." presented the federal government as distanced, fumbling, and unprepared. The second part of the header, "fish battle," in context with the photo of the Mi’kmaq warrior flag, accentuated the seriousness and the war-like atmosphere that had descended upon the fishery.

(iii) Sub-header. The Prime Minister and Fisheries Minister sending out conflicting stories exemplified the mishandling by Ottawa. Increased tensions between aboriginal and non-aboriginal fishers was the result of those conflicting signals, and this created the image of a bungling government responsible for, yet unable to control what was transpiring. The sub-header
implied that the federal government was inept because they were unprepared for the Marshall decision.

B) Language use and grammar:

(i) Word choice. In paragraph 1, it was the Supreme Court and "East Coast natives" that "provoked violent clashes" with non-native fishers. The lack of a clear government mandate exacerbated the situation but, by paragraph 4, the article returned to discuss the "preferred option," a "negotiated settlement" outlined by the Fisheries Minister, Herb Dhaliwal. This settlement would need to "ensure conservation" (paragraphs 13, 31) and could involve a "system of communal licences" (paragraph 17). The article said Dhaliwal would "not allow a free-for-all on the seas" (paragraph 18). A negotiated solution (paragraphs 5, 11, 16, 18) based on conservation (paragraphs 13, 31) and regulation (paragraph 19) was required soon because, according to Liberal MP Don Matthews (Newfoundland), the "battle lines" (paragraph 33) were already drawn.

The article focussed on government inaction and a need to take action for a Supreme Court decision and an aboriginal fishery that had provoked violence. Violence would continue until the federal government brokered a deal. Aboriginal and non-aboriginal fishers were not blamed for the violence, but the violence was a consequence of absentee leadership and a lack of regulation.

(ii) Syntax. The news story set the scene in the opening paragraph. Aboriginal and non-aboriginal fishers were clashing because of contradictions between
the Supreme Court and government. The mood in the East Coast had became militant: "On the Burnt Church wharf, Mi'kmaq fishermen were shadowed by native warriors dressed in army fatigues" (paragraph 1). This image of Mohawk warriors would tweak the conscience of most Canadians familiar with the Oka standoff a decade earlier. The story quoted members from the various political parties in Ottawa that stressed the need for a negotiated settlement and an immediate solution. Even the government "admitted it was caught off guard by the Supreme Court decision, and critics are saying it has yet to recover" (paragraph 25).

The article was a commentary on the federal government and the view of those in opposition to the government's handling of the affair. In paragraphs 20 and 21, the article strayed from the fishery to discuss another recent contradiction involving the Prime Minister and a cabinet minister. Similar to the airline industry, Burnt Church illustrated how federal government mismanagement and the consequences of that mismanagement resulted in conflict. If the federal government were to continue to flounder, relationships between aboriginal and non-aboriginal would continue to disintegrate and a new level of conflict would emerge. According to this news item, the mismanagement of the lobster fishery was a microcosm of government mismanagement in several areas.

October 5th 1999: news item #2

Defiant N.B. natives refuse to yield, Mi'kmaq community adamant fishery will continue; want charges laid against vandals [page A4], written by Kevin Cox, Atlantic Bureau, Burnt Church, N.B.

keywords: violence, moratorium, vandalism, justice
Non-native fishermen cut more than 200 lobster traps in a wild day of violence. The people in Burnt Church vowed to continue to fish. They also called upon the RCMP to lay criminal charges in connection with the trap cutting and melee that took place Sunday night. Three people were injured after the collision of a truck and van on the property of a non-native fisher. A baseball bat was used during the physical confrontation and several people from the reserve said one of the injured underwent surgery.

For two weeks the people of the reserve rejoiced in their newfound incomes from lobster fishing, while non-native fishers complained that the natives were fishing out of season and would destroy the lobster stocks in Miramichi Bay.

The Atlantic Mi'kmaq chiefs revealed that they were poised to declare a 30 day fishing moratorium, but said they would continue to fish, because it was their legal right to do so. About 20 members of the Mi'kmaq Warriors Society, dressed in camouflage uniforms, patrolled the wharf and vowed to prevent any further damage to native vessels or gear.

A) Arrangement of the news story:

(i) Story placement. This story was printed beneath a photo of a group of fishermen trying to enter the Department of Fisheries building in Moncton. The caption read that the commercial fishermen were seeking a resolution to the native fishing dispute. This item and photo graced the top half of the National News page.

(ii) Headline. The headline described the New Brunswick aboriginal population as defiant. The dictionary (Collins 1991: 389) defines defiant thusly:

\[ \text{defiant-adj.} \text{ marked by resistance or bold opposition, as to authority; challenging.} \]

Roget’s Thesaurus (1989: 67) provides the following synonyms:

\[ \text{defiant-adj.} \text{ mutinous, fractious, rebellious, ungovernable, lawless, willful, audacious, bold, stubborn.} \]

Defiance does not suggest a group of people acting within their rights, or in consideration of others, but it does suggest boldness and a refusal to back down.

This news item was printed underneath a photo of a “group of angry fishermen,” and opposite the continuation of the above story. This headline
and photo accentuated the tension that the government had to confront, angry non-aboriginal fishers and recalcitrant aboriginal people. The image of aboriginal people as stubborn and uncooperative contextualized the included photo of a group of angry fishers attempting to enter the Department of Fisheries in Moncton. The aboriginals had provoked the non-aboriginal population, who now needed to correct the situation.

(iii) Sub-header. The sub-header lacked the militancy of the header but stated that the Mi'kmaq were “adamant” about continuing the fishery. The word adamant is subtler than defiant (Collins 1991: 16):

adamant-adj. 1. unyielding; inflexible. 2. unbreakable; unpenetrable. [Old English: from Latin adamant- stem or adamas, from Greek; literal meaning perhaps: unconquerable, from A+daman to tame, conquer]

The word suggested strength of will more than the rebellious or fractious attitude suggested by the header. The term “Mi'kmaq community” also added an air of legitimacy. It was more than a group of unspecified “defiant natives” that were being adamant but a recognized population. The use of militancy in this instance was ambiguous: the sub-header presented the Mi'kmaq as militant, but contextualized that militancy within the events of Burnt Church.

B) Language use and grammar:

(i) Word choice. The Mi'kmaq refusal to yield was accentuated in the first paragraph where “grim faced natives” and aboriginals in “military garb” counted their losses after “more than 2 000 lobster traps” were cut. Chief Lawrence Paul of the Assembly of First Nations said that aboriginal people needed to “act responsible” (paragraph 8) and should declare a 30 day fishing
moratorium (paragraph 5). This led to a “glimmer of hope” (paragraph 5) that peace (paragraph 17) could be restored. However, Mi’kmaq fisher Brian Francis maintained that the Mi’kmaq were “fishing legally,” and anyone interfering with them was “obstructing justice.”

(ii) Syntax. Paragraph 10 summed up the tone of the article: “During those two weeks, the people of the reserve rejoiced in their newfound incomes from lobster fishing, while non-native fishermen complained that the natives were fishing out of season and would destroy the lobster stocks in Miramichi Bay.” The aboriginal fishery established in the wake of the Marshall decision created unease in the non-aboriginal fishing community. The non-aboriginal commercial fishers were worried about the conservation of the stocks and their livelihoods. According to the news item, the aboriginal fishers were acting in a cavalier fashion, as the non-aboriginal fishers helplessly looked on.

As the article highlighted overtures made by certain members of the Mi’kmaq community, the air of militancy remained central. For example, in paragraph 1, “Under the protection of guards in military garb, grim faced native fishermen counted up their losses yesterday…” while in paragraph 16, “Yesterday, about 20 members of the militant Mi’kmaq Warriors Society, dressed in military-style camouflage uniforms, patrolled the wharf and vowed to prevent any further damage to native vessels or gear.” There were losses caused by vandalism, but this was not going to deter the aboriginal fishers, “I urge them to continue [fishing],” [Chief] Dedam said, shivering in a chilling wind on the wharf yesterday (paragraph 4).” Consequently, the Warrior Society was
there to “keep the peace in the tense situation at Burnt Church (paragraph 17)” after a physical confrontation between aboriginal and non-aboriginal people the night before (paragraph 11).

The last paragraph suggested that the Mi’kmaq fishers were not going to go quietly. Aboriginal resolve was impressive, yet disconcerting: “Vernon Mitchell said the federal government has no right to try to halt even temporarily a fishery that has been approved by the Supreme Court of Canada” (paragraph 25). This comment underscored the theme of this news item, i.e. the need for an immediate and comprehensive resolution involving all players, mandated by the federal government.

October 5th 1999: news item #3

Mi’kmaq brace for further clashes, Defiant natives adopt militant stand in defence of fishing rights [page A4], written by Tu Thanh Ha

keywords: confrontations, vandalism
A day after simmering tensions over fishing rights erupted into a wave of vandalism against Mi’kmaq lobster cages, the natives were repairing their traps and placing some of them back in the water. The native fishers seemed to be waiting to see if non-natives would dare to try again to disable their traps. The local school was closed after vandals smashed windows. Without classes some children roamed the reserve, adding to the incongruous mood of the day. They rode a rusted pick up truck, making whooping noises and waving a Warriors Society red-and-gold flag, as supporters from other communities arrived in Burnt Church.

A) Arrangement of the news story:

(i) Story placement. The story appeared beneath the above item. This news story thematically fit with the other items on this day, with a focus on militancy, conflict, and dispute. The term “defiant natives” even appeared in the sub-header, drawing a direct connection between this news item and the one above.
(ii) Headline. The header implied that the Mi'kmaq were in preparation for further clashes. The form of preparation was hinted at in the sub-header, “militant stand.” That meant that the Mi'kmaq were bracing and entrenching themselves. They were fortifying themselves to fight back.

(iii) Sub-header. The sub-header stressed the theme of “defiant natives” begun in the previous article and stressed the military aspect of the Mi'kmaq. The fishing rights were going to be fought for should any further incursions by non-aboriginal fishers take place.

B) Language use and grammar:

(i) Word choice. The article punctuated the need for a solution by Ottawa as noted in news item #2. The Mi'kmaq were bracing for further “confrontations” (paragraph 1) after a day of “simmering tension” (paragraph 2), “vandalism” (paragraph 2), “shoving” (paragraph 5), and “violence (paragraph 4) in this “bitter face-off” (paragraph 14). In light of the clashes with non-aboriginal fishers, the Mi'kmaq were buoyed by the warriors and “war leaders” clad in camouflage (paragraph 5, 20). They rode around the community, “making whooping noises and waving a Warrior’s Society flag” (paragraph 17), in a celebration of triumph and anti-establishment furor.

(ii) Syntax. According to this news item, the Mi'kmaq were consolidating their numbers and building themselves up militarily in a familiar fashion: “The visiting native supporters were said to include some Mohawks from Quebec, along with Mi'kmaq from Listuguj, a reserve where natives still nurse bitter memories of past clashes with police and logging companies” (paragraph 19).
The Mi’kmaq believed that they had to protect themselves because the government and the police refused to get involved: “If I did that [destroy non-aboriginal lobster traps] to the whites, I’d be in jail now” (paragraph 13), said a Mi’kmaq fisher preparing his traps. From the aboriginal perspective a double standard existed that needed to be neutralized. The invitation of several supporters was meant to bolster a legal claim to establish a fishery. The supporters included Mi’kmaq from Listuguj, “where natives still nurse bitter memories from past clashes with police and logging companies” (paragraph 19). The appearance of some militant aboriginals from abroad intimated the growing divide between the various stakeholders.

This news item highlighted the entrenchment of positions symbolically through Mi’kmaq militancy. Burnt Church was metamorphosing into a battle zone. The message of the news item was that the gap between aboriginal and non-aboriginal needed to be bridged before the situation exploded like it did in Oka, Quebec11 ten years earlier.

October 5th 1999: news item #4

The Supreme Court all at sea, By granting open season to native fishing, the judges have netted chaos in New Brunswick [page A14], editorial

Keywords: justice, chaos, amendments, negotiation

In its blindness, justice fails to anticipate the practical repercussions of its lofty rulings. This is the problem that led to violence between native and non-native fishers in New Brunswick. By purportedly upholding the two-centuries-old honour of the Crown, the court created administrative chaos, effectively declaring open season for native fishers in modern-day New Brunswick.

11 In 1990 in Oka, Quebec, members of the Mohawk nation and the Canadian Armed Forces were involved in a tense stand-off over aboriginal rights to a traditional burial ground. The stand-off, in which one police officer was killed, marked a watershed moment in aboriginal/non-aboriginal relations in Canada. Oka was the first contemporary example of mass organized civil unrest by aboriginal peoples in Canada. Oka was also the first time many non-aboriginal Canadians realized the level of disaffection felt by many aboriginal peoples for the Canadian state.
The Supreme Court should put its decision in abeyance until federal regulations and provincial statutes can be amended. The Mi'kmaq should haul all but a symbolic number of traps. Non-aboriginal fishers should be compensated for lost income by the federal government. Negotiation is the order of business for all three sides to co-exist.

A) Arrangement of news story:

(i) Story placement. This was the Globe and Mail's lead editorial on the day and was published in light of the events at Burnt Church. Most of the opinion-editorial pages, including the letters to the editor and the item below, were dedicated to the Marshall ruling and the aboriginal lobster fishery.

(ii) Headline. An effective headline that situated the newspaper's editorial stance, it included a witty refrain, "all out to sea," which tied the item into the topic of fishing rights.

(iii) Sub-header. Another witticism was employed with the use of the term "netted." By allowing aboriginal fishers on the seas to net fish, the Supreme Court has netted chaos. The sub-header equated "nets," "fishing," "chaos," and "open season." The sub-header played to a misconception of aboriginal peoples held by some: Traditional fishers, especially aboriginal fishers, by nature, utilize the fishing commons with impunity, and care little about the long-term health of the resource. Allowing aboriginal fishers freedom to fish invariably leads to chaos and a tragedy of the commons situation; hence, an unregulated fishery equals chaos.

(iv) Editorial. In light of Burnt Church and the increasing news interest of the Marshall decision, the Globe and Mail needed to contextualize the episodes in more than daily accounts. That was what this collection of viewpoints did. The
news items that preceded this editorial confirmed the "chaos" caused by the Marshall decision, while the editorials reified this notion of a chaotic situation needing to be calmed and ordered.

B) Language use and grammar:

(i) Word choice. In paragraph 1, the article stated that justice was blind and sometimes failed to "anticipate the practical repercussions" of rulings. This inability to predict the "practical repercussions" had led to the "violence between native and non-native fishers in New Brunswick" (paragraph 1). In the Marshall case, the court "ruled very broadly" (paragraph 4), and in "purportedly upholding" (paragraph 5) the honour of the Crown, the court created "administrative chaos" (paragraph 5). The non-native fishers were "outraged" when the natives set "6,000 lobster traps" in Miramichi Bay in September 1999. The court "foolishly" (paragraph 6) provided no period of "grace" (paragraph 8) and should have followed precedent by putting its "ruling in abeyance" (paragraph 7).

The editorial was adamant that the Supreme Court had acted irresponsibly in their ruling in the Marshall case. The interested parties: federal government, aboriginal peoples, and non-aboriginal fishers should get together and negotiate a solution to the present situation. In the meantime, the Mi'kmaq fishers should haul all but "a symbolic number" of traps to demonstrate good faith (paragraph 9).

(ii) Syntax. This editorial began from the premise that a decision poorly thought through by the Supreme Court had led to violence. The court ruled
“very broadly,” and “Although the conditions that precipitated the writing of the treaty no longer exist, and explicit fishing rights were not granted by treaty, the court ruled that the Micmac have the right to ‘continue to provide for their own sustenance’…. " (paragraph 4).

The article was highly critical of the court, and suggested that its ruling was leading to chaos in the Maritimes. The article did not dismiss aboriginal rights, but felt that the court should have suspended its judgement until regulations could be amended to match the ruling. The editorial argued that it was now time for those with a stake in the fishery to take it upon themselves to correct what the court had done. Aboriginal and non-aboriginal fishers must demonstrate leadership and wisdom where it was found to be lacking in government and the court.

October 5th 1999: news episode #5

Give the Micmacs a chance, The court’s ruling wasn’t a blank cheque, and First Nations are good stewards of the land [page A15], commentary by Theresa McClenaghan, Canadian Environmental Law Association
keywords: treaty rights, regulations, conservation, fiduciary duty
The Supreme Court ruled in the Marshall case that the treaty of 1760 was still valid, giving Micmac peoples certain rights over the fisheries. In the reaction to the decision, and the consequent move by aboriginal fishers to set lobster traps during the off-season, there was an assumption that the recognition of Micmac rights will further harm the fishery resource. Ottawa was being asked to intervene before aboriginal leaders had a chance to determine their approach, consistent with conservation interests, or to discuss it with the federal government.

A) Arrangement of the news story:

(i) Story placement. This opinion page piece appeared next to a cartoon by Bill Hogan from the Miramichi Leader (noted in news episode #2, Miramichi Leader). Pictured was a lobster, mouth wide opened, exclaiming, “Well nobody asked us!” On a fishhook hung a note that read, “Natives get Open Season.”
Beneath this editorial appeared excerpts from the Supreme Court decision, both the judgement and the dissenting views. The article acted as ballast in light of the other items on the page.

(ii) Headline. The header was a plea, a call to support the Mi'kmaq, to give them an opportunity to fish. However, the header also had a paternalistic tone: Somebody, i.e. non-aboriginal Canada, should permit the Mi'kmaq to figure out things for themselves. The Mi'kmaq have been under the supervision of the state for a long time and it was now time to allow the Mi'kmaq to venture out on their own.

(iii) Sub-header. The sub-header marked the parent-child bond. The first half of the sub-header emphasized the control that the courts would have over any Mi'kmaq endeavours by stating that the Marshall decision was not a blank cheque. The second half of the sub-header reiterated the relationship between aboriginal people and the land, stating that aboriginal peoples are “good stewards.” Because of the connection to nature, the Mi'kmaq can be trusted by non-aboriginal society to act responsibly was the message in this sub-header. Or, in other words, Mi'kmaq actions matter as far as they impact upon non-aboriginal peoples.

(iv) Editorial. The inclusion of the commentary balanced the Globe and Mail's editorial stance, which had been highly critical of the Supreme Court in the Marshall ruling to this point. The newspaper presented a forum through which supporters of the decision were allowed to speak. This forum maintained the objectivity of the Globe and Mail.
B) Language use and grammar

(i) Word choice. Written by a counselor from the Environmental Law Association, this item focussed on the language of the Marshall decision along with the issue of treaty rights. McClenaghan argued that, "There is a tough onus on each First Nation to prove that it has a treaty or aboriginal right" (paragraph 3). Moreover, the Supreme Court does not act rashly in its decision-making. In the Marshall case, the court was charged with the task of finding out "what the 1760-61 treaties mean today" (paragraph 4).

The court argued that Marshall had a "valid" (paragraph 1) "treaty trading right" (paragraph 4). This meant that aboriginal people were entitled to a "moderate livelihood" and "necessaries" but this was "subject to regulation" (paragraph 5). Where the Crown proves that "conservation is needed" (paragraph 5), regulations restricting aboriginal fishing may be placed. However, these restrictions require government "to consult" with aboriginal peoples before restrictions come into play.

The author said that the "vociferous" (paragraph 7) reaction to the Mi'kmaq fishery was the result of unfounded "emotions" and "fears" (paragraph 7). It would be "inconsistent with history" to think the Mi'kmaq would ruin the fishery or undermine conservation (paragraph 7). In this sense, this commentary addressed the prejudices and concerns of non-aboriginal people by placing the issue within a rational and legal context. The preface of the item, i.e. legal rights and fiduciary duty, allowed the commentator to juxtapose legal, rational thought with visceral and emotional reactions to
aboriginal fishing rights. The conclusion of this commentary is that legal, rational thought, which would allow aboriginal people to manage their own natural resources, should prevail.

(ii) Syntax. The story used the connection between aboriginal people and the land, i.e. the image of “good stewardship,” to present a legal argument in support of the Mi’kmaq. Aboriginal and treaty rights were not about to undermine conservation. In fact, this would not happen because the federal government would still have the right to regulate native activities. Aboriginal people, though they would participate in the decision-making process, would not have complete say over the use of natural resources and this should allay public fears. The article argued for a balance between concerns of conservation and fiduciary duty, maintaining that aboriginal people were not divorced from the legal system, but deserved an opportunity to play a more active part in forming the future.

(iii) Semiotics. The political cartoon by Hogan, reprinted from the Leader (October 5th 1999), was placed alongside this commentary. On the one hand, the Globe and Mail printed this item in support of Mi’kmaq treaty rights, while, on the other hand, the item appeared beside a political cartoon lampooning those same court-won rights. In one sense, the cartoon could be interpreted as an example of the fears and recriminations that surfaced in light of the Marshall decision and fall fishery; in another sense, the cartoon could be viewed as a response to those, like McClenaghan, who endorsed an aboriginal fishery.
McClenaghan's commentary broke from the rest of the news coverage in the *Globe and Mail* on this day. However, the McClenaghan item conformed to a news framework in which the pros and cons of the Marshall decision were weighed within a discussion controlled by non-aboriginal people. The consequence of this news pattern is examined through a structural analysis of this news episode in the next section.

### 4.3.4 *Globe and Mail* news episode #2: Structural analysis of one news item, October 4th 1999, and five news items, October 5th 1999

The structural analysis is utilized to construct a narrative for the reportage of the Burnt Church incident. The aim is to demonstrate that a negative depiction of aboriginal people, equated with violence and militancy, developed in the news reportage on this day. As previously, the stories are arranged into three segments. In Table 12, each news item is deconstructed to follow the aforementioned scheme: initiating action → challenge/dilemma caused by that action → response/new situation arising from action.

**Table 12: *Globe and Mail* news episode #2 in three structured segments**

<table>
<thead>
<tr>
<th>Story</th>
<th>Segment #1</th>
<th>Segment #2</th>
<th>Segment #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anger explodes over fishing rights</td>
<td>Anger &quot;boiled over&quot;: equipment wrecked, lobster traps destroyed, &quot;violence&quot; = chaos</td>
<td>Explanation for action provided by non-aboriginal fisher reps: Gov't apathy, conservation = rationale</td>
<td>Need to avoid &quot;civil war&quot; = negotiate and re-establish harmony</td>
</tr>
<tr>
<td>Ottawa gropes for response…</td>
<td>Contradictory signals, Chrétien vs.</td>
<td>Mi’kmaq militant reply. Maritime</td>
<td>Gov't and opposition MPs call for</td>
</tr>
<tr>
<td><strong>Defiant N.B. natives refuse to yield</strong></td>
<td><strong>Dhaliwal = lack of leadership = “provoked violence”; “out of control”</strong></td>
<td><strong>Premiers stress negotiations need to continue with Gov’t setting agenda (Mi’kmaq recalcitrance cause of continued problems)</strong></td>
<td><strong>“Moratorium” to prevent “depletion” (Gov’t must take definitive action)</strong></td>
</tr>
<tr>
<td><strong>Mi’kmaq brace for further clashes</strong></td>
<td><strong>Post-battle scene = stand-off (destruction and tension) = battle lines drawn: defiant aboriginal fishers, angry non-aboriginal fishers (conflict and militancy)</strong></td>
<td><strong>“Glimmer of hope” = moratorium = Aboriginal cooperation</strong></td>
<td><strong>Warriors to keep peace (images of vigilante justice) seek justice, question RCMP’s motives</strong></td>
</tr>
<tr>
<td><strong>The Supreme Court all out to sea</strong></td>
<td><strong>The stand off: military build-up; continued fishing (calm inside the storm)</strong></td>
<td><strong>Anatomy of violence (recap road to present)</strong></td>
<td><strong>Aboriginal support growing; on the warpath; escalation of military presence (total breakdown near at hand)</strong></td>
</tr>
<tr>
<td><strong>Give the Micmacs a chance</strong></td>
<td><strong>Blind justice led to violence (court’s actions questionable)</strong></td>
<td><strong>Broad ruling → aboriginal vs. non-aboriginal fishers = tension and chaos</strong></td>
<td><strong>Need to put decision “in abeyance” = need to restore status quo</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Court ruled treaty and all it implies is still valid = new regime brought into being</strong></td>
<td><strong>“Moderate livelihood” and “limited right” being used to urge unilateral action by Ottawa = Gov’t interference urged by opponents</strong></td>
<td><strong>Mi’kmaq deserve opportunity to regulate own fishery. Balanced by reprinted Hogan cartoon</strong></td>
</tr>
</tbody>
</table>
As outlined through the above table, the *Globe and Mail* coverage on this day repeated four themes: 1) The Supreme Court was irresponsible when it made the Marshall ruling and validated aboriginal treaty rights; 2) The Federal Liberal Government and Prime Minister Jean Chrétien had shown no leadership on the issue and had allowed the situation to escalate out of control by not acting unilaterally to stop aboriginal fishers; 3) The Department of Fisheries and the RCMP have been unable to prevent vandalism because of the absence of a clear mandate from government; 4) The violence and stand-off between aboriginal and non-aboriginal fishers on the East Coast was an inevitable consequence of this breakdown of order.

This chronology of events was given credence in the *Globe and Mail* through the perspectives of two groups placed in opposition, the non-aboriginal and aboriginal fishers. Both sides in the issue, while at odds with one another, were definite in their orientation of blame: government, RCMP, and the DFO were at fault for the way events unfolded. From the perspective of non-aboriginal fishers and supporters, these institutions of authority should have acted to curb the aboriginal fishery before it was established. From the aboriginal viewpoint, the authorities were negligent by not providing protection to aboriginal fishers exercising their court acknowledged rights.

The *Globe and Mail*'s coverage on this day promoted an (apparent) transformation from social order to social chaos, written thusly:

Supreme Court ruling → Aboriginal fall fishery → Non-aboriginal response → Government Inaction → Chaos.

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The reporting on this day developed in light of the first day's coverage of September 18th 1999. In the initial accounts, the court decision was presented ambiguously and cautiously: The Supreme Court was following a recent, liberal trend in the interpretation of treaties that placed more emphasis on historical context than the text of an agreement signed 240 years ago. The newspaper articles noted that this approach of broadly interpreting treaties could lead to uncertain consequences, i.e. immediate changes for which Canada was unprepared, and that aboriginal access to natural resources should in fact be negotiated slowly, through time, with few social disruptions. The possibility of future confrontation was implied by the news coverage: Quick, unprecedented change would disrupt (mostly) non-aboriginal license holders in various natural resource fields. The introduction of a new regime would have significant consequences for non-aboriginal Canadians and the economy.

By October 1999 and the aboriginal fall lobster fishery, the consequences of this new regime were being felt. The abrogation of authority by the federal government allowed base human nature to take over, so argued the Globe and Mail through the news reports, which devolved into an uncontrolled struggle over the lobster fishery. The actions of the non-aboriginal fishers became comprehensible: with the federal government and authorities abandoning non-aboriginal fishers, the non-aboriginal fishers and their communities had no choice but to respond by taking matters into their own hands. These same news reports cast the aboriginal fishers in a more sinister
light. Aboriginal fishers were presented as provoking the situation, aware that taking to the water would upset all commercial fishers, and would be seen as an act of bravado. The violence was depicted in the *Globe and Mail* as the natural outcome resulting from a breakdown of law and order. With the RCMP, DFO, and federal government unable or unwilling to act, aboriginal and non-aboriginal fishers relied upon a form of traditional problem solving—physical fights and attacks on property.

In the *Globe and Mail*, where authority disappeared, an image of a savage aboriginal emerged. How this image was reserved for aboriginal people during this ordeal is noteworthy. Both aboriginal and non-aboriginal fishers were depicted negatively, acting violently and on impulse. However, the non-aboriginal fishers were transformed into empathetic figures. According to the news accounts, non-aboriginal fishers were acting to save the fishery, the economy, and to conserve lobster stocks. Even if the non-aboriginal fishers methods were unsavory, their intentions were honourable, i.e. to protect the fishery. Conversely, the aboriginal fishers were flaunting their new found rights, in the face of conservation concerns, and were even prepared to use military means to ensure their right to fish.

The editorial of October 6th 1999 reified a relationship between chaos and order. The Supreme Court acted irresponsibly by granting aboriginal peoples a “limited right” to fish and hunt and this led directly to the violence in Burnt Church (paragraph 1). The Court created an “open season”
(paragraph 5) for aboriginal lobster fishers by not giving the government time to amend fishery legislation (paragraph 6). The government in the meantime was "studying" the situation with the intent of petitioning the Court to suspend the ruling for a period (paragraph 8). The editorial maintained that the Mi'kmaq should demonstrate honour and integrity by pulling all "but a symbolic" number of traps, while all groups, aboriginal, non-aboriginal, and government should negotiate a settlement (paragraphs 9-10). The editorial suggested that the actions of aboriginal and non-aboriginal fishers were somehow inevitable, that without a governing body to oversee their behaviour, the non-aboriginal fishers had no recourse but to violence.

This simplified the situation and added substance to the aboriginal vs. non-aboriginal dichotomy. It created an image of two camps in complete disagreement and at war with one another, of people unable to govern or control themselves. The violence was presented as symptomatic of the situation. However, the news stories on this day qualified the non-aboriginal situation: Non-aboriginal fishers were protecting themselves and the lobster stocks as a matter of survival. Aboriginal fishers, who could have demonstrated a nobler side by recognizing the delicate balance between nature and the fishing industry, decided to continue on with disregard for the preservation of the industry. The message was that the aboriginal fishers acted in a selfish manner, and this lay in contrast to the non-aboriginal fishers reacting out of desperation.
From the above, an association between violence, chaos and ignoble behaviour became fixed during this day of reporting. Table 13 charts this relationship.

**Table 13: Chaos, order, culture, nature in *Globe and Mail***

**news episode #2**

<table>
<thead>
<tr>
<th>Chaos</th>
<th>Order</th>
<th>Culture</th>
<th>Nature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warrior society (flag)</td>
<td>Government</td>
<td>Fishery conservation</td>
<td>Violence</td>
</tr>
<tr>
<td>Violent clashes (Burnt Church and Moncton)</td>
<td>Negotiation Law</td>
<td>conservation Rules and regulations</td>
<td>Lobster</td>
</tr>
<tr>
<td>Vandalism</td>
<td>Moratorium Fishery unions</td>
<td></td>
<td>Aboriginal fishing</td>
</tr>
</tbody>
</table>

The *Globe and Mail* carried a second editorial, “Give the Micmacs a Chance” (October 5th 1999, A15) that presented an obverse depiction of aboriginal people and Mi'kmaq fishers. This commentary balanced the reporting but it did so in light of previous coverage. In other words, the commentary was part of an overall news discourse that challenged certain preconceptions, i.e. that aboriginal peoples will do harm to the fisheries, by substituting a preconception of the other, i.e. that “First Nations are good stewards of the land.” This image evoked the noble character of aboriginal people in place of the savage image presented through the violence and militarism of the other news reports. The aboriginal approach proffered was countered with the federal government’s regime of rules and regulations, concluding that the federal standards have not been a “glowing success” (paragraph 8). The Mi'kmaq in this item were in tune with nature, at least more

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in tune than government, but were still inextricably tied to environment, conservation, and the legal system. Aboriginal people remained associated with nature in this news commentary, but the focus changed from aboriginal people as lawless and orderly to aboriginal peoples as "good stewards."

This positive spin placed on aboriginal people in this article was constrained in the *Globe and Mail* by the political cartoon by Bill Hogan, reprinted from the *Leader*. This is the same cartoon alluded to already from *October 5*th* 1999: news item #2 of the lobster waxing indignant at the "open season" granted aboriginal fishers. The cartoon and the first editorial, "Supreme Court all out to sea..." framed the editorial by McClenaghan and, in a very graphic manner, demonstrated how this second editorial was part of a continuing discourse on aboriginal peoples. The positive depictions of the Mi'kmaq were important because they demonstrated the extent to which the positive stories operated in tandem with the negative images. The positive images were a reflection of the negative depictions and caricatures. In an attempt to balance the coverage, reinforced certain images, such as the relationship between aboriginal people and nature and aboriginal people and the state.

In the next section, three commentaries continue this discussion, noting that positive news commentaries printed in the *Globe and Mail* were constrained by the overall news framework within which they appeared. It is through these positive representations that a concept of a noble savage was actualized in the *Globe and Mail*'s news narrative.
4.3.5 *Globe and Mail* news episode #3: Textual analysis of three news items, October 11th 1999, October 25th 1999 and November 10th 1999

This section analyzes three commentaries that represented aboriginal peoples and the Marshall decision in a positive light. These three commentaries appeared in the *Globe and Mail* during the September to December period under examination and were printed as part of the discourse on the Marshall ruling. The items were chosen as a parallel to the *Miramichi Leader*’s positive news story, i.e. the New Brunswick Family Awards Day at Eel Ground printed October 12th 1999 that appeared after the Burnt Church incident.

The intention is to demonstrate that the news narrative in the *Globe and Mail* attempted to reestablish harmony and balance after the chaos of Burnt Church. To what extent the *Globe and Mail* represented aboriginal within the noble savage stereotype is the issue to be resolved during this third news episode.

**October 11th 1999: news item #1**

1. In the beginning, the Mi’kmaq introduced the Europeans to lobsters [page A9].
   commentary by Robert Pichette, Moncton journalist
   **keywords:** sustainability, conservation, ancestral ways, regulation

   Europeans who settled Canada’s Atlantic coast were introduced to lobsters by their Mi’kmaq friends and allies, who taught them their ancestral ways of fishing. The lobster industry has grown ever since. In 1988, the landings in two New Brunswick fishing areas totaled $51-million. The New Brunswick natives’ catch represents the grand figure of 1.5 per cent of the commercial catch. Fears of overfishing are exaggerated and in no way justify the vandalism that took place when 3,700 traps belonging to the natives were wantonly destroyed in the Burnt Church area.

   Since the Sparrow decision in 1992, Mi’kmaq fishermen have been and remain strictly law-abiding citizens, submitting to regular inspection and conforming in every way to all regulations. Their right to fish is clearly to be regulated and contrary to popular belief the resource is not getting scarce.
For peace to prevail, all stakeholders need to work out sustainable solutions. The First Nations are superb negotiators and the leaders in the commercial fishery are anything but racists. Blame the Liberal Government for its total ignorance of Atlantic Canada and for its disgraceful management of the fisheries.

A) Arrangement of the news story:

(i) Story placement. This commentary appeared on the same day as the front page story, "Ottawa won't stop natives from fishing" (page A1), an article about the "two recalcitrant Indian bands" (paragraph 1), Indian Brook, Nova Scotia and Burnt Church, New Brunswick, that vetoed a proposed fishing moratorium.

The item was printed in the commentary section and balanced the newspaper's editorial position. The Globe and Mail was critical of the Supreme Court for its decision, and argued that the Supreme Court, in their support of Marshall and the Treaty of 1760, had created a double standard, leading to chaos in the fishing industry. Through editorials the newspaper also chastised the Liberal federal government for its lack of preparedness in the wake of the Marshall decision.

(ii) Headline. The Biblical allusion, "In the beginning..." provided a sense of time immemorial. The Europeans needed the assistance of the Mi'kmaq to survive in North America. This fact, that Europeans depended on aboriginal knowledge, expertise, and goodwill in the early contact period, is sometimes lost on people in the present. It appears that the author of the item felt the reader needed reminding of this fact—the aboriginal largesse granted European visitors in the early contact years.
Ironically, the Mi'kmaq were treated as an anachronism through this header. The headline inadvertently suggested that the assistance provided by the Mi'kmaq to the Europeans was of the past. In other words, while Europeans needed the Mi'kmaq in the past, they do not need the Mi'kmaq now; however, Europeans remain indebted to the Mi'kmaq for the Mi'kmaq' help in the past.

In fairness, it should be acknowledged that Pichette's commentary reflected the context within which the Marshall decision was rendered. The Marshall decision itself broached the topic of history and the historical relationship between the Mi'kmaq and the Europeans, so the news commentary inevitably focussed on this connection. The problem is that this connection between history and treaties always places aboriginal peoples in the past. This was probably not the author's intention.

B) Language use and grammar:

(i) Word choice. Pichette used the words “friends and allies” in the second paragraph, which emphasized the historic relationship between two equals, the Mi'kmaq and the Europeans in the 18th century. “Ancestral ways” in the same paragraph implied that the Mi'kmaq had old and traditional knowledge that they passed on to the Europeans. Mi'kmaq knowledge was ancient, which justified the Mi'kmaq's claims in the present, but it was also knowledge that the Mi'kmaq were willing to share with their “allies” (paragraph 2), the newly arrived Europeans in the 18th century.
In this regard, the Mi'kmak were presented as a sage people, elders in touch with the land. Unfortunately, this image of sage people in touch with nature can be a loaded image. It can be one that draws a positive image of the Mi'kmak as an ancient people, living in a symbiotic relationship with nature. However, the same image can conjure an impression of aboriginal people as old, of the past, and unprogressive, an image that resigns aboriginal culture and people to history and museums. In either way, positive or negative, the images of the Mi'kmak tend to be of aboriginal people out of step with the modern world.

In paragraph six, the author argued that lessons of the past have been forgotten and that non-aboriginals are "abysmally ignorant" of aboriginal culture. The Mi'kmak way of life "traditionally excludes violence" (paragraph 6), and the Mi'kmak "have been and remain strictly law abiding citizens" (paragraph 7). The Mi'kmak are "superb negotiators" who will co-operate to find a "sustainable solution" (paragraph 12). And, while they may be ignorant of aboriginal culture, the commercial fishers are "anything but racists" (paragraph 12). The real "culprit" (paragraph 11) is the Liberal Government in Ottawa in its "total ignorance" (paragraph 11) of Atlantic Canada and its "disgraceful management" of the fisheries (paragraph 11).

Pichette employed strong language to move a narrative along that begins with mutual respect between Mi'kmak and Europeans in the past. This relationship and understanding between aboriginal and non-aboriginal has been lost through time. However, recent court decisions that have favoured
aboriginal rights, such as the Marshall decision and the Sparrow decision in 1992 (paragraph 7), have forced a "solution of necessity" (paragraph 8). Through this, Pichette hoped for a renewed peace, that by "happy poetic justice" (paragraph 12) will be inspired by Mi'kmaq and Maliseet traditions.

(ii) Syntax. The item emphasized the honour, integrity and traditions of aboriginal peoples, and was an attempt at reconciliation between the aboriginal and non-aboriginal fishers of Atlantic Canada. Aboriginal rights had to be respected and maintained within this process. Neither aboriginal nor non-aboriginal fishers were blamed, while the author reserved his harshest criticism for the federal government and its "total ignorance" of Atlantic Canada (paragraph 12).

The commentary represented a positive portrayal of aboriginal people in general and the Mi'kmaq in specific, as people who are "law-abiding" "allies", who have had ancient rights restored by the Supreme Court. These rights should not be lost through "ignorance" and "shameful vandalism" (paragraph 5), but should be strengthened through intelligent and efficient negotiated solutions. This would be in keeping with Mi'kmaq and Maliseet traditions. The author concluded that the federal government and non-aboriginal people could learn a great deal about negotiated settlements by following the historic precedents and present day behaviour of the Mi'kmaq and Maliseet.
October 25th 1999: news item #2

A sorry episode permeated with racism [page A17], commentary by Silver Donald Cameron, author from Isle Madame, Cape Breton.

Keywords: racism, integrity, independence, rights

The Supreme Court acquitted Donald Marshall to sustain the “honour and integrity of the Crown.” The aftermath has mostly shown the honour and integrity of the Mi’kmaq. The implications of the Marshall decision are profound and mainly positive. The Mi’kmaq have at least a prospect of independence. They have rights in the fishery; everyone else merely has licences. White fishermen, who represent the best traditions of these little provinces, are already working quietly with the Mi’kmaq to shape a better fishery than DFO has managed to provide. All of us will benefit.

A) Arrangement of the news story

(i) Story placement. Similar to the preceding article, this item appeared on the commentary page. This article was published twenty-two days after the Burnt Church episode. This was a quiet period, as the aboriginal fall fishery had ceased. The Supreme Court was considering an application made by the West Nova Fishermen’s Coalition for intervenor status in the Marshall decision (*Globe and Mail*, Oct. 19th 1999, A4, Kevin Cox). The Assembly of First Nations and the Ministry of Indian Affairs were close to signing a memorandum of understanding that would resolve outstanding issues arising from the Marshall decision (*Globe and Mail*, Oct. 19th 1999, A4, Mark McKinnon).

(ii) Headline. The header succinctly summarized the content of Cameron’s opinion-editorial piece. The word “permeated” insinuated how deep and central racism was to the “episode.” While the suggestion of racism appeared in other articles pertaining to the Marshall decision (see Table 2, *Globe and Mail*, for Pichette, Oct. 11th 1999, A9; Thanh Ha Oct. 5th 1999, A4; Phil
Fontaine, Oct. 13th 1999, A17), this was the only editorial that directly broached the subject in the Globe and Mail during this period under review.

B) Language use and grammar:

(i) Word choice. This was the most strongly worded critique of opponents to the Supreme Court decision to appear in the Globe and Mail between September and December 1999. In particular, Cameron chastised a political commentator, Peter Worthington, for his views and argued that dismissing treaties made with aboriginal peoples in the past is an argument “racist to the core” (paragraph 5).

The use of the word “racism” added an element to the discourse that had been glossed over until this point. Racism was evident in the Maritime media that “gleefully publicized the confrontations” at Burnt Church, and with the “Deep Thinkers of Upper Canada” who have pummeled the court ruling (paragraph 2). Although racism was acknowledged as an issue, it was not widespread, and Cameron isolated the non-aboriginal fishers who cut aboriginal nets as “yahoos” (paragraph 9) who have captured the media spotlight.

The worst epithets were reserved for “Upper Canadians”, such as the “racist” Peter Worthington and the “deplorable” DFO bureaucrats in Ottawa (paragraphs 2-4). The Mi'kmaq were painted in a positive light. Donald Marshall Jr., for example, has “twice wrung” justice from a system that was intent on denying him (paragraph 8). For this Marshall has become “one of the most important figures in the province’s history” (paragraph 8).
(ii) Syntax. The article equated the behaviour of the Crown in the past, the views of Worthington, and the actions of some non-aboriginal fishers as representing a cycle of racism. The Marshall decision and negotiations between various fishing interests may mark a new moment that will benefit the future, the article maintained.

The Mi'kmaq have abided by previous pacts better than the Crown, and elements of the Crown continue to frustrate the Mi'kmaq. The item drew a connection between Ontarians, the Crown, and the DFO. The article removed blame from the non-aboriginal fishers of Atlantic Canada and directed it at institutions: Crown, courts, and the DFO.

(iii) Semiotics. The article included a photo of a Mi'kmaq lobster fisher near Burnt Church, New Brunswick. It was a picture of a lone fisher on a small boat hauling traps. It reinforced two images: 1) the aboriginal fishery is a small-scale enterprise, and is symbolic of the inshore fishery tradition, the individual vs. nature; and, 2) the image stereotyped aboriginal struggles such as Donald Marshall, depicting the lone aboriginal person against the state, the government, and the non-aboriginal fishers.

*November 10th 1999: news item #3*

Don't blame the Mi'kmaq, blame history [page A21], commentary by Bob Beal, historian and employee of the Mi'kmaq of Nova Scotia.  
*keywords: treaties, exclusive trade, truckhouses, historical analysis*

The French held Quebec under siege until May 1760. The First Nations of Nova Scotia had helped the French. Nova Scotia Governor Charles Lawrence felt he needed the co-operation or at least the neutrality of the Mi'kmaq, Maliseet, and Passamaquoddy.

In 1759 Lawrence attempted to renew treaty relations between these groups and the English sovereign. As part of the treaty the truckhouse system of previous agreements, 1726-1749, was renewed. In return for the Nova Scotia truckhouse system, the First Nations agreed not to trade with the French and to
take the bulk of their business exclusively to the truckhouses. However, the British did not insist the First Nations restrict their trade.

In the Marshall decision, the majority of the Supreme Court agreed that the treaty talk that led to the truckhouse system indicated that the First Nations possessed rights beyond the actual document. Courts must be able to interpret history, and should not rely on the written word alone. Unfortunately what is discouraging in the wake of the Marshall case is how little attention is paid to what actually happened in the 18th century.

A) Arrangement of the news story:

(i) Story placement. This item was also a commentary printed in the opinion-editorial page. The article appeared eight days prior to the clarification issued by the Supreme Court in response to the application by the West Nova Fishermen's Coalition.

Included with the article was a painting of "Wolfe at the assault on Louisbourg in 1758." The caption stressed the article's point that the treaty with the Mi'kmaq was a British effort to obtain Mi'kmaq co-operation or neutrality.

(ii) Headline. The title suggested that someone has blamed the Mi'kmaq for something and the author felt a need to reorient that blame toward history. In other words, there was no sense trying to allocate blame for the Marshall decision and the lobster fishery, instead an historical perspective must be sought. The depiction of Wolfe contextualized the story. The British defeat of the French at Louisbourg in 1758 created a new political landscape in the Atlantic provinces, and the Mi'kmaq's cooperation was required to enable the transition of power from the French to the British.

(iii) Editorial. Beal's item was one of five editorials that appeared in the Globe and Mail between September-December 1999 that placed the Marshall
decision in a positive light. The article was positive not only for its portrayal of the Mi'kmaq, but because of the emphasis it placed on history and the importance of the past to the present. Beal is an historian and an employee of the Mi'kmaq, as noted at the end of his article, and he contributed an understanding that was absent in most of the Globe and Mail's editorials to this point. His perspective balanced the views of the Globe and Mail and stood in contrast to the editorials condemning the Supreme Court's interpretation of history.

B) Language use and grammar:

(i) Word choice. Beal argued that the British required the Mi'kmaq "co-operation" and "promises of neutrality" (paragraph 4) because the French and their aboriginal allies were preparing a counter-attack after the British seized Quebec in 1759. The British decided to "renew treaties" (paragraphs 10, 9, 6) and "extend trade" (paragraph 6) with the Mi'kmaq by "re-establishing" (paragraphs 13, 10, 7) a truckhouse system used in Nova Scotia between 1726 and 1749. These agreements were "not just" militarily prudent, but were made to "maintain friendship" and "good correspondence" with the Mi'kmaq (paragraph 5).

The truckhouse system "did not restrict" First Nations trade other than agreeing "not to trade" with the French (paragraph 13). Although "business was brisk," the "too generous" terms of the truckhouse system led to its abandonment in 1762 (paragraph 12). The British though continued to place a
“high priority” on “friendship” with the Mi’kmaq after the Seven Years war ended in 1763.

Beal argued that these facts formed the basis of the historical record used by both the defence and prosecution during the Marshall case (paragraph 17). He maintained that the information brought before the courts was not new and that the archival material had been cited before, and “much” of this analysis can be found in “published work” (paragraph 18). His point was that the historical record is opened for all to view. The Supreme Court weighed the various perspectives on the data and decided that “too much emphasis” had been placed on the words in the treaty by the lower courts (paragraph 22). Beal concluded that controversy surrounding the Marshall decision arose not from the court’s interpretation of old treaties, but from an unwillingness by others to examine the history that the court used.

(ii) Syntax. Beal began the story with the British capture of Quebec in 1759, writing, “Nova Scotia Governor Charles Lawrence, an experienced army colonel, was not feeling comfortable in the fall of 1759.” Beal highlighted the precarious position of the British in the Atlantic provinces in the 18th century. They did not possess an advantage over the French or the Mi’kmaq in terms of population or military, and had to enter into friendship pacts to ensure their own survival. Viewed from the perspective of the present, it is sometimes difficult to appreciate the milieu in which the treaties were effected and the Mi’kmaq of the 18th century were both a military force with which to reckon and a trading partner with which to do business.
Beal alluded to the advantage the Mi’kmaq held in paragraph 14, “Business was brisk, but the terms negotiated with the First Nations proved to be too generous. That, coupled with some shady dealings by the man appointed to run the truckhouses, almost bankrupted the small colony.” Beal maintained that the truckhouses were abandoned not because the British no longer required assistance from the Mi’kmaq, but because the volume of trade was too high for a small colony to handle. Beal’s item was itself an example of the historical interpretation process expected of courts when considering treaties made with aboriginal peoples by non-aboriginal peoples centuries ago. (iii) Semiotics. The painting of Wolfe at Louisbourg was an interesting addition. The painting served as a metaphor for British conquest. It featured an 18th century soldier in full military garb, unscathed and in a dashing pose during the attack on Louisbourg. It symbolized British conquest and control in the colonies. Beal’s text painted a different picture, and argued that the reality of the 18th century was in contradiction to the supremely confident empire depicted in the painting.

The textual analysis of the three news commentaries, each of which situated the Marshall decision in an historical context, will be elaborated upon in greater detail in the following section, a structural analysis of news episode #3.
4.3.6 Globe and Mail news episode #3: Structural analysis of three news items, October 11\textsuperscript{th} 1999, October 25\textsuperscript{th} 1999 and November 10\textsuperscript{th} 1999

In the above news items, an emphasis upon history, treaties, and aboriginal traditions was emphasized, while placing a positive spin on the Marshall ruling. These commentaries balanced the Globe and Mail editorial position, which was especially critical of the Supreme Court and the federal government during this period in light of the Burnt Church confrontation.

In Table 14, the three stories are organized, as in the other news episodes, to mark the scheme of the news items, initiating action→transformation→result (changed situation).

Table 14: Globe and Mail news episode #3 in three structured segments

<table>
<thead>
<tr>
<th>Story</th>
<th>Segment #1</th>
<th>Segment #2</th>
<th>Segment #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the beginning...</td>
<td>Dependency of Europeans on Mi'kmaq, 18\textsuperscript{th} C. As allies and friends</td>
<td>Development of lobster industry, 19\textsuperscript{th}-20\textsuperscript{th} C; colonialism; government mishandling; Burnt Church; Warriors</td>
<td>Search for a new accord between aboriginal and non-aboriginal peoples, based in Mi'kmaq and Maliseet traditions</td>
</tr>
<tr>
<td>A sorry episode...</td>
<td>Storm of protest; racially motivated</td>
<td>History of marginalization and dispossession, esp. in Membertou, Marshall's home</td>
<td>Mi'kmaq self-reliance and independence; negotiations; new era as result of the Marshall decision</td>
</tr>
<tr>
<td>Don't blame the Mi'kmaq</td>
<td>Friendship pacts of the 18\textsuperscript{th} C; truckhouse system</td>
<td>Marshall's eels, court case, and decision, based on historical documents</td>
<td>Reading history key to understanding Marshall decision</td>
</tr>
</tbody>
</table>
All three stories presented narratives that were causal. Unlike the previous news episodes, these three editorials replaced uncertainty and chaos with the possibility of harmony and balance. In these commentaries, the Mi'kmaq became the initiators of a new (positive) order, not the authors of disorder as suggested in *Globe and Mail* news episode #2. In the previous episode, the actions of aboriginal peoples caused or exacerbated the tensions in the fisheries. In these three commentaries, aboriginal peoples were depicted as law abiding and within their rights. The theme of harmony lost and harmony restored, with negotiations central to the fishery solution, remained. However, in these items, the violence was not as prominent, and the positive benefits, aboriginal self-determination and the history of cooperation between aboriginal and non-aboriginal, were stressed.

By placing an emphasis on cultural integrity and the ancientness of the Mi'kmaq, these commentaries presented their arguments within a recognizable news scheme. These three items articulated many of the same topics that were broached in the previous news episodes: the historic vs. the contemporary, the past vs. the present, tradition vs. laws, aboriginal rights vs. property rights. Granted, the Marshall decision was based in historical treaties; but these items reinforced the image of the historical aboriginal: an ancient people of the past whose wisdom, friendship, knowledge could be imparted to all of us. The big change in these stories was presentation of the Mi'kmaq as organized cultures, with all the incumbent institutions, and that Mi'kmaq
institutions are ancient and autochthonous. Table 15 illustrates this relationship.

Table 15: Order, chaos, culture and nature in *Globe and Mail*

news episode #3

<table>
<thead>
<tr>
<th>Order</th>
<th>Chaos</th>
<th>Culture</th>
<th>Nature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal</td>
<td>Violence</td>
<td>Mi'kmaq and</td>
<td>Lobster</td>
</tr>
<tr>
<td>management</td>
<td>Land</td>
<td>Maliseet Ancestral</td>
<td></td>
</tr>
<tr>
<td>Warriors</td>
<td>Dispossession</td>
<td>ways Peace</td>
<td></td>
</tr>
<tr>
<td>Treaties</td>
<td>DFO rules and regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truckhouses</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The three items established an alternate perspective that countered the newspaper’s editorial stance. These items argued, counter to the *Globe and Mail*‘s editors, that the decision by the Supreme Court was a good ruling and should be viewed as an opportunity for aboriginal participation in the economy and in decisions pertaining to the collective futures of aboriginal peoples. Aboriginal success was equated with the success of all Canadians in news episode #3. However, these commentaries did not deviate from the negative news items in one important detail—any new relationship that develops between aboriginal communities and the rest of the population will be a relationship determined by the federal government. The message was that while aboriginal input will be sought, the federal government and its institutions will oversee the changes. In other words, the ultimate decision making power still remains beyond the grasp of most aboriginal peoples in these three commentaries. In this sense, these three items remain part of a neo-colonialist
discourse. Even though they can be viewed as efforts to promote a fishing regimen in support of the Mi'kmaq, the commentaries still emphasized the non-aboriginal perspective on the Marshall decision.

That the three commentaries can be viewed as part of a neo-colonialist discourse, even though they are meant as positive news stories, gets to the crux of the matter. Very aboriginal contributors wrote few of the submissions in the Globe and Mail, so that those who wrote in favour of or against the Marshall Supreme Court decision in the Globe and Mail were non-aboriginal. They may have been informed authors, involved in the negotiations, like Beal, or from the region, like Cameron, but they were still non-aboriginal people given the task of speaking for others, acting as conduit between the aboriginal and non-aboriginal communities. This means that the news was invariably produced from the perspective of the outsider and was meant for consumption by the outsider. In other words, the Mi'kmaq actions were understood within a broad context of aboriginal/ non-aboriginal concerns. However, the particular grievances of aboriginal Maritime fishers and the Mi'kmaq communities from the authorial position of the insider was absent. In glossing over the complexity of Mi'kmaq existence, and the aboriginal experience generally, the Globe and Mail presented a superficial story of good vs. bad; right vs. wrong; traditionalism vs. modernism. This continued even in the newspaper's more positive portrayals.

The positive commentaries lent an air of authenticity to the Globe and Mail's editorial mandate, as a forum for the presentation of balanced and
reasoned debates on topical issues. A summary of the three news episodes in the *Globe and Mail* will further elaborate on this point—balanced news presented within a predictable framework.

### 4.4 Summary

In this chapter the *Globe and Mail* news stories were analyzed in a parallel manner to those in the Miramichi Leader. To accomplish this the news stories were organized into three defining news episodes: 1) The initial news items of September 18th 1999 were discussed to demonstrate how these stories established a context within which the rest of the news items appeared. 2) The Burnt Church reportage of October 4th and 5th 1999 was examined to illustrate how specific, negative, stereotypes of aboriginal people evolved in the discourse during the lobster fishery conflict. 3) Positive editorials that appeared post-October 5th 1999 were discussed to illustrate the rehabilitation of the aboriginal archetype within the context of balanced and objective reporting. To recapitulate:

1) News episode #1, September 18th 1999. Two stories were printed, both of them derived from a Donald Marshall press conference; that focussed on the personal legal battles of Marshall and how this court victory was the culmination of years of his labour. Marshall was presented as an heroic figure, fighting a noble cause. However, his good deeds were coloured by his past and his many brushes with the law. While Marshall’s determination was being lauded, the Supreme Court decision was being scrutinized. The *Globe and
Mail stressed that the Marshall ruling was not unanimous and hinted at the uncertainty that the ruling would bring. In the Globe and Mail, the Marshall decision was not to be celebrated, but rather to be met with caution even if Marshall himself should be applauded.

2) News episode #2, October 4th and 5th 1999. The Burnt Church news coverage, October 4th and October 5th, was replete with references to violence and unlawful behaviour. The Globe and Mail used their coverage to chastise the Supreme Court for their ruling and the federal government for their lack of preparedness. In this sense, aboriginal fishers were not the direct targets of the critiques, but the Mi'kmaq were used to symbolize a breakdown of order in the state. Nothing illustrated this better than the Tu Thanh Ha's item that spoke of young aboriginal males riding in pickup trucks, shouting war whoops, while attacking symbols of authority such as the local school. The increased militancy of the Mi'kmaq recalled the Oka crisis in Quebec a decade earlier.

3) News episode #3, October 11th, October 25th, and November 10th. The post-Burnt Church commentaries that were included in this chapter illustrated the Globe and Mail's commitment to a fair and balanced press. However, aboriginal people in these items were depicted in light of the reportage that had preceded. In an attempt to correct the stereotype of the aboriginal warrior, as militant and unlawful, the newspaper presented aboriginal people in the reverse, as noble and traditional. This meant that even though these commentaries were positive, they were produced within a news schema—a dichotomous schema of good and bad; right and wrong; order and chaos. The
three positive commentaries were based upon an enduring stereotype of the Other (Said 1978) that was evident in the previous news episodes. This ensured that a dualistic discourse prevailed.

The three news commentaries served to qualify the news reportage in the newspaper. Through the positive news commentaries in news episode #3, the Globe and Mail was able to balance its editorial stance that had been overtly critical of the Marshall decision and the aboriginal fall lobster fishery. Moreover, the Globe and Mail was able to present positive views that balanced the negative, i.e. the savage representation of the Mi'kmaq, with a more positive image, i.e. a nobler representation of the Mi'kmaq. However, where the Other was made noble in these three commentaries printed in the Globe and Mail after the Burnt Church episode, aboriginal people still remained the Other.

The problem with the representation of the Mi'kmaq in both the negative and positive news stories was that the news was told from a non-aboriginal perspective. It was written and produced by non-aboriginal reporters, commentators, and editors for a non-aboriginal audience. Consequently, the news tended to recognizable themes and schemes, a survival of a colonialist past, summarized by the homology, noble : savage :: order : chaos. In this regard, the presentation of aboriginal people in the Globe and Mail from September—December 1999 paralleled the presentation of aboriginal people in the Miramichi Leader. Thus, the noble savage represented a deeply
embedded, as if model, i.e. the macrostructure, in the news stories in both these newspapers.

As the noble savage formed the macrostructure of the Marshall decision news stories in each newspaper, a discussion of the noble savage ideal is required. In the next chapter the noble savage as a symbol of order and chaos in the Marshall decision news narrative will be explored.
CHAPTER 5

A NATURAL FIT: THE NOBLE SAVAGE STEREOTYPE AS A SYMBOL OF ORDER AND CHAOS IN THE MARSHALL DECISION NEWS STORY

The double hook. The total ambiguity that is so essentially Canadian: be it in terms of two solitudes, the bush garden, Jungian opposites, or the raw and the cooked binary structures of Lévi-Strauss. Behind the multiplying theories of Canadian Literature is always the pattern of equally matched opposites.

Coyote/ God
Self/ Community
Energy/ Stasis

The balance, whatever the specifics, is always so equal that one wonders how paradigm can possibly issue into story.—Robert Kroestch (in Monkman: 1981: 164).

savage. Les peuples barbares qui vivent sans loix, sans police, sans religion, & qui n’ont point d’habitation fixe.—Encyclopédie ou dictionnaire raisonné des sciences, des arts et des métiers, par une société de gens de lettres, vol 14, 1765.

5.1 Chapter overview

In the previous two chapters, the newspaper stories from the Globe and Mail and the Miramichi Leader were analyzed on two levels: The textual analysis revealed the themes of each specific news story, while the structural analysis uncovered the schemes and microthemes. Through the analysis, the two newspapers revealed a pattern for the reportage of the Marshall decision that was summarized thusly: order (initiating action) → chaos (confrontation/transition) → new order (uneasy equilibrium). In each newspaper, the announcement of the Marshall decision marked the initiating action, which was presented in both newspapers as a challenge to the status quo in the fisheries. The transition stage in each newspaper was marked by the
escalation of a crisis, symbolized in both newspapers through a confrontation between aboriginal and non-aboriginal fishers at Burnt Church, New Brunswick. The final stage was presented in a slightly different manner in each newspaper. In the Miramichi Leader, the new order was marked by the Family Day Awards story, while in the Globe and Mail, three positive news commentaries were printed to balance the news reportage.

Employing van Dijk's homology, the Marshall decision news stories published in each newspaper were summarized accordingly, order : chaos :: noble : savage. The notion of the noble savage represented the long-term memory, "as if" model that allowed each newspaper to construct and present a dualistic news narrative surrounding the Marshall decision. In this chapter, the noble savage image, the macrostructure that drew the news narrative together in each newspaper, is explored.

This chapter presents an historical consideration of the noble savage intended to contextualize the news analysis in Chapter 3 and 4 in two ways: 1) The noble savage represents a Euro-Canadian archetype, an ideological construct with a deep history, dating to at least Peter Martyr and the 15th century (Hakylut 1972; Montagu 1974: 1-51; Friedman 1981; Dickason 1984: 63; Miles 1989; Cro 1990: ix). It is a self-perpetuating image based on literary allusions and a Judeo-Christian understanding of order and chaos that glosses over the socio-cultural behaviours of any real people at any point in time (Berkhofer 1979: 3; Prins 1996: 12). The noble savage is a fluid image, oscillating between positive and negative portrayals of civilization vis-à-vis
nature, i.e. via the noble savage, nature and culture are perceived in perpetual conflict. As a contrivance for organizing the world, the noble savage is symbolic of a mode of discourse, institutional and authoritative, through which the Other, the diverse aboriginal peoples of the western hemisphere are generalized, categorized, controlled, and ruled over (Said 1978; Kabbani 1986; Goldberg 1993: 151; Deloria 1995:15). The noble savage represents an ongoing project, modified and refined over the centuries, that continues to prejudice the way non-aboriginal people construct, categorize, perceive, and know the aboriginal Other.

2) The vacillation between noble and ignoble allows for a dualistic construct of a mythic Indian that meshes with the adversarial paradigm of mainstream newspaper writing (Francis 1992; Harris 1991). The notion of news as an embedded social discourse that routinizes the world through stereotype is significant to understanding how the noble savage continues to manifest itself in a contemporary context.

This chapter is divided into four sections: (i) the first section is used to define the noble savage; (ii) the second section outlines the longue durée of the noble/ignoble savage in Western epistemology; (iii) the third section introduces the notion of gender and the importance of gender to the concept of the noble savage; (iv) the last section discusses the development of the noble savage as an ideological construct in North American discourse. This chapter is organized in this manner to illustrate that the noble savage is a deeply embedded socio-cultural image that survives to the present. The
structured world order symbolized by the noble savage intellectualized and justified Euro-Canadian colonialist projects in North America.

5.2 Defining the noble savage

In this section the terms noble and ignoble are employed as a device to distinguish the two dimensions of the noble savage. The designation noble savage is inherently dualistic and embodies aspects of order and chaos, right and wrong, nobility and ignobility. The noble savage represents a polarity in which every virtue is balanced by a vice, in which every positive characteristic is counterbalanced by a negative trait, in which every aspect of nobility implies ignobility (Ellington 2001: 29). A definition of three terms from the Collins Dictionary (1991: 729, 998, and 1298) is offered as an illustration:

noble. adj. 1. of or relating to hereditary class with special or political status, often derived from feudal periods. 2. of or characterized by high moral qualities; magnanimous: a noble deed. 3. having dignity or eminence; illustrious. 4. grand or imposing; magnificent: a noble strain of horses. ~n. 1. a person belonging to a privileged social or political class whose status is usually indicated by a title conferred by sovereign authority or descent. 2. (in the British Isles) a person holding the title of duke, marquess, earl, viscount, or baron, or a feminine equivalent. 3. a former Brit. gold coin having the value of one third of a pound [C13: via Old French from Latin nōbilis, originally capable of being known, hence well-known, noble, from nascere to know].

ignoble. adj. 1. dishonourable; base; despicable. 2. of low birth origins; humble; common. 3. of low quality; inferior. [C16: from Latin ignōbilis, from IN- + Old Latin gnōbilis NOBLE].

savage. adj. 1. wild; untamed; savage beasts of the jungle. 2. ferocious in temper; vicious: a savage dog. 3. uncivilized; crude: savage behaviour. 4. (of peoples) non-literate or primitive: a savage tribe. 5. (of terrain) rugged and uncultivated. 6. Obsolete. far from human habitation. ~n. 1. a member of a non-literate society, esp. one regarded as primitive. 2. a crude or uncivilized person. 3 a fierce or vicious animal or person. ~vb. 1. to criticize violently. 2. to attack fiercely and wound: the dog savaged the child. [C13: from the Old French sauvage, from Latin šilvāticus belonging to a wood, from silva a wood].

The noble and the savage are contradictions. The noble suggests morality, class, quality, and title, while savage emotes images of wildness,
primitiveness, and violence. The term ignoble, when placed beside savage, heightens the baseness and inferiority of the savage. Table 16 summarizes this comparison:

**Table 16: Comparison of nobility/ savagery/ ignobility**

<table>
<thead>
<tr>
<th>Nobility</th>
<th>Savagery</th>
<th>Ignobility</th>
</tr>
</thead>
<tbody>
<tr>
<td>civil</td>
<td>uncivilized</td>
<td>inferior</td>
</tr>
<tr>
<td>order</td>
<td>rugged</td>
<td>base</td>
</tr>
<tr>
<td>law abiding</td>
<td>violent</td>
<td>despicable</td>
</tr>
<tr>
<td>moral</td>
<td>crude</td>
<td>dishonourable</td>
</tr>
<tr>
<td>privileged class</td>
<td>non-literate</td>
<td>common</td>
</tr>
<tr>
<td>right</td>
<td>uncivilized (+tribal)</td>
<td>low birth</td>
</tr>
<tr>
<td>(entitlement)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>high quality</td>
<td>primitive</td>
<td>low quality</td>
</tr>
</tbody>
</table>

Nobleness is viewed as both a natural attribute and a personal behaviour; it refers to a moral code that is both instinctive and acquired. Nobility suggests a consciousness, a higher state of being, an awareness of right and wrong, good and bad, just and unjust, moral and immoral. In brief, the noble, through a combination of innate and learned skills, is a person who comports him or herself honourably and appropriately in a morally and legally ordered world.

By comparison, savagery is defined as instinct over intent, a natural state of being, and a sign of cultural underdevelopment or cultural stasis. Savagery implies an inability to distinguish right from wrong, or good from bad, and suggests that a core conscience required by an individual or a society to make these distinctions is absent. Savages cannot help their behaviour because they do not know any better, as they exist outside the boundaries of rules and
-civilization. Ignobility marks a mediating term between savagery and nobility. Ignobility suggests a debased, amoral, and humble state of being, a condition of moral turpitude that elicits notions of class distinctions within a nature/culture divide. People of higher class are naturally noble, law-abiding, and civilized, while the lower classes are debased, lawless, and primitive.

The term noble savage derives its strength from this ambivalence in meaning, an oscillation between nature and culture that borrows from and impacts upon discourses of evolution and literature (Monkman 1981; Anglás-Grande 1999). Monkman (ibid: 15) articulates this dichotomy: “The Indian need not be simply the negative antithesis of the white man, but definition of him as savage will always override any positive individual traits.” Because the term is rooted in contradiction, the noble savage can, at one and the same time, refer to moral baseness while conversely suggesting high moral quality. The embedded contradictions in the term means that, as part of a wider social script, the noble savage can be employed to various effects, depending upon what message a speaker is trying to convey. As an ambivalent concept, the noble savage can be politically potent, multi-faceted, and ideologically infused (Deloria 1995: 15).

The noble savage is a metaphor, an idealized stereotype of the Other, used discursively to talk about order and chaos. As an institution for classifying and thinking about the world, the noble savage is the embodiment of totemic rationalization (Lévi-Strauss 1964: 91). The noble savage is a mechanism for categorizing the world into various notions of “us” and “other.” The “us” and the
“other” stand in opposition. They become imbued with meaning within a social-cultural milieu, as symbolic repositories of social mores, laws, and values, as notions of order and chaos, civilization and nature.

In this regard, the noble savage as an expression of the Other parallels the notion of the Orient in the collective Euro-Canadian conscience. Both Orientalism and the noble savage as social constructs are projections manufactured by Europeans and Euro-Canadians as reference points, i.e. images that allow for the comparison of self and other. As Said (1978: 3) writes,

Orientalism can be discussed as the corporate institution for dealing with the Orient—dealing with it by making statements about it, authorizing views of it, describing it, by teaching it, settling it, ruling over it: in short, Orientalism as a Western style for dominating, restructuring, and having authority over the Orient.

Adapting Said’s thesis on the Orient, the noble savage can be spoken of as an assembled body of theory and practice, a valuable symbol of Euro-Canadian domination over the Other through several generations (ibid: 6). The noble savage is “a distribution of geopolitical awareness into aesthetic, scholarly, economic, historical, and philological texts (ibid: 12).” The noble savage symbolizes, “a certain will or intention to understand, in some cases to control, manipulate, even to incorporate what is a manifestly different (or alternative and novel) world” (ibid). The noble savage is a culturally constructed idea of otherness so ingrained within an intellectual and colonialist tradition that the ideal overwhelms any real episodes, peoples, and circumstances.
5.3 Developing the myth of the noble savage

The noble savage, a personification of order and chaos, is an historically deep and recurring image that shapes the way non-aboriginal peoples understand, represent, and interact with aboriginal peoples (Hakylut 1972; Friedman 1981; Monkman 1981; Stocking 1982; Dickason 1984 and 1986; Kabbani 1988; Miles 1989; Cro 1990; Greenblatt 1991; Ebersole 1995; Ellingson 2001). Most significantly, the idea of the noble savage is an abstraction that transcends initial contact between Europe and the Americas, and has manifested itself in various forms throughout time.

The notion of wild, uncivilized half-humans or sub-humans living exotic, primitive lifestyles in untamed nature has permeated the literature and mythology of humankind for as far back as recorded time allows (Frankfort 1948; Dudley and Novak 1972). One need only to look to religion, fairy tales, and classical mythology to witness the plethora of magical and mystical nether worlds, deviants, monsters, mutants, and heroes apparent in the literature of all cultures through the millennia (Frankfort 1948). The Iliad, The Odyssey, and The Aenead are seminal examples in European literature of the adventurer embarked on a long journey to strange, wondrous, and dangerous places, meeting and battling all sorts of extraordinary Others. Dickason (1984: 63-85) notes that these classical Greek and Roman tales synthesized with European/ Christian perceptions of monkeys, baboon, and apes to form a folkloric tradition of the “wild man” in Renaissance Europe. It is from this antecedent combined with a Christian notion of the Lost Tribes of Israel that
the idea of the noble savage developed as part of a European colonialist discourse on the western hemisphere.

As the concept of the noble savage developed within a colonialist discourse, it became institutionalized and rationalized through the written word, i.e. it became reified through textual representations. In this latter sense the noble savage image became an entextualized metaphor used as a literary device to communicate ideas of order and social organization (Goody 1986). In other words, as European powers began to expand their empires, they encountered fascinating peoples and cultures in parts of the world they previously had never visited. Europeans, in the business of subjugating and colonizing peoples through an expansionist period, beginning in the 16th century, encountered new peoples and places, but invariably viewed these new worlds through their own cultural lenses.

Europeans possessed a stock of images and ideas about the primitive Other that was projected on to disparate new peoples. These images of the Other came to have great ideological currency within the bureaucratized state. The idea of nationhood was emerging in Europe through this period and the notion of self and Other was being redefined to address the evolving geopolitics of the time. The noble savage intellectualized the relationship between Europe and the rest of the world. It became a mechanism for distinguishing Europeans from people they considered less advanced than themselves, and for making distinctions between themselves and other European nations.
The noble savage, as a European project, developed over the centuries and was refined through the Renaissance and Reformation via the utopian philosophies of Peter Martyr (De Orbo Novo, 1971 [1555]), Lescarbot (The Jesuit Relations, 1610), Las Casas (Brevísima Relación de la destrucción, 1971), de Montaigne (Of the Caniballes, 1588), Hobbes (Leviathan, 1651 [1996]), Voltaire (Alzire, 1988), and Rousseau (the Social Contract, 1988) (Cro 1990). Peter Martyr’s commentary on common property from De Orbo Novo (1971) echoes to the present, illustrating the duality of the noble savage and the dialectic between nature and culture: “It is a well known fact that these natives hold land in common, like the light of the sun and the water, and they don’t know the words ‘thine’ and ‘mine’, the seeds of all evil.”

In Martyr’s view, the native represented the original state of humankind, an idyllic state in contrast to the burgeoning, increasingly bureaucratized and centralized, nation-states of Europe. This golden age myth of Martyr established an idea of a savage living in and of nature, unencumbered by laws and rules, other than those of the natural world. Natives represented what Europeans were not: independent, free, unfettered. This of course was patently untrue, as all societies the world over possess laws and rules that constrain the behaviour of individual members. Martyr, like most Europeans, never ventured from his homeland to visit the so-called savages, and his commentaries were more conjecture and fantasy than fact. Martyr’s commentary illustrated his discontentment with 16th century European living, and a yearning for some halcyon time, more than it said anything substantial
about non-European societies. For Martyr, the noble savage represented the
natural state of humanity, a condition to be longed for. Hence, the life of the
noble savage, uncivilized, unencumbered, and unburdened by modernity, was
an object of veneration. Importantly, it was from Martyr’s second-hand
description that Europeans came to encounter and know the Americas.

The nature/culture duality of humankind expressed through Martyr was
central to the philosophical, religious, and political history of Europe. For
example, Augustine (1998) outlined the moral divide between these forces,
nature and culture, as described in terms of the secular and the sacred. This
principle informed Martyr’s commentaries and was incorporated into a two
dimensional image of the noble savage (Cro 1990: 81-93). This allowed for an
oscillation between positive and negative images and created a dualistic
interpretation in which being “of nature” could be perceived as both a virtue
and a vice at the same time. The noble savage could conform to the Jesuit
ideal “City of God” (1998) citizen or be used as a propaganda tool to
accentuate European political rivalries, but each image marginalized and
trivialized the values, cultures, and beliefs of the aboriginal Other (ibid). The
notion of cultural relativism was something that Martyr and his contemporaries
could not fathom.

Columbus (1451-1506) demonstrated this functional ambiguity of the
noble savage in his accounts of the New World (Montagu 1974: 1-7). On
meeting the aboriginal population of what is now Haiti, he wrote,

...yet when they perceive that they are safe, putting aside all fear, they are of
simple manners and trustworthy, and very liberal with everything they
have...They show greater love for all others than for themselves... (in Montagu 1974: 3).

A thread between Martyr and Columbus may be drawn. Even though Columbus visited Hispanola and established rapport with the people he met, his European biases dictated the way he saw and interacted with the natives of these lands. Both Martyr and Columbus espoused the pastoral and romantic, of simple people living in paradise-like settings. However, for Martyr, the noble savage was an allegory, but for Columbus, the nobility of the savage was part of a larger personal and political agenda that required European, i.e. Spanish intervention. As Columbus wrote,

I gave to them many beautiful and pleasing things that I had brought with me...in order that I might more easily make them friendly to me, that they may be made worshippers of Christ, and that they might be full of love towards our king, queen, and prince, and the whole Spanish nation.... (in Montagu 1974: 4).

The sides of the dichotomy were exposed through Columbus: The noble savage lived a romantic and simple life of subsistence in ignorant bliss, but these savages were childlike and required the helpful hand of the Spanish/European to properly civilize them. What was missing in their lives was European guidance and Christianity. Columbus perceived himself as a vehicle through which this civilizing would take place.

The romantic idea of the noble savage, realized practically by Columbus and intellectually by Martyr, burgeoned in the 17th century writings of Marc Lescarbot (1610). Lescarbot, was a Parisian lawyer and, like Martyr, was contemptuous of European society (Ellingson 2001: xv). Lescarbot felt that France was developing into a corrupt society that favoured pomp, ceremony, and formality over justice. Frustrated by the exclusiveness of
Parisian society, Lescarbot traveled to New France in 1606-07, where he lived among the Mi'kmaq in the Bay of Fundy and functioned as a liaison between the Jesuit mission and the aboriginal population (ibid: 11-15; Lescarbot 1610: 49-114). Lescarbot's objective was to pursue a closer alliance between the French and the Mi'kmaq, and as part of this job to establish diplomatic ties with the famous Mi'kmaq chief Membertou (Ellingson 2001: 15).¹²

Lescarbot was impressed with Membertou and the potential of the Mi'kmaq, perceiving a parallel between the best characteristics of the Mi'kmaq and the best French traits. The symbiotic bond between the Mi'kmaq and the French forged a sense of destiny in Lescarbot, especially when considering the relationship between other European nations and other aboriginal peoples:

Now leaving there those Anthropophages Brazilians, let us return to our New France, where the men there are more humane, and live but with that which God hath given to Man, not devouring their like. Also we must say of them that they are truly noble...: (in Ellingson 2001: 21).

For Lescarbot, the Mi'kmaq—French alliance was meant as a model for other peace pacts, and a lesson for Paris. Lescarbot introduced the possibility of a global French/Christian citizenry that could be modeled by grafting the innately good laws of France onto the natural, moral codes of aboriginal peoples, like the Mi'kmaq. Through Lescarbot, humanity, or at least the French and their allies, was depicted as being less Machiavellian and more altruistic (Cro 1990: 59).

¹²Membertou is the name of the community from which Donald Marshall Jr. hails. The connection between Membertou, Lescarbot, and Marshall illustrates the continuity in Mi'kmaq/non-aboriginal relations from earliest contact to the present.
However, while Lescarbot admired the Mi'kmaq on certain levels, his was still a Eurocentric perspective. The goodness of the Mi'kmaq, as Lescarbot depicted them, derived from their ability to recognize and to accept French cultural superiority, especially in terms of law and religion. Mi'kmaq laws, customs, and traditions were not admired for their own merit in Lescarbot but for their amenability to French culture and laws. Lescarbot depicted the Mi'kmaq as awestruck in the presence of the French:

Meanwhile, the savages from all their confines came to see the manners of the Frenchmen, and lodged themselves willingly near them; also, in certain variances happened amongst themselves, they did make Mssr. de Monts judge of their debates, which is the beginning of the voluntary subjugation, from whence a hope may be conceived that these people will soon conform themselves to our manner of living (in Ellingson 2001: 16).

Lescarbot believed that the Mi'kmaq would flourish and progress under the auspices of the French and that this advancement was what the Mi'kmaq yearned. Therefore, the Mi'kmaq were noble not on their own accord but within an asymmetrical power relationship with the French. Hence, in Lescarbot's account, the nobleness with which the Mi'kmaq were imbued was a reflection of France's own nobility.

The relationship between the Mi'kmaq and Europe, particularly France as viewed by Lescarbot, was central in the development of the noble savage metaphor. Lescarbot's first hand experiences in New France published in the Jesuit Relations (1610) became part of the French discourse on the aboriginals of the Americas, a self-fulfilling disquisition that directly and indirectly informed European public perception long after Lescarbot. Lescarbot, the Jesuits, and other writers and travelers provided the empirical
evidence to transform the mythical "wild man" into the reified savage. In Lescarbot the well-defined duality of the Other developed into the a priori evidence used by later generations as a buttress for philosophical inquiries on individual liberty, notions of private ownership, and the rights and obligations of the state (Cro 1990: 131-144; Cranston 1991: 303). In this sense the noble savage metaphor evolved into an allegory of freedom, and became an important symbol through the age of reason in the 18\textsuperscript{th} century, as expressed through the French Revolution concepts of liberté, égalité, and fraternité (Cro 1990: 81-93).

The noble savage developed into an ever more abstract notion in the 18\textsuperscript{th} century as it became institutionalized within a discourse on inequality and human nature (ibid; Cranston 1991: 302-322). While notions of the noble savage were variously employed, it was through the works of three philosophers/social critics, Hobbes, b1588-d1679, Voltaire b1694-d1778, and Rousseau, b1712-d1788, that the ambiguous noble savage stereotype became fixed in common parlance.

Hobbes, the earliest of the three, believed that individual freedom, defined as an absence of constraint, was only obtainable under an absolute sovereign (Grunebaum 1987: 86-92). Following Machiavelli, b1469-d1527, Hobbes asserted that human beings by nature care only about themselves and their immediate survival. In the absence of political authority and the instruments of the state, individuals revert to this primal condition and become engaged in a life and death struggle for scarce resources. According to
Hobbes, this was the lot of aboriginal peoples around the globe. Life for the so-called primitive was perceived by Hobbes to be solitary, poor, nasty, brutish, and short because they lacked what Europeans had, i.e. civilization (Barnard and Spencer 1997: 578). Hobbes squarely fell on the savage side of the noble savage equation compared to his contemporary, the aforementioned lawyer Lescarbot, but there was one parallel. To curtail the brutish nature of humankind, a benighted and guiding regent was required to enact laws and to create exclusive rights of ownership (Grunebaum 1987: 88). While Lescarbot was interested with projecting the laws of France on to the Mi'kmaq, Hobbes wrote as an apologist for European monarchy.

Voltaire followed in the tradition of Lescarbot and Hobbes, contextualizing the noble savage vis-à-vis European subjugation, but Voltaire's dissertations lacked the empathy that Lescarbot expressed for the Mi'kmaq (Cro 1990: 131). On describing North American aboriginal peoples Voltaire wrote in Alzire (ibid: 134),

The ferocious American is a wild beast who bites and shakes the chains of his slavery. Submissive when he is punished, he becomes rebellious when he is forgiven. He thinks he is feared by the one who praises him.

Voltaire, unlike Lescarbot, never visited the Americas, which is significant. While Lescarbot promulgated his noble savage from empirical observation, by Voltaire's time the project had become an embedded intellectual enterprise that required no first hand knowledge of the Other. Lescarbot and Voltaire converged in one detail. For Voltaire, it was not European society that demanded a return to a state of nature but it was Europe's responsibility to
take, gradually and moderately, the laws of Western civilization to the
Americas (ibid).

The last and most significant of these three thinkers to the development
of the noble savage was Rousseau. It is Rousseau that is generally credited
for the creation of the noble savage as an enduring Western metaphor,
although as demonstrated above, the idea had a long life before he
expounded upon it. What made Rousseau’s concept unique was that he
modified the noble savage slightly, and turned it upside down, into an ironic
theory of human nature. In Columbus, Martyr, Lescarbot, Hobbes, and Voltaire
the noble savage was measured in terms of European standards. Even where
critical of Europe, as in Lescarbot’s writings, nobleness remained an attribute
of civilized Europe to be exported and reproduced by aboriginal peoples, i.e.
the savagery of nature was always overcome by the nobility of civilization.

Rousseau added another level of meaning by espousing the values of
savagery over civilization. In contrast to Voltaire, Rousseau (in Cro 1990: 144)
wrote of the natural state of humankind, “These barbaric times were a golden
age, not because men were united but separated.... A state of war prevailed
universally, and the entire earth was at peace.” According to Rousseau, in
society humankind becomes denatured as the amour de soi-même, the self-
regarding disposition derived from nature, is transformed into amour-propre,
the desire to be superior to others and to be esteemed by them (Cranston
1991: 304). Rousseau lamented that in society, individuals lose their
autonomy and, for the sake of vanity and power, become slaves to the opinions of others (ibid).

Rousseau wished to return to a “golden mean” between the indolence of the original state of nature and the petulant activity of modern pride, the “best period the human race ever knew” (ibid). Rousseau maintained that,

Savage man, when he has eaten, is at peace with the whole of nature....But for man in society, it is a question of providing first what is necessary, next what is superfluous, then afterwards come luxuries, then immense riches, then subjects, then slaves; man in society does not have a moment of respite. What is more singular is that the less natural the desire and the less urgent the needs, the more the desires increase (ibid: 305).

Rousseau viewed a civil society in which power is derived from the general will of the people, the volonté générale, as an essential counter to the oppression caused by materialism and vain pursuits:

...I should say that as long as a people is compelled to obey and does obey, it does well; but that, so soon as it can shake off the yoke and does shake it off, it does better; for, recovering its liberty by the same rights by which it was taken away, it is justified in resuming it or there was no justification for depriving them of it (Cro 1990: 140).

Rousseau envisioned a state in which the conscience and free will of the individual was expressed, and a balance between liberty and law prevailed.

However, Rousseau admired the noble savage, not because of some perceived bucolic lifestyle led by these conceptualized Others, but because of the functional violence Rousseau thought was inherent to a state of savagery (ibid: 144). Hence, violence as conceived by Rousseau worked as a ballast—it kept people honest. If one person took from another person, the first person would seek retribution through retaliation. However, in the European state, with the advent of private property and legal institutions that protected the owners of said property, a person had little recourse or power to recuperate
lost possessions. According to Rousseau, it was when laws were enacted to protect certain people, their property, and their interests that human society degenerated and a state of inequality arose (Cranston 1991: 302). For Rousseau, the noble savage did not represent fallen humanity waiting to be led down the path to civilization, portrayed as an innocent child that could rise to the condition of nobility with the proper Christian European guidance. Instead, the noble savage was to be lauded for his or her savage and natural proclivities. In Rousseau, the noble savage became noble because of his or her imagined savageness, not in spite of it.

Rousseau added an element of complexity to the noble savage dichotomy previously absent by maintaining that savagery could be viewed positively, especially in terms of individual liberty. However, the concept was still based on European biases about the primitive Other. In Rousseau, the savage still possessed no culture, no religion, no norms, no laws, nor a concept of ownership, and lived in a constant struggle with nature. The noble savage was culturally bankrupt in all the utopian philosophies, but where this absence of culture was viewed as an opportunity to civilize or lift up the Other by the likes of Lescarbot and Voltaire, Rousseau saw it as an idyllic state.

To reiterate, the noble savage was initially promulgated in the context of European expansion and exploration into North and South America, against the backdrop of European political and social reorganization. The New World, as it was labeled by the states of Europe, was not only a physical entity to be explored, comprised of societies to be conquered and subjugated, but it also
became an intellectual map, a way of thinking about world order, European civilization, and the role of the primitive Other. Rousseau’s noble savage could be viewed as a culmination of this tradition, transforming the noble savage into a timeless literary abstraction, an authorial image with historical and political ramifications. The textual and structural analysis of the news episodes in two newspapers, the Leader and the Globe and Mail, proves the timelessness of this construction.

5.4 The realization of the noble savage in North American discourse

What was an image constructed from a distance became elemental to the way non-aboriginal peoples approached aboriginal peoples once Europeans established permanent settlements in North America. As Euro-Canadian society developed, aboriginal peoples were, in many circumstances, pushed to the fringes of that society. This marginalization was both physical and teleological. The noble savage stereotype, conceived by Europeans, formed part of an intellectual impasse that colonized aboriginal peoples on the periphery of non-aboriginal society. With an a priori notion of primitivism, Euro-Canadians classified aboriginal peoples and their societies as strange and exotic curios, as a sub-category of humankind. To continue to see aboriginal people in this light, the physical distance between the aboriginal Other and the Euro-Canadian had to be maintained. To keep the two “cultures” worlds apart meant establishing a form of de facto, and eventually de jure apartheid.

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through which aboriginal peoples were excluded from partaking in a burgeoning mainstream society.

The development of the reserve system in the 19th century became the ultimate rationalization of the noble savage concept. As the non-aboriginal population of North America grew exponentially, the need to appropriate lands held by aboriginal peoples beyond the colonies and states of the Eastern seaboard also increased (Bailey 1969; Brown 1970; Trigger 1985). With the intensifying pressure on land and resources, the need for Euro-Canadians to isolate, to control, and to enclose the aboriginal population became necessary. The noble savage image became important as a justification for this action in Canada. Euro-Canadians believed that aboriginal peoples, presumably being primitive and unsophisticated, needed to be held in isolation until they could be educated in Western mores and values and taught skills such as farming and animal husbandry on the European model. It was only after this enculturation process that the conditions for civilizing aboriginal peoples could be established. By discounting the legitimacy of aboriginal lifeways, the non-aboriginal governments of North America implemented a mechanism by which to rule over the aboriginal populace that dehumanized aboriginal peoples, dispossessed them, and denied them the right to representation and decision making power.

As this view of aboriginal peoples became deeply ingrained in policy and popular belief, the tenor of the noble savage in North American discourse began to change. Two noteworthy commentaries from this period summarize
the attitudes that unfolded in the 19th century, illustrating how a romantic notion of the Enlightenment was replaced by a debased image of North American aboriginal peoples in Victorian times. The liberal novelist Charles Dickens (1980), writing on the Ojibway Indians stated,

...I have not the least belief in the Noble Savage....I call him a savage a something highly desirable to be civilized off the face of the earth.... he is savage—cruel, false, thievish, murderous; addicted more or less to grease, entrails, and beastly customs; a wild animal with the questionable gift of boasting; a conceited, tiresome, blood-thirsty, monotonous humbug.

Dickens went on to say that the miserable nature of the noble savage was universal and brutish,

The noble savage sets a king to reign over him, to whom he submits his life and limbs without a murmur or question, and whose whole life is passed chin deep in a lake of blood; but who, after killing incessantly, is in his turn killed by his relations and friends....

In the absence of a European administrator, aboriginal people, according to Dickens, would be engaged perpetually in a chaotic and internecine "war of extermination." Dickens' diatribe derived not from first hand experience, but reiterated the tropes of his day and must be placed within the context of British Imperialism and reservation policy. Dickens reworked Rousseau's notion of a natural state of permanent war not to symbolize a golden age, but to accentuate the degenerate state of the imagined savage.

Dickens' take on the noble savage was produced from a distance, an interpretation of literature over empiricism, and illustrates how the embedded metaphor subjugated the factual. In the work of the celebrated American humorist, Mark Twain (1870), the noble savage received a similar treatment, demonstrating how this distance between the imagined aboriginal and real life
was maintained even while living in close vicinity to aboriginal cultures. Twain
maintained that the classic literary noble savage, that of Lescarbot or
Rousseau, depicted as true, loyal, tall, and muscular, was a work of fiction.
The real “Red Man” was, “nothing but a poor, filthy, naked, scurvy vagabond,
whom to exterminate were a charity to the Creator’s worthier insects and
reptiles which he oppresses.” Twain waxed eloquent,

He [the “real Indian] is ignoble—base and treacherous, and hateful in every
way…. The scum of the earth!...the Red man is a skulking coward and a windy
braggart, who strikes without warning—usually from an ambush or under cover of
night, and nearly always bringing a force of about five or six to one against his
enemy; kills helpless women and little children, and massacres the men in their
beds; and then brags about it as long as he lives…. (pp. 2)

By noting the parallels between Twain and Dickens’ noble savage, it becomes
apparent that Twain’s “real Red Man”, ironically, was as much a fiction as the
literary Indian Twain so eschewed. Twain, like Dickens, was symbolic of how
the non-aboriginal treatment of aboriginal peoples remained ‘external’ and
‘rhetorical’ (Monkman 1981: 4).

The noble savage of the mid-19th century, as depicted by Twain and
Dickens, symbolized the growing chasm between aboriginal and non-
aboriginal peoples in North America. The economic and political ties that were
forged in an earlier time were redundant by the mid-19th century. People such
as the Mi’kmaq, skilled as hunters and trappers, became economically less
valuable to the Europeans as the fur trade waned, especially in Canada
(Bailey 1969; Trigger 1985; Morrison and Wilson 1995). Also, as European
settlers and traders became familiar with the flora, fauna, and geography of
North America, their dependence on aboriginal assistance diminished. In

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places like New Brunswick and Nova Scotia, the military power of the aboriginal population also declined as the population demographics changed with the arrival of thousands of European residents and the rise of eastern seaboard cities. With the widening distance between aboriginal and non-aboriginal peoples and the increased political subjugation of the aboriginal population, the rapport between non-aboriginal and aboriginal peoples deteriorated. Within this context, the negative savage imagery of the aboriginal came into ascendancy in Euro-Canadian discourse.

The distancing of aboriginals from Europeans was also due to the increased demands for resources and private property. In New Brunswick and Nova Scotia, ideological and political agendas converged through the idea of the noble savage. By settling the Mi'kmaq\textsuperscript{13} on lands removed from the centres of political and economic power, aboriginal communities were excluded from resources and opportunities. As illustrated at Membertou, Nova Scotia in Chapter 1, non-aboriginal communities and business interests often desired the land that the Mi'kmaq occupied, and manipulated the legal system to dispossess them of it. This allowed non-aboriginal people to settle aboriginal people on poorer lands, usually far from sight and mind. The maintenance of physical and cultural distance insured that exotic and embellished ideas of aboriginal people prevailed in the non-aboriginal population of the Atlantic Provinces (For an e.g. see G.D. Roberts 1896). It

\textsuperscript{13} The colonization of the Mi'kmaq parallels the colonization of other closely related aboriginal groups in the Atlantic region, specifically the Maliseet and the Passamaquoddy.
also insured that the Mi'kmaq were unable to develop and compete with the non-aboriginal population in this region.

Through the perpetuation of an exotic and primitive image of the Other, the non-aboriginal population of the Atlantic provinces erected and perpetuated a system of dependency vis-à-vis the aboriginal population. The Mi'kmaq were perceived to be a people living out of time and space, living in some ancient way, incapable of organizing or governing themselves in a modern world (Smith 1999: 54-55). This image ignored the fact that these people had been forced to the peripheries of North American society and prevented from freely partaking in the wealth of the provinces. Through Euro-Canadian institutions: federal and provincial governments, the courts, and law enforcement agencies, the aboriginal population of Atlantic Canada became immersed in a system in which they had no rights and little power to affect change (Coates 2000: 5-71). As Noel Knockwood writes,

They went so far as to saying that our language was savage-like and for us not to speak Mi'kmaq, the language given to us by the Great Spirit. We have paid until we could not pay anymore. We even paid with our land (in Joe and Choyce 1997: 116-117).

The Mi'kmaq were viewed as anachronisms, existing in nature, simple, and regressive; they were primitive and savage and needed to be governed for their own good (ibid: 30). The brute savage imagery that prevailed from the 19th century on emphasized the need for the non-aboriginal population to intervene by constructing and administering a reserve system. The irony was that the system that was supposed to be aiding aboriginal people was instead isolating and alienating nations such as the Mi'kmaq. Hence, within the larger
provincial and national framework, aboriginal peoples were denied political or legal rights, and constantly pushed to the fringes by patronizing government agencies that forced them into a peripheral economic condition (Erikson 1999: 563).

The noble savage was and remains part of this discourse, an ongoing project, an academic and intellectual tradition through which political action that has dispossessed aboriginal populations continues to be rationalized (York 1990). The noble vs. ignoble savage is part of a collective conscience, granting the non-aboriginal population the authority to label and to discuss the aboriginal population as a racialized Other (Miles 1989). Contemporary relations between Mi’kmaq and non-aboriginal Canadians are the consequence of centuries of colonization, based in this misrepresentation of the Other. Deeply embedded in this construction of the noble savage are systems of classification and representation, which loan themselves to binary opposition, dualisms, and hierarchical orderings of the world (Smith 1999: 54). As Smith (ibid: 60) maintains those who classify and order the world exercise control to name, to label, to know, and to control it. This process of colonization can be summarized as in Table 17 by a comparison of the Western view of colonization versus an indigenous view of the same (ibid: 88).
Table 17: Comparison of Euro-Canadian and aboriginal views on contact

<table>
<thead>
<tr>
<th>Stage</th>
<th>Euro-Canadian Account</th>
<th>Aboriginal Account</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1</td>
<td>Initial discovery &amp; Contact</td>
<td>Contact &amp; Invasion</td>
</tr>
<tr>
<td>Stage 2</td>
<td>Population decline</td>
<td>Genocide &amp; Destruction</td>
</tr>
<tr>
<td>Stage 3</td>
<td>Acculturation</td>
<td>Resistance &amp; Survival</td>
</tr>
<tr>
<td>Stage 4</td>
<td>Assimilation</td>
<td>Recovery as aboriginal people</td>
</tr>
<tr>
<td>Stage 5</td>
<td>Reinvention as a hybrid, ethnic culture</td>
<td>Expansion of Tradition; Expansion of Knowledge</td>
</tr>
</tbody>
</table>

The ideological utility of the noble savage rests in the fact that it remains an important tool for representing and reproducing a set of images of the Other amenable through each of the above stages. The thematic continuity between the various incarnations of the noble savage within Euro-Canadian culture represents an attempt to intellectualize the relationship between humanity and the physical world. The expressed duality between humanity and nature marks a philosophical position at the essence of Western epistemology. The noble savage, hence, is an expression of a profound conundrum: What separates the human and natural worlds? The very question is based in a belief that a divide between humanity and the natural world exists, and that humankind’s purpose is to control and to subjugate the world.

One of the most elemental ways in which the noble savage/nature divide is expressed is through a notion of gender. An illustration of how the noble savage was engendered follows. This is noteworthy in light of the Marshall decision news stories. As noted in the analysis, the attachment of a certain type of nobleness to certain aboriginal and non-aboriginal women was
important in the construction of a news narrative based in notions of good and bad, right and wrong, order and chaos.

5.5 The noble savage engendered

The feminine ideal of Other became stereotyped by two extremes, i.e. the libidinous savage and the virginal primitive, and, in conjunction with the noble savage, developed into a representation of otherness that was part ideology and part popular myth (Dickason 1984: 83). The noble savage and gender ideals operated along a continuum that accommodated various stereotypes, classified as negative or positive, depending upon the political and intellectual climate in which the stereotype was produced. For instance, in the 16th and 17th centuries the image of female purity in the New World was most noteworthy (Gill 1987). The image of a chaste or pure maiden was symbolic of the relationship that Europeans constructed for themselves of the New World vis-à-vis Europe. The New World was something to be tamed, civilized, subjugated, or conquered. It was an innocent land that required European guidance, in terms of a pacifying colonizer, to either avoid the pratfalls of Europe or to create a new utopia (Cranston 1991: 304; Greenblatt 1991: 1-25). The image of the female maiden, young and innocent, became synonymous with the New World and the embodiment of servitude and subjugation. The representation of the New World as young, innocent, requiring guidance and protection from itself helped to maintain a European patriarchal system, through which the public sphere, as male dominated and
important, and the private sphere, as female centered and of lesser
importance, were perpetuated (Ebersole 1995: 211).

This patriarchal ideal was exemplified through European commentaries
on property ownership in the New World. The idea of ownership of property,
the right to exclusive use of land through legal title or deed, i.e. a written and
validated documentation, developed in the European mind as the hallmark of
civilization, and the expression *par excellence* of patriarchy (Ryan 1984: 1-13;
Grunenbaum 1987: 1-15; Ziff 1996: 2). From the European perspective, the
apparent absence of a Western European concept of land holding marked the
inhabitants of the New World as unsophisticated, uncivilized, undeveloped,
and childlike—even though in reality non-European peoples possessed very
complex systems of proscriptive and prescriptive land use rights and
obligations. The jural-legal idea of property ownership embedded in the *patris*
expressed itself in a paternalistic European discourse on the New World that
became a metatheme on the nature of aboriginal peoples.

Moreover, even where Europeans lauded aboriginal peoples, the
paternal voice remained. As Martyr (1971 [1555]: 78) wrote,

> For it is certeyne that amonge them the land is as common as the soonne and
> water. And that myne and thynge (the seeds of all myscheefe) haue no place with
> them. They are contente with so little, that in soo large a countrey, they haue
> rather superfluite then scarsenes. Soo that (as we haue said before) they seeme
to lyue in the goulden worlde, without toyle, lyuinge in open gardens, not
> intrenched with dykes, dyuued with hedges, or defended with waules...they take
> hym for an euyll and myscheuous man, which taketh pleasure in doinge hurt to
> other....

The distinction between North American aboriginal peoples as living "in" or "of"
nature developed through writings such as this. Aboriginal peoples were either
"of" nature—indistinguishable from their natural surroundings; or "in" nature—living in a symbiotic relationship to their surroundings. The important point is that gender transcended categories of female and male, and in the colonizing project implied a way for Europeans to classify their relationship to the aboriginal world vis-à-vis subjugation and control.

The development of the Pocahontas myth is an outcropping of this process (Ebersole 1995:194-200). It brings the metaphor of the naive aboriginal and the civilized colonizer back down to the level of the individual. This story was told in various forms, many of them historical embellishments (ibid: 190-237), but they all are variations upon a similar theme. The European male saves or is saved by the lovely aboriginal female. In all these scenarios the white man rescues the damsel, physically and/or culturally. In the traditional John Smith/Pocahontas scenario, the enlightened Indian maiden recognizes the innate goodness of the European male and wins Smith's freedom, by appealing to her father, from the males in her tribe, who have imprisoned Smith. Pocahontas and Smith later wed, binding the devoted aboriginal female to the noble European male. The Euro-Canadian male, Smith, symbolizes the civilizing process, and his union with Pocahontas marks the gentrification of the aboriginal. Pocahontas and her father embody the potential of the aboriginal Other by showing Smith mercy and by bringing him into their family. This act is an acceptance of European ways and values, and a recognition of moral superiority of the Euro-Canadian male. By contrast, the male aboriginals who intend to kill Smith represent the savage and the
barbarian, a rejection of Euro-Canadian culture and a contempt for civilization altogether.

The savage male's contempt for Euro-Canadian civilization is further accentuated in the obverse to the Pocahontas myth, i.e. the union between aboriginal males and non-aboriginal females. In the 18th and 19th centuries stories of this type were especially proliferate (Ebersole 1995: 219-237). Unlike the Pocahontas story, in these narratives non-aboriginal women were violently taken by aboriginal males, through raids or wars, forced to submit and then enslaved by their aboriginal male captors. While a bond between captor and captive did develop in some of these stories, many of which were historically based or taken from accounts written by former captives, it was of a different order to that of the Pocahontas set. The male sexual Other was unfeeling, selfish, calculating, and domineering; he was depicted as totally evil, cold-hearted, and with a rapacious sexual appetite (ibid: 220). The male aboriginal was presented as attacking and destroying the moral fiber of Euro-Canadian culture by sulllying the dignity of the Euro-Canadian female.

While the news analysis in Chapters 3 and 4 is based in this oscillation between the female and male archetype, along a negative and positive axis, some aboriginal writers have maintained that the stereotyped aboriginal female as depicted in Euro-Canadian literature and media suffers more than that of the aboriginal male (Maracle 1996; Smith 1999). In this view, the dominant Euro-Canadian colonialist/patriarchal model, while marginalizing all aboriginal voices, represents a mechanism for the negation of the aboriginal
female voice (Maracle 1996: 17-18). The argument follows that the only voices heard in the mainstream from the aboriginal community are those that can be accommodated by a dominant hegemonic discourse. These tend to be male social actors who conform to the non-aboriginal ideal of "White man's Indian" (Berkhofer 1979). As Maracle (1996: 98) laments in regards to the American Indian Movement of the 1970s,

The American Indian Movement (AIM) was propelled to the fore of the siege by a biased and sensationalistic press. The most vocal and articulate males, those who conducted themselves like arrogant white men, were interviewed and reported on over and over again.... Touted as leaders, these men overshadowed the issue.

While the preceding news analysis placed a different spin on gender in the media than Maracle, there was convergence in the argument that aboriginal views appeared in each newspaper according to the dictates of non-aboriginal models. Moreover, the image of barbarity and civility was in constant opposition in these representations.

The survival of the noble savage as a powerful image through which the colonization of aboriginal peoples continues is significant. It suggests that the colonization of the mind is a necessary adjunct to the colonization of the physical. The noble savage even resonated in traditional anthropology. Lévi-Strauss's structuralism is a disquisition in this tradition. The genealogy between structuralism and Rousseau's noble savage is noteworthy, and it is this relationship between the noble savage and dualistic rationalisms that is at the core of structural analysis. In Lévi-Strauss's earlier works (1964, 1966), the primitive Other lives in nature, formulating distinctions between self and other
through a complex symbolic system rooted in the experiential. Through "mythic thought," the savage is shown to be extraordinary, noble, and endlessly creative. Both Rousseau and Lévi-Strauss stress the unity of humanity, promoting the non-Western aboriginal as a reservoir of ancient wisdom, i.e. a people possessing an inherent understanding of the symbiotic relationship between humankind and the natural world. In Rousseau, as interpreted by Lévi-Strauss, non-European people possess separate, yet equally valid and often superior ways of constructing the world that can be instructive to the non-aboriginal person.

Lévi-Strauss follows in Rousseau's footsteps and this is no better illustrated than through Lévi-Strauss's introductory quotation on social structure:

The investigations we may enter into, in treating this subject, must not be considered as historical truths, but only as mere conditional and hypothetical reasonings, rather calculated to explain the nature of things, than to ascertain their actual origin; just like the hypotheses which our physicists daily form respecting the formation of the world. —J.J. Rousseau, On the Origin of Inequality (in Lévi-Strauss 1963: 277).

Lévi-Strauss, like Rousseau, incorporated a noble savage who is the agent of a world order, an actor who constructs a parallel world to the European. In this context, the noble savage is more than a metaphor to be used by Euro-Canadians to mark order from chaos; the noble savage is the author of various complementary and competing worldviews.

This chasm between the anthropological ideal of the Other and the metaphorical noble savage, between agency and subject, is the problem at the core of textual representation. The gap between the ideal and the actual was
broached in this chapter to create an understanding on how the noble savage was constructed and was utilized in the two newspapers and news episodes analyzed in Chapters 3 and 4.

5.6 Summary

By examining the development of the noble savage ideal, this chapter illustrates how pervasive and durable the image has remained through the centuries (Dickason 1984; Cro 1990; Cranston 1991; Paul 1993; Greenblatt 1991; Ebersole 1995; Smith 1999; Ellingson 2001). The noble/ ignoble dichotomy has been adapted to conform to paradigmatic shifts, intellectual revolutions, modernization, and globalization. As Smith (1999: 8) explains,

Imperialism and colonialism... are realized in the myriad or repetitions and ideological constructions of the Other in scholarly and popular works, and in the principles which help to select and recontextualize those constructions in such things as the media, official histories, and school curricula.

The argument follows that the noble savage idea is effective because the concept is deeply ingrained in Western epistemology, and that the dichotomy survives and manifests itself in the present in ever more subtle ways. The depiction of the barbaric, primitive Indian of yesteryear may not be acceptable in a contemporary context, but the noble savage still lurks below the surface in the prose of everyday speech acts and in texts, such as a newspaper.

Chapter 5 presented an historical overview of the noble savage as part of a Euro-Canadian discourse of colonization. The aim was to illustrate how deeply embedded the notion of the noble savage is and to show that the dualistic notion of the noble savage continues to symbolize and communicate
a structured world order. The goal in the next chapter is to conclude the analysis. The implications of the noble savage stereotype on the Marshall decision news stories lead to a discussion on theme and structure in the *Miramichi Leader* and *Globe and Mail*. 
CHAPTER 6

CONCLUSION: THEME AND STRUCTURE IN NEWSPAPERS

6.1 Chapter overview

The following chapter completes the analysis of Chapters 3 and 4, illustrating how a news discourse developed through a narrative based upon a stereotype of the noble savage. This chapter is divided into four sections. The first section is a review of the previous five chapters, while the second section is a review of the analysis. This leads to the third section, a discussion of counter hegemonic messages and hegemonic structures. The chapter ends with a comment on the ethnomethodological contribution of this thesis.

6.2 Review of thesis chapters

The premise of this thesis was outlined in the Introduction. The Marshall decision of September 1999 was chosen as a test case to examine the extent to which stereotypes of aboriginal peoples obtain in Canadian news. Two newspapers, one local, the Miramichi Leader, and one national, the Globe and Mail, were selected as points of comparison.

Chapter 1 established the context for the news analysis with a brief history of Mi'kmaq/ non-aboriginal relations in Atlantic Canada. It was asserted that the proletarization of the Atlantic fishery and a system of rules, regulations, and licenses have marginalized or excluded the Mi'kmaq in Canada's East Coast economy. The Mi'kmaq, in light of the Canadian
Constitution Act, 1982, have recently turned to historic treaties and the courts as a way of re-asserting their rights and regaining an economic foothold in the Maritimes. In Chapter 1 it was asserted that the situation in the Miramichi was (and remains) a complex matter, a contemporary conundrum with deep-rooted antecedents.

Chapter 2 presented the methodology. A structured approach to analysis was proposed as a method for examining stereotypes through an inherently dualistic forum, the newspaper. It was argued that newspaper writing is an exercise in social cognition and structure. News tends to be presented through simple dichotomies of right and wrong; order and chaos; good and bad. News items are inherently dualistic due to the format of news, the institutional aspect of news, and the time and space constraints placed on news reporting/news publishing. In this regard news is a rationalized and reductive form of storytelling.

In Chapters 3 and 4, the specific news stories from each newspaper were analyzed. It was demonstrated that each newspaper produced stories that had structure, direction, viewpoint, and supporting points embedded in a standardized language that clarified and maximized news value (Bell 1991: 76, 141). To this effect, the stories in each newspaper consisted of six narrative elements (van Dijk 1985: 86):  
1) The abstract summarized the central point and action. The abstract was set up by questions such as: What is this all about? What is being told?  
2) Orientation established the scene where the episodes unfolded.
3) Complicating action determined the central point of each news story, and answered the question: What happened?

4) Evaluation demonstrated why episodes were reportable by answering the question: So what?

5) Resolution brought the episodes to a conclusion.

6) Coda wrapped up action and returned the conversation from the time of the narrative to the present.

This strength of narrative had both a positive and negative consequence. On the one hand, the news producers ensured that they provided concise and linear story lines. In this regard, the written text reified the narrative, ordering time and space, while imparting permanence and authority to the news accounts (Rock 1973: 64-74). On the other hand, by reducing ambiguity, the news producers eliminated certain viewpoints for the sake of good storytelling. Through an elimination of certain viewpoints, what Bell (1991: 227) refers to as attribution deletion, a multi-sided reality was transformed into a monolithic, sequentially determined representation of events.

Consequently, the news format, dependent on stereotype and script, skewed and simplified the presentation of a complex social, economic, and political situation in Atlantic Canada. In the Marshall news episodes, this allowed a similar metatheme— historic conflict between aboriginal and non-aboriginal peoples in Canada—to develop in each newspaper. The shared social script fashioned the news presentation so that each newspaper
conveyed a story about: a) order and chaos, an elemental template through which the opposition social order vs. the natural world was communicated and negotiated (Lévi-Strauss 1963); and, b) the noble savage, as a stereotype of the Other (Said 1978). The noble savage became a central metaphor in a drama played out through a violent episode at Burnt Church, New Brunswick. This episode allowed each newspaper to personify the dichotomy order vs. chaos along a continuum of archetypal traits and behaviours ascribed to aboriginal peoples.

The noble savage was characterized by two discursive traits in the news coverage:

1) The presumption that non-aboriginals speak for aboriginals better than aboriginals speak for themselves. Non-aboriginals appropriated the authorial voice, reserving for themselves the right to comment upon and judge aboriginal people and their communities from the outsider’s perspective. The news items in the Leader and Globe and Mail characterized this approach, allowing outsiders to colonize the image of the aboriginal (see Francis 1992 on the popular perception of the fabricated Indian). However, the news coverage perpetuated an illusion of inclusivity through balanced reporting. This illusion amounted to an effective form of control of Mi’kmaq discourses.

2) Aboriginals were presented in the news coverage as a homogeneous Other. This was accomplished by reducing the complex of aboriginal social and political realities to a few motifs: government dependency, endemic poverty, and crisis (Singer 1982). Reductionism in news writing not only
allowed the outsider to claim expertise and authority but it skewed reality by
privileging certain voices within aboriginal communities. A few speakers,
usually voices deemed official, came to symbolize all aboriginals (interview
with Allison Blackduck, March 2001). This concentration of aboriginal opinion
furthered the illusion of an undifferentiated and interchangeable aboriginal
people who all think alike. When this image was combined with the
anachronistic noble savage, the construction of an eternal Other emerged.
The eternal aboriginal represented a convenient mechanism through which
news stories could be told.

The fifth chapter discussed the noble savage as a Euro-Canadian
metaphor. By outlining the historic noble savage, the goal was to explain the
application of the homology, \textit{noble} : \textit{savage} :: \textit{order} : \textit{chaos}, to the news
stories from both newspapers. The chapter demonstrated that the notion of the
noble savage has survived and thrived from the time of the Enlightenment,
through colonialism, the development of Canada, and into the present. It has
been evident in policy, literature, news, and the continued subjugation,
romanticizing, and marginalization of aboriginal peoples in Canada
(Henderson 1997: 21-23).

The point in Chapter 5 was to illustrate that the history of the noble
savage concept remains important to understanding how aboriginal people are
presented in Canada. The news items analyzed in Chapters 3 and 4 were
comprehended from this conceit—that the noble savage represents a powerful
tool in the textual representation of the Other. To understand the Miramichi in
the present is to understand the idea of the noble savage as it has been reproduced through time. The noble savage is a product of European colonialism, defined and molded through relationships between aboriginal and non-aboriginal peoples from earliest contact. Laterally, the notion of the noble savage continues to inform the way that non-aboriginal peoples perceive aboriginal peoples to the present. In other words, the history of colonization is part of the macrostructure through which news stories about aboriginal peoples are formed and communicated.

The above outline that ties together the history of colonization, the noble savage, and macrostructures in news brings the discussion in this thesis full circle to a review of the analysis.

6.3 Review of analysis

The concept of the noble savage developed in a parallel fashion in each newspaper: thesis (initiating action) → antithesis (transforming action) → synthesis (uneasy equilibrium). The first news episode in each newspaper presented the Marshall decision. In each news episode the Marshall decision was presented in ambiguous terms. The second news episode focussed on the violence at Burnt Church, New Brunswick. In this news episode, negative images of aboriginal peoples, based in a stereotyped savage, emerged. This marked the antithesis. The third news episode presented positive images of aboriginal peoples. In the Miramichi Leader the third news episode was an effort to restore harmony in the region, while in the Globe and Mail the third
news episode was an attempt to balance the reportage. The third news episode marked the synthesis in the news cycle in each newspaper.

News episode #1 in both newspapers introduced the Marshall ruling. The Leader reportage in news episode #1 emphasized the immediate significance of the decision for the Miramichi. The Marshall ruling was contextualized within an ongoing legal debate over aboriginal rights to the access of natural resources in Atlantic Canada. In the first news item, the reporter recognized the practical implications of the Marshall ruling for the Miramichi. The Marshall ruling had important ramifications for other aboriginal challenges before the courts, including eight Burnt Church men charged with illegal lobster fishing, and another man charged with cutting and selling Crown wood. The newspaper was conciliatory, maintaining that all interested parties, aboriginal, non-aboriginal, and the provincial and federal governments needed to work out a management programme. The Leader item stressed harmony over conflict.

The news item was about order and chaos in the natural resource sector of the economy. The relationship between aboriginal people and nature was inevitable given the content of the Marshall ruling, a decision on eel fishing, but the Marshall decision solidified an impression that aboriginal people are governed by nature; whereas, non-aboriginal peoples are governed by rules and regulations. The Leader stressed that harmony between the aboriginal and non-aboriginal peoples in the Miramichi could only
be achieved through a balance between natural rights and legal rights, and that a move too far to natural rights would lead to uncertainty and chaos.

The consequences of chaos were stressed in the second news item printed in the *Leader*, news episode #1. It was through this second item, the ongoing manslaughter trial of an aboriginal man, that the noble savage image was suggested. An aboriginal man with a violent past was going through a third trial in the killing of another aboriginal man. The second man had died purportedly trying to protect a young woman in her home from the first man. The woman in this item embodied all the noble traits of womanhood—she was young, in her home, and innocent of soliciting the attack. The second man was also noble, dying protecting an innocent woman. However, the charged man was depicted as a base and savage person—a person with a history of alcohol abuse and violence. The structural analysis of news episode #1 illustrated that many parallels emerged between two dissimilar stories, due to the manner in which the first two news items were reported: aboriginal male violence, transgressions on property and individuals, controversial court rulings, and disputed murder convictions. Through the negotiation of nature, gender, the noble, and the savage, the *Leader* bound these two news items together in news episode #1.

By comparison, in news episode #1 in the *Globe and Mail*, the focus was less upon specific impacts of the Marshall decision and more upon the person of Donald Marshall. In the *Globe and Mail*'s presentation, Marshall was depicted as a courageous figure. Marshall’s long journey in search of justice
for himself and his people recalled the struggle of the epic hero who endures
great privations and tribulations to complete a quest. The second news item,
drawn from a Marshall press conference, was particularly effective at
humanizing the news story on the Supreme Court decision. In this news item,
Marshall's agency effected changes in the laws governing Canada on more
than one occasion, and this great sacrifice had taken a toll on Marshall. The
reader was informed that Marshall, just like any warrior after a long battle,
aimed to retire to a quiet and pastoral life. Through the imagery and mood of
these first two news items, a humble and noble Donald Marshall was
actualized in the *Globe and Mail* reportage.

However, while Marshall was portrayed positively in the *Globe and Mail*,
the Marshall decision was skeptically presented in this first news episode. The
news items informed the reader that the Marshall ruling was less than
unanimous, decided by a 5-2 split amongst the judges. While Justice's
Binnie's rationale for the decision, "the honour and integrity of the Crown," was
outlined, these two items placed their emphases on the concerns expressed
by the dissenting judges, McLachlin and Gonthier. By focussing upon the
cautory warnings of those judges opposed to the ruling, the two news items
counterbalanced the noble aims of Donald Marshall with the uncertainty
brought about by, what the news items deemed, a flawed Supreme Court
decision. From an editorial position this meant that the *Globe and Mail* could
argue that, even though aboriginal rights should be legally recognized and
protected, ill-conceived court decisions would not achieve the desired end.
The *Globe and Mail* argued that Supreme Court decisions such as the Marshall ruling would only lead to future social upheaval and chaos.

The chaos hinted at in the first news episode was realized through the second news episode in each newspaper. In the fall of 1999 and in the light of the Marshall decision, some Mi'kmaq communities established a lobster fishery in Atlantic Canada. The aboriginal fishery met with opposition in some regions. In October of 1999, the opposition to the fishery became magnified in the media through a violent confrontation involving members of the aboriginal and non-aboriginal communities in Burnt Church, New Brunswick. The violence at Burnt Church was expressed through a stereotyped image of the Mi'kmaq warrior, that evolved into the archetypal savage, in each newspaper. The savage emerged during this second news episode as a way of criticizing what each newspaper perceived as the inevitable consequences of the Marshall ruling.

In the *Globe and Mail*, the conflict at Burnt Church was presented as a microcosm of aboriginal and non-aboriginal relations—an omen of future discord brought about by poor Supreme Court decisions and federal government inaction. The *Globe and Mail* reportage and editorial during news episode #2 expressed a classic liberalist viewpoint. The *Globe and Mail* argued that fishing is a zero-sum game engaged in by individuals with one short-term agenda, their own survival and success in the fishery. When the controls that govern the behaviour of fishers are removed, individual fishers, be they aboriginal or non-aboriginal, display their natural predilection to
violence and lawlessness (Palsson 1991). In other words, fishers and aboriginal peoples cannot be trusted to behave in a civilized manner, so they need to be policed by the state to ensure they act properly. The Globe and Mail showed that with the removal of the management mechanisms that control the fishery, neither aboriginal or non-aboriginal was capable of working out an equitable solution on their own. The non-aboriginal fishers, to protect their livelihoods, took to destroying aboriginal traps and equipment, and the Mi’kmaq responded with an increased militancy and vigilance.

While the Globe and Mail did not defend the actions of the non-aboriginal fishers, the Mi’kmaq reaction was presented even more negatively, as excessive and uncompromising. In this scenario, aboriginal peoples, in particular aboriginal men, were especially prone to act according to their basest instincts to protect their interests. To outline this tendency to violence, the increased militancy of the Mi’kmaq was emphasized in the Globe and Mail coverage.

Two items were particularly noteworthy for impressing the image of the militant aboriginal: 1) On October 5th 1999, the Globe and Mail published the front-page news story, “Ottawa gropes for response to fish battle,” by Daniel LeBlanc. Carried alongside this item was a picture of “the flag of the militant Mi’kmaq Warrior society” flying at Burnt Church. This image marked a direct connection to past conflicts, especially Oka, Quebec; 2) The article, “Mi’kmaq brace for further clashes,” by Tu Thanh Ha, told the reader about Mi’kmaq preparations for future battles with the non-aboriginal community. In this item,
the Mi'kmaq were depicted as being on the warpath. They drove in rusty pick-up trucks late at night, war-whooping, being destructive, breaking windows, and causing property damage. By emphasizing the confrontation at Burnt Church and the Mi'kmaq response via a discourse of war, the Globe and Mail validated their editorial claim that the Supreme Court ruling was in error and that government intervention was necessary to curb the savagery of the Mi'kmaq warriors.

By comparison, the Leader represented the violence at Burnt Church in more personal terms. The coverage in the Leader indicated the proximity of the newspaper to the events, i.e. this was a local issue in which the people involved were from the region, and it was an event with repercussions throughout the Miramichi. Consequently, the individuals involved in the conflict played central roles in the telling of the news. In particular, the Morrison family, depicted as a family “caught in the crossfire,” appeared as the typical Miramichi family, i.e. a victimized non-aboriginal family demonstrating stoic resolve in the face of danger. Leigh Morrison was presented as a voice of reason during the Burnt Church incident, a fisher who had cautioned of the possible conflagration should the aboriginal fishery not cease. His wife, Michelle, was presented as a concerned and active citizen, seeking a peaceful resolution to the fishery dispute. The Morrison family was attacked, according to the Leader, not because they were part of the problem, but because they tried to be part of a solution.
In the *Leader* coverage, the Morrison family became the lightening rod for misdirected aboriginal anger. Attacks on the Morrison’s and their property by the Mi’kmaq were used to humanize the consequences of the fall fishery. Michelle Morrison was of particular significance. Portrayed as a symbol of peace in the *Leader*, Michelle Morrison gave legitimacy to non-aboriginal actions at the Burnt Church wharf. Michelle Morrison, as a peaceful and concerned citizen, was contrasted in the *Leader* with the Mi’kmaq response at Burnt Church. While Michelle Morrison circulated a petition and protested in a calm and democratic manner, the Mi’kmaq commandeered the wharf and set up tents full of warriors. The Mi’kmaq appeared in this news discourse as unruly and immature barbarians/savages, invading the public wharf, unwilling to talk rationally, and contemptuous of the civil democratic process. Like the *Globe and Mail*, this reportage allowed the *Leader* to condemn the Marshall decision while not condemning aboriginal rights. According to the *Leader* coverage, aboriginal rights are not wrong in principle, but conflicts such as Burnt Church illustrated the consequence of implementing rights—invariably, some aboriginal people take their rights too far.

The representation in the *Leader* of Michelle Morrison as wife, mother, and concerned citizen was noteworthy. Gender was an important thread that thematically tied the three news episodes in the *Leader* together. In the first news episode, the *Leader* presented a story of a woman who was attacked in her home by an aboriginal man, while another aboriginal man died attempting to protect her. The attacker’s history of violence and substance abuse left the
impression of a savage and remorseless individual. While this news item showed the savage side of aboriginal behaviour, the first news episode as a whole, which included the Marshall decision news item, presented both sides of the noble/ ignoble dichotomy: Donald Marshall, the young woman, and the victim of the stabbing all exhibited an element of nobility. However in the second news episode, the Burnt Church wharf standoff, the noble imagery was replaced by a ignoble image of aboriginal peoples. The savage image was reified in this episode through the news items that focussed on purported attacks on the Morrisons, and especially attacks on Michelle Morrison. These assaults were presented in the newspaper as willful, unprovoked, and unjustified. The innocent and law-abiding woman, Michelle Morrison, the focal point of Mi'kmaq anger, accentuated the volatile nature of the Mi'kmaq in this news episode.

The third news episode, the Family Day Awards at Eel Ground, was significant for its use of gender. Through this news episode, the Leader used the image of a female Mi'kmaq singer, a young Mi'kmaq girl, and a Mi'kmaq elder statesman to rehabilitate the noble aboriginal. In this scenario, the female aboriginal and the sage elder embodied a spirit of harmony and cooperation. The singer, Jennifer Savoie, in the third news episode paralleled Michelle Morrison in the second news episode, both representing a counterbalance to the savage. Savoie put a kinder, gentler face on the Mi'kmaq community and emphasized the common humanity binding all New Brunswickers. The elder aboriginal male, Howard McKay, a respected
community leader, solidified this connection between the aboriginal and non-aboriginal worlds in news episode #3. The Eel Ground story presented a certain image—of law-abiding aboriginal people dressed in ceremonial outfits, singing, dancing, and cooperating that stood in contrast to Mi'kmaq behaviour at the Burnt Church wharf where Mi'kmaq fishers/warriors aggressively asserted rights and challenged the Miramichi status quo. While the presentation of the Mi'kmaq in this instance was in stark contrast to the news episode #2, the stately representation of the Eel Ground dinner served to accentuate the savage behaviour of Mi'kmaq fishers and warriors.

The idea of the noble savage and concepts of gender operated together at both the level of narrative and metanarrative in the Leader. During the news period under examination, gender roles were negotiated and juxtaposed within the Leader to clarify the boundaries of the noble/ ignoble. Two stereotyped schemas summed up the negotiation of gender, nobility, and savagery: 1) Aboriginal women embodied civility, as peacekeepers, negotiators, and voices of reason. In this context, aboriginal women metaphorically contrasted the violent nature of the aboriginal male. A conundrum arose in this role. As peacekeepers or voices of civility, women were presented symbolically within the "cult of motherhood" (Ebersole 1995: 211), i.e. the private sphere, and this presentation buttressed a news paradigm that favoured the status quo. In this instance, strong female voices were transformed into voices of acquiescence. In other words, a symbol of traditionalism and harmony such as Savoie received front-page coverage.

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Aboriginal opponents to the non-aboriginal fishers did not; 2) Like aboriginal women, non-aboriginal women personified the "angel of the household" ideal. Non-aboriginal women were presented as defenders of their communities and protectors of their families. Michelle Morrison, in particular, was an empathetic voice contrasted to the violence of the stereotyped aboriginal male. Moreover, Morrison's role, as a victim, allowed the Leader to report sympathetically on the vigilantism by the non-aboriginal fisher community. In other words, both aboriginal and non-aboriginal women operated in the Leader to illustrate the savagery of aboriginals, but the aboriginal female, i.e. Savoie humanized some of the aboriginal population (generally females) while at the same time dehumanizing other members of the community (mostly aboriginal males).

The aim of the third news episode in the Leader was to re-establish harmony in the Miramichi. In fact, the search for harmony between aboriginal and non-aboriginal Canadians was central to the third news episode in both the Leader and the Globe and Mail. In each newspaper the positive news items balanced the negative impressions of previous news items while reifying the news schema in which the news episodes were told. In each newspaper, balanced reportage acted as a mechanism through which counterhegemonic messages, i.e. aboriginal rights, were appropriated within a social discourse that situated those rights in a discussion of the noble savage. This meant that the noble savage mediated any information about aboriginal peoples that appeared in the news stories, obfuscating a distinction between the metaphorical noble savage and the real-life Mi'kmaq.
Harmony for the Leader coverage was important on two levels: (i) To re-instill a sense of social order in the region; and, (ii) To ensure balance in the Leader’s news coverage. In the Leader, the Family Day at Eel Ground Reserve symbolized cooperation and the sense of community. Through this news item, the inclusiveness of New Brunswick was articulated by showing Mi’kmaq and non-aboriginal people celebrating their shared social values in a collective gathering. The Leader utilized a local episode to reinforce a positive impression of New Brunswick society for its readership, an image directly juxtaposed to the episodes at Burnt Church. This image instilled faith in the social order, while accentuating the anomaly of the Burnt Church conflict.

The Globe and Mail achieved balance in their reporting in a slightly different manner than the Leader. This was accomplished through the three commentaries, reproduced in news episode #3, to balance the editorial stance of the newspaper. Through this forum, the Globe and Mail presented positive interpretations of the Marshall decision and of Mi’kmaq people. Taken as an oeuvre, the commentaries maintained that the Mi’kmaq were: a) good stewards of the lands; b) in possession of a long and illustrious cultural history; c) unselfish and helped the Europeans survive by sharing their knowledge of the area; and, d) once a powerful nation with whom the British needed to make treaties. These commentaries, though, appeared in direct response to the Globe and Mail’s editorials critical of the Marshall decision. As a rejoinder to the Globe and Mail’s editorial position, the news episode #3 items constructed a noble Mi’kmaq to counter the ignoble imagery that dominated
the coverage in news episode #2. However, the stereotyped noble that emerged in these items was as much a construct as the stereotyped savage, and this promoted a news discourse rooted in a dichotomous Other, the imaginary Indian (Francis 1992).

From the news episodes in these two newspapers, a conclusion can be drawn that the news text revealed the social, political, and economic environment in which the news was produced at a moment in time, during a social crisis when stereotype became a symbolic substitute for social encounters. Both newspapers followed a script based in past episodes, metaphors, and tropes recognizable to the reader. This allowed the reader to categorize the news stories within a larger social macrostructure, whose universal themes were relayed through a formal narrative of order, chaos, and harmony. By presenting an audience to themselves, the news represented a form of cultural story that imparted public character and transformed mere happenings into discussible episodes (Tuchman 1978: 3). The juxtaposition between a discernible protagonist (the noble) and antagonist (the savage) became essential to the telling of news, and this dictated the direction that the various news items took. The points of articulation between the Globe and Mail and the Miramichi Leader during the interim, September to December 1999, highlighted the institutional parallels that inclined each news provider towards a status quo.

Hegemony operated dialectically in the three news episodes outlined in each newspaper. From the news narrative surrounding the Marshall ruling a
progression from thesis→antithesis→synthesis was charted. The initial news episodes in each newspaper presented an ambiguous account that rooted the Marshall decision within themes of nobility, savagery, order, and chaos. A noble savage derived from the colonialist past was projected upon the Marshall ruling and subsequent events. This ensured that any future news story would be conveyed within a predetermined news schema in which the juxtaposition of aboriginal people, non-aboriginal people, nature, and culture dominated.

Within this preconceived framework, news items were published about the aboriginal fall fishery and the controversy surrounding that fishery. The confrontation between aboriginal and non-aboriginal fishers in Burnt Church were invariably fitted within a rationalized and dichotomous model already established—there were polarized sides, acts of violence, and easily discernible protagonists and antagonists. Hence, equating aboriginal people with chaos, violence, disorder, and savagery during news episode #2 marked a natural progression of the news narrative, the groundwork of which had been laid in news episode #1 and events leading up to Burnt Church.

While the notions of chaos and savagery were projected onto the Mi'kmaq, each newspaper provided forums for alternative voices to balance the news coverage. However, the dominant news schema, dependent upon a discourse of nobility, savagery, order, and chaos meant that any positive accounts of the Mi'kmaq would be told within the same restricted news framework. Positive accounts published tended to rely on the opposite
stereotype to the negative news accounts, so what each newspaper presented in place of a textured reality was a stereotyped, imaginary Indian that oscillated between notions of the noble and the savage. In each newspaper, this simple dualism may have been avoided had more aboriginal commentators been contracted to provide insight.

The fact that the positive news items in each newspaper were appropriated within a hegemonic discourse means two things: 1) Newspapers represent a dynamic forum through which social-cultural topics are mediated. In each newspaper, balanced reportage was essential to move the narrative forward. This meant that positive images of aboriginal peoples appeared to balance negative ones. 2) News is a restrictive format that is based in stereotype and dualistic narratives. Even though both newspapers presented positive images of aboriginal peoples, the images were mediated within a discourse that favoured a non-aboriginal perspective of events. This meant that while each newspaper appeared to be fair and balanced in its reporting, that balance could be seen as a mechanism through which certain discourses were privileged and others appropriated.

The manner in which news is structured within dominant news schemas is important to understanding how social-cultural stories are told through media. Newspapers may be factual, detached, objective, and balanced forums, but embedded stereotypes and stereotyped images may still determine the shape of news. This may be especially true in moments of
intense news coverage of events like the Marshall decision, involving deeply emotional, political, and economic issues such as aboriginal rights.

According to Lippmann (1965), news presented through binary opposition and stereotype allows news media, in the business of disseminating timely information, to acquaint sizeable audiences with episodes to which the audience is at some distance. As a commodity, news is packaged, categorized and organized in a prescribed manner, and that patterned presentation becomes a truth unto itself. In the transmission of information from the news producer to the reader, a confusion between news as information and news as knowledge and truth thus occurs (Roscho 1975). Newspapers tend to rely on stereotyped reporting more so when covering episodes that challenge social order, i.e. when reporting on what newspapers would label crises (Chua 1979 on the construction of a crisis). The Marshall decision and the lobster fishery was an example of intense media coverage presented in terms of a social crisis. The reliance on news scripts and the use of stereotypes to describe episodes in the Miramichi during the fall of 1999 intensified in accord with the reporting. The more dramatic the episodes became, the more dualistic became the reportage. The confrontation at the Burnt Church wharf came to typify relationships between aboriginal and non-aboriginal people, and a union between stereotype and event merged in a hegemonic discourse in the Globe and Mail and the Leader.

News as structure and theme suggests that even the most independent of media may have difficulties producing news accounts that transcend
stereotypes, dominant metaphors, and predictable narratives. A short discussion of C. Wright Mills follows in light of the above.

6.4 Counterhegemonic messages and hegemonic structures

C. Wright Mills (1956) argued that a controlling elite works to inhibit class-consciousness from developing in the disempowered classes by fragmenting and nullifying the voice of opposition. Mills argued that the mass media acts as a fetish, mystifying its audience via a hegemonic discourse, a discourse of consensus, that stresses order through capitalist institutions, while perpetuating an illusion of democracy for all. Mills, like other media observers, some of whom were outlined in this thesis (Tuchman 1978; Eldridge 1993; van Dijk 1985, 1988a, 1988b, 1991), incorporated a Weberian understanding of institutionalism to explain how the hegemonic voice is reified through structured paradigms and stylistic practices (Weber 1954). Institutions become so embedded that individuals located in various social roles (audience, actor, and news producer) behave predictably, communicating within the interdependent frameworks of their chosen fields.

Mills (1956: 311) asserted that a concentration in ownership within the media limits the opportunity for contrary opinions to emerge and to challenge hegemonic positions in the mainstream press. Mills (ibid: 304) contended that this oligopoly in the media has become institutionalized, bureaucratized, and hierarchically structured through time; thus, becoming more elitist, authoritarian, and conservative in the process. The messages of the mass
media, routinized and bureaucratized, increasingly have become the messages of the elites, and these messages have developed into homogeneous, monolithic and undemocratic accounts that have come to have an "officialness" or authoritativeness in the present (ibid: 321). As the mass media have become ever more pervasive into the twenty-first century, ownership and control of the mass media has become ever more centralized.

Mills argued that within this framework, conflicting viewpoints within the media do arise. While these challenges and counter-views may eventually be enveloped by hegemonic mass media, they are in their genesis initiated at the grass-roots level (ibid: 311-312). Mills believed that, in light of the mass media tendencies, a decentralized press is necessary for a pluralism of opinion to be fostered and maintained in any society. The crucial point in Mills' thesis was that a diverse local media represent a necessary counterbalance to the large corporate media structures.

However, the analysis in Chapters 3 and 4 illustrates how difficult it is for independent news producers to break from institutionalized practices, regardless of editorial independence. In this thesis, it was demonstrated that the local media paralleled the national media and functioned within a similar superstructure schema of news discourse (van Dijk 1985: 86; 1988b: 107). The example of the Miramichi Leader demonstrated that even in the absence of formal controls, the local media were bound by the same professional and cultural pressures as the corporate newspaper. This meant that the Globe and Mail and the Leader presented news stories about the Marshall decision in
which an implied macrostructure of news defined the news items within a base
dualism of nobility and savagery.

Mills’ observation on the concentration of ownership and opinion in the
elite press, of which the Globe and Mail is an example, is a fact of which all
consumers should be aware. However, at least in the Leader example above,
Mills’ belief that the local media can challenge the hegemony of the mass
media seems to be optimistic at best. The fact that the local news producer so
closely paralleled the national news producer in themes, metaphors, and news
schemas challenges Mills’ contention that the local media represents a bastion
of democratic thought.

Hence, it could be argued that in the Marshall decision news stories
that were analyzed in the previous chapters, the medium was the message
(McLuhan 1964). By this it is meant that the news items referred back to the
formulaic superstructure schema of news so that how the stories were told
was more important than what was said. Each news item was contextualized,
not necessarily in regards to the actual episodes unfolding in the Miramichi,
but primarily in relation to other news stories within a specific news discourse.
Consequently, the news reportage in both newspapers ignored the potential
benefits to be had from an extension of aboriginal rights and only glossed the
specifics of Mi’kmaq experience within the social, political, and economic
context of Atlantic Canada. Had the newspapers begun from a different
premise, topics such as the following could have been broached:

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• The consequences of neo-colonialism on the Mi'kmaq, which could have asked hard questions about the relationship between the state and aboriginal peoples, and debated ideas such as self-government.

• The news producers could have delved into the motivations behind non-aboriginal vigilantism, confronting issues such as racism and prejudice within Canadian society.

• The social, economic, and political conditions of Atlantic Canada could have been explored, through which the Mi'kmaq actions would have been better contextualized.

• The social and economic conditions of the lobster fishery and various other Canadian fisheries could have been discussed, which would have provided a better understanding of the issues facing the various stakeholders.

• The newspapers could have presented an aboriginal perspective. Through this, various issues, including socio-economic topics, and the political divisions in the various Mi'kmaq communities could have been delineated and deliberated. A consideration of the economic benefits from a Mi'kmaq controlled fishery could have been included in this viewpoint.

Unfortunately, the reportage by the Globe and Mail and the Leader presented the news as a variation on a few standardized themes rather than in terms of clashing issues.

In fact, both newspapers ostensibly presented views that challenged the status quo. Through their commitment to openness, each newspaper successfully presented a balanced and objective account of events.
surrounding the Marshall decision. However, upon further examination, the
dialectic that appeared in the news was a tightly contained narrative that only
allowed alternate viewpoints to operate along a noble savage continuum. This
meant that both newspapers could claim to be unbiased while consciously or
unconsciously perpetuating prejudiced stereotypes of aboriginal people.

The stereotypes that appeared in each newspaper may not be as overt
as the accounts in the past; however, there remains something unsettling
about a news discourse that continues to rely upon and to perpetuate the
noble savage. Images of aboriginal people are so historic, embedded, literal,
and subtle that the noble savage stereotype in news has become a social fact.
The likelihood of absorbing and perpetuating the noble savage uncritically is
enhanced through positive news stories that, at least in the analysis above,
equally rely upon the imaginary Indian motif.

Through a structural/discourse analysis, this thesis explored the
subtlety of the noble savage concept and how it can impact upon our everyday
discourses. The news producer and the news reader are in a symbiotic
relationship, and this leads the news producers to present timely events
through recognizable narratives. The noble savage illustrates how the
entextualization of certain motifs can re-colonize the intellect—presenting what
appears to be a dynamic view of the world, but is, in fact, one that is
constrained by dualistically determined schemas.

By endeavouring to uncover the inherent dialectic—between news as
script and news as event—this thesis synthesized a structural and discourse
approach to analysis. The contribution of this thesis rests in this unique approach to news analysis.

6.5 Ethnomethodology

The method marks the original contribution that this thesis makes. The method combined a Lévi-Straussian understanding of structure, as an projection of dualistic, cognitive rationalization, with van Dijk’s discourse analysis of news. The analysis was in two parts: 1) A textual analysis, which was used to illustrate the consistency of the news process while unveiling the themes and images that tied the news items together; and, 2) A structural analysis, which was utilized to illustrate the news narrative through three stages, thesis—antithesis—synthesis. The intention of the analysis was to demonstrate how the noble savage played an integral role in constructing and moving the news narrative forward.

The dualisms that followed in the news narrative were expressed through three homologies (van Dijk 1988: 26; Hartley and Montgomery 1985: 233-269; Lévi-Strauss 1963: 206-231):

\[ \text{themes} : \text{schemes} :: \text{microstructures} : \text{macrostructures} \]

\[ \text{women} : \text{men} :: \text{noble} : \text{savage} \]

\[ \text{order} : \text{chaos} :: \text{culture} : \text{nature} \]

The focus in the analysis was on text and form, not the overt political or personal agendas of any individual news producer. The intention was to avoid directing blame at any specific individual by utilizing a structural analysis to
show certain cultural macrothemes were expressed through the stereotyped representation of aboriginal peoples in these two papers.

This approach to news addresses a conundrum that often arises in the interpretation of news. This thesis explains how people can interpret any one news item from completely polar perspectives. One person may read a news article and interpret it as a positive story, while another person will read the same story and interpret it negatively. News producers will often respond by saying that the same piece was meant to offer a neutral viewpoint. The above structural/discourse analysis suggests that the multiple interpretations of a news item are valid. A news schema, dualistic and reductionistic by nature, is constructed through a mediation of negative and positive stereotypes. When a cultural macrostructure, such as the noble savage, is projected onto a news episode such as the Marshall Supreme Court ruling the tendency for events to become fictionalized and stereotyped increases. Newspapers, as an expression of the socio-cultural milieu in which they are produced, and as commercial enterprises, may exacerbate the situation by offering visceral images in place of substantial analysis.
APPENDIX 1:

News items from the Globe and Mail
Donald Marshall wins again

News item #2

Marshall eager to leave spotlight after court win

Globe and Mail
News Episode #1

September 18th 1999:

News item #1

Donald Marshall wins again

News item #2

Marshall eager to leave spotlight after court win

Globe and Mail
News Episode #1

September 18th 1999:
Ottawa gropes for response to fish battle

PM and Fisheries Minister send conflicting signals as tensions rise

The Chrétien government went out of its way yesterday to deflect the storm of criticism and denunciation that followed the Supreme Court decision that all federal government control over the Canadian fishery must be removed.

"We will take the decision of the Supreme Court as a framework for a new relationship with the provinces," fisheries minister John Manley told a news conference yesterday.

"We will respect the decision of the Supreme Court," Prime Minister Jean Chrétien said, "but we will not accept that decision as the end of the discussions or the end of the negotiations."
Defiant N.B. natives refuse to yield

McKenzy community adamant fishery will continue; want charges laid against vandals

By Anthony Malo in Moncton

Defiant N.B. natives refuse to yield

McKenzy community adamant fishery will continue; want charges laid against vandals

By Anthony Malo in Moncton

The residents of McKenzy, a community in New Brunswick, Canada, have refused to yield to accusations that they are engaged in illegal fishing. The McKenzy community has been involved in a long-standing dispute over fishing rights in the area, with the residents insisting that they have the legal right to continue their traditional fishing practices.

The residents of McKenzy have been accused of violating federal and provincial fishery laws. However, they have stated that they are simply exercising their traditional rights, which have been recognized by the Canadian government.

The McKenzy community has called for the charges to be dropped and for the federal government to recognize their traditional fishing rights. They have also called for the establishment of a fisheries management plan that would allow them to continue their traditional practices.

The McKenzy community is not alone in its struggle. Other indigenous communities across Canada have also been fighting for their rights to fish, which they believe are fundamental to their culture and way of life.

The Canadian government has acknowledged the importance of traditional fishing rights, but has been slow to act on the issue. Many indigenous communities feel that their rights are being overlooked and that they are being treated unfairly.

The McKenzy community is not giving up, and they are determined to continue their fight for their traditional fishing rights. They are calling on the Canadian government to respect their rights and to work with them to find a solution that is fair and just for all involved.
Mi'kmaqns brace for further clashes
Defiant natives adopt militant stand in defence of fishing rights

TUTTANNAHA
The Globe and Mail
Saint John, N.B.

Prime Minister Jean Chretien and his federal officials may be hoping for a moratorium on lobster fishing but natives in this Mi'kmaq community are vowing to continue to set their traps and are now bracing for further confrontations with non-native fishermen.

A day after simmering tensions over fishing rights erupted into a wave of vandalism against Mi'kmaq lobster cages, the natives were repairing their traps and placing them back into the waters, especially in areas closer to the shore.

"They can try removing those. They'd get shot at," a Mi'kmaq said yesterday of non-native fishermen as he pointed at the buoys lining up in the metal-grey water.

In what federal bureaucrats officially call Fishing Area 25, the weekend's violence has had a tamer aftermath.

Near the wharf here, the scene of yelling and shoving between Mi'kmaq and non-natives on Sunday, natives clad in camouflage gear roamed and flagged the militant native Warriors Society crew. Natives from other communities were arriving in support of this reserve of 1,700 people on Miraouichic Bay.

"I can't stand to see my people dragged through the mud," Mi'kmaq Telest Larry said, predicting further uneasy days.

But others were to be taking events in stride.

A stiff, mustached Mi'kmaq fisherman could be heard saying to a native in a戒指 girl coming back from the wharf:

"Hi Jaimie, what are you up to?"

"Not much. And you?"

"Counting and weighing lobsters."

"Counting and weighing lobsters."

The controversy started after the Supreme Court of Canada ruled in mid-September that natives can earn a living fishing, even off-season. Non-native locals, who cannot officially catch lobsters now, were enraged by the sight of Mi'kmaq and Maliseet fishermen hauling in their catches.

Yesterday, the native fishermen seemed to be waiting to see if non-natives would dare to try again to disable their traps.

Mr. Larry and a friend, Preston Francis, were skeptical that anyone would be charged for the vandalism against their lobster traps.

"If I did that to the whites, I'd be in jail now," Mr. Francis said.

Also on their minds was the fact that Mr. Larry's brother-in-law was in intensive care in a Miramichi hospital, among a number of people injured in this bitter face-off.

Sunday night two or three Mi'kmaq (the number varies depending on the accounts) were hurt in a confrontation that saw a native pickup truck being rammed by a non-native van driver who thought they were trying to break into his garage.

Now, the word among natives in Burnt Church is to avoid the shops and restaurants in the nearest non-native community, further along the northeastern coast of New Brunswick. (Native story, however, that the fishermen who destroyed the lobster cages on Sunday came from that maine.

Anne and Bay du Vin across the Miramichi Bay.

Federal Fisheries Minister Herb Dhahan said yesterday that what the natives are catching may be less than 1 per cent of the overall harvest. Mr. Francis echoed that, saying that, before the Supreme Court ruling, each native house would get only two or three of the traps that would make a lobster cage as being legal. Meanwhile, he charged, each non-native fisherman could drop dozens, if not hundreds, of traps.

Yesterday, the local school was closed after vandalism smashed windows. Without classes, some children roamed around the reserve yesterday, adding to the incarcerated mood of the day. Clambering aboard a rusty pickup truck, a handful of teenagers rode around the community, making whooping noises and waving a Warriors Society red and gold flag.

Native supporters, as diverse as a family of New Brunswick Mi'kms who spoke little English, were showing up. Another group came from Big Cove, N.B., and showed up in camouflage gear, peely streaks of rain streaming from their military caps.

The visiting native supporters were said to include some Mi'kmaq from Queensland, along with Mi'kmaq from Listuguj, a Quebec reserve where natives still nurse bitter memories of past clashes with police and logging companies.

The newcomers were greeted by a pipe-smoking Mi'kmaq leader—whom others described as a so-called "war leader"—who said he had served in the military and been posted in Germany.
The Supreme Court
all at sea

By granting open season to native fishing,
the judges have netted choose in New Brunswick.

There is a reason that justice is depicted with a cloth wrapped around her, it is supposed to blind her to the whimsical and capricious aspects of the morals before her. That is all well and good, but sometimes in her blindness, justice fails to anticipate the practical repercussions of her lofty ideals. This is the problem that has led to the violence between native and non-native fishermen in New Brunswick. What is to be done now in the same.

1. Donald Marshall Jr., a Mi'kmaq Indian in New Brunswick, was charged with three counts of violating the federal fishery regulations. He admitted he had caught, with an illegal net, 660 pounds of eels and sold them without a licence during the closed season. He argued successfully before the Supreme Court of Canada that treaties with the Mi'kmaq and the British from 1760-91 gave him the right to fish for himself and his family even if it meant disregarding federal regulations.

2. The court ruled very heavily in favour of Mr. Marshall's treaty rights because "nothing short would uphold the honour and integrity of the Crown in its dealings with the Mi'kmaq people to secure their peace and friendship, as best the content of those treaty provisions can now be sustained." At the time the treaty was written, the British and French were struggling for dominance in what is now Canada and the Mi'kmaq were allies of the French. The British offered the treaty to secure their loyalty, simple as that.

3. Although the conditions that precipitated the writing of the treaty no longer exist, and explicit fishing rights were not granted by treaty, the court ruled that the Mi'kmaq have the right to "continue to provide for their own sustenance by taking the products of their hunting, fishing, and other gathering activities, and trading for what in 1760 was termed "accoutrements." Whatever they may be by today's standards.

4. By upholding the two-centuries-old honour of the Crown, the court created a massive chasm by effectively declaring open season for native fishermen in modern-day New Brunswick. Since the ruling in mid-September, native fishermen have set 9,000 lobster traps in Mi'kmaq territory and caught close to 60,000 kilograms of lobster, according to the Mi'kmaq Fishermen's Union, whose members are outraged that their boats must sit idle while the whites harvest the sea's bounty.

5. The court has added the provision that the treaty rights are always subject to regulations, but foolishly did not give the federal government time to amend the regulations to comply with the ruling. At best, the court should have suspended its judgment until federal regulations could be modified.

6. There are several precedents in which the Supreme Court has ruled in abeyance for a defined period of time to allow the provinces time to amend their statutes. These cases dealt with language rights in Manitoba, the salaries of provincial court judges in Prince Edward Island and the definition of spouse in Ontario.

7. There is even a perception for the current situation in which the Supreme Court failed to provide a grace period to amend regulations, and the provinces then applied for and received a suspension of the ruling to enable legislators time to pass a necessary amendment to the Criminal Code. The Prime Minister and his Fisheries Minister are busy studying the 1997 case and will soon petition the court to suspend its ruling for six to 12 months while fishing regulations are amended.

8. In the meantime, all parties would be wise to display the modern equivalent of honor and integrity. The Mi'kmaq should consider handing in all but a symbolic number of traps, the non-natives should subordinate words for violence and the federal government should allocate the commercial fisheries by offering them compensation for lost income, if that can be demonstrated.

9. There are now three players in the fisheries: the government with its regulatory power, the legally empowered natives and the non-native commercial fishermen. How they see to co-exist is not clear. Negotiation is the order of business.
Globe and Mail  News Episode #2

Give the Micmacs a chance

The court's ruling wasn't a blank cheque, and First Nations are good stewards of the land

By THOMAS MACLEOD-DOHAN, Toronto

The Micmacs have won a major victory in their long struggle to attain recognition and respect for their rights to fish and hunt on the Atlantic coast. The Supreme Court of Canada has ruled that the federal government is required to consult with the Micmacs on any proposed changes to the fishery that might affect their traditional practices.

The decision, which overturns a lower court ruling, is a major victory for the Micmacs and their allies, who have been fighting for years to assert their rights to fish and hunt on the Atlantic coast. The Micmacs argue that they have a long-standing tradition of harvesting fish and wildlife, and that their rights should be respected.

The federal government had argued that it was not required to consult with the Micmacs on issues related to the fishery, claiming that the Micmacs did not have a right to fish. However, the Supreme Court ruled that the Micmacs do indeed have a right to fish, and that the federal government must consult with them on any proposed changes to the fishery that might affect their traditional practices.

The decision is a significant victory for the Micmacs, who have been fighting for years to assert their rights to fish and hunt on the Atlantic coast. The Micmacs argue that they have a long-standing tradition of harvesting fish and wildlife, and that their rights should be respected.

The decision is also a significant victory for the concept of Aboriginal rights, which have been recognized in Canadian law for many years, but which have not always been fully respected.

October 5th 1999:

News item #5

WELL, NOBODY ASKED US!

RICK MOLGROVE, Trimper's Fish Market, New Brunswick

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In the beginning, the Māoris introduced the Europeans to the Jobsters.
A sorry episode permeated with racism

When the Supreme Court of Canada ruled last week that the Innu-Kejick Treaty between the British and the Micmac nation in Mi’kmaq country was negotiated with the right to catch and sell cod out of season, it was not only the first time the court had to determine the meaning and breadth of the Treaty. It was also the first time the court had to examine the honour and integrity of the Mi’kmaq.

Sen. Donald Cameron proposes that white fishermen, Micmac fishermen have been hampered and their harvests were inadequate. The court’s decision will be interpreted as another step in the process of reconciliation, while the new balance in Mi’kmaq and Innu territories will be maintained.

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Don't blame the Mi'kmaq, blame history

In 1760, Charles Lawrence, an experienced army officer, was in control of the British forces in Canada. General James Wolfe had captured Quebec, and the French were in retreat. Lawrence believed that the British should capitalize on their victory and pursue the French. He wanted to strike at Montreal, the French capital in the interior of North America, which was still in French hands. Lawrence argued that capturing Montreal would be a strategic move that would further British control over the region.

Lawrence's plan was not without its challenges. The British army was not well-prepared for such a campaign, and the French were well-equipped and well-trained. However, Lawrence was determined to carry out his plan. He believed that capturing Montreal was essential to securing British dominance in the region.

Lawrence's actions were significant not only because of the strategic importance of Montreal but also for its impact on the history of the region. The capture of Montreal marked the end of French control over the region and paved the way for British dominance.

In conclusion, it is important to recognize the role of Lawrence in the capture of Montreal. His strategic thinking and determination played a crucial role in shaping the course of history in the region. It is unfair to blame the Mi'kmaq for the events that took place, as they were not the driving force behind the decisions made at the time.

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APPENDIX 2:

News items from the Miramichi Leader
Court due to rule in Augustine case

News item #2

By Ken O'Donnell

Augusta - A decision was expected today in a murder case that has been heard in Augusta court since November.

The court is to rule today in the case of Perry Augustine of Augusta.

He was convicted by a jury of manslaughter in the death of his father, Perry Augustine Sr., in Augusta in 1988. The judge ruled that Augustine was guilty of manslaughter and sentenced him to seven years in prison. Augustine has appealed his conviction and is expected to be sentenced at Augusta court today.

At his trial, Augustine's attorney argued that his client was acting in self-defense when he killed his father in an argument over a business deal.

Augustine's attorney said his client acted in self-defense, but the jury disagreed and found him guilty of manslaughter.

The case has been delayed for several months as Augustine's legal team has been working on an appeal. The attorney has argued that the trial was unfair and that the jury was influenced by the public's perception of the case.

Augustine has also filed a civil lawsuit against the state of Maine, alleging that he was denied a fair trial.

Judge D. Gary Kingsley is scheduled to rule on Augustine's case today. The judge will hear arguments from both sides and then issue a decision on whether to overturn Augustine's conviction or uphold the jury's verdict.

The case has drawn attention from around the state and has been followed closely by the media.

Augustine was found guilty of manslaughter on the final day of the trial, and the jury recommended a sentence of 30 years in prison.

The case has been appealed to the Maine Supreme Court, which will hear arguments in the case on October 1.

Augustine's attorney said he plans to appeal the decision if necessary.
Violence erupts in lobster fight

By Gail Spence

The violence erupted on the Miramichi lobster boats that are anchored in their customary near the mouth of the river and adjacent to the public wharf in the town's harbour.

Residents and lobstermen alike are feeling the effects of the recent violence. Lobstermen are divided on the issue, with some supporting the violence and others opposed.

The violence has led to the closure of several lobster boats. Some residents are concerned about the impact on the local economy.

The RCMP has been called to the scene to help restore order.

RCMP treated 9-1-1 call casually: Morrison

From page one

Morrison's call to the 9-1-1 operator indicated that he was concerned about the safety of his boat and crew.

The operator advised Morrison to call the Miramichi Police Service.

Morrison, however, decided to take matters into his own hands and contacted a local fisherman who has experience dealing with such situations.

The fisherman arrived on the scene and was able to calm the situation.

The RCMP has been called to the scene to investigate.

In the event of a future incident, residents are encouraged to call the police directly.

The Yukon Government has also been called upon to address the situation.

Drug destruction

A large drug bust was conducted in the vicinity of the Miramichi police station.

Several kilos of drugs, including cocaine, heroin, and methamphetamine, were seized.

The suspects were arrested and charged with possession of drugs with intent to distribute.

The police are urging residents to remain vigilant and report any suspicious activity.

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Removing native fishery threat vital to conservation: Ken Clark

by Gail Sorey

October 5th 1999:

News item #3

KANGAROO: A family of about 25 Darling Harbour kangaroos were moved to their new home - a 40,000-acre conservation area - on Saturday. The kangaroos are part of a program to protect the endangered species.

by Gail Sorey

October 5th 1999:

News item #4

For the people who have their hands on the line, "This represents the best opportunity to protect the native fishery." Ken Clark, who is the director of the Conservation and Protection Fishery, said in a statement.

by Gail Sorey

October 5th 1999:

News item #5

Outmanned RCMP watch as traps torn apart

by Rick MacLean

October 5th 1999:

News item #6

The outmanned RCMP watch as the traps are torn apart. It is unclear if the action is in response to the conservation efforts or as a protest against them. The situation remains tense as the search continues for the missing kangaroos.
Peaceful protest turned ugly fast

News Episode #2

by Gill Savoy

MIRAMICHI - Sunday evening turned ugly for one local farmer when the resistance turned violent.

Commercial fishermen, in protest of recent government regulations, gathered on the Miramichi River near the town of St. John's, demanding the resignation of Fisheries and Oceans officials. The scene turned ugly when a policeman was injured.

"The fishermen were demonstrating against the implementation of new regulations that they say will harm their livelihood," said a spokesperson for the fishermen. "We were asking for a meeting with Fisheries and Oceans officials to discuss the matter, but our request was ignored."

Several fishermen, including the leader of the protest, were arrested. The rest dispersed after a brief scuffle.

October 5th 1999:

News item #6

Economics, not fate of stock, real issue in struggle: Coon

by Nick Maclean

MIRAMICHI - The battle for control of the Miramichi River is not just about the fate of the salmon, it's about economics.

"It's not just about the salmon," said Ray Coon, leader of the local fishermen's union. "It's about how we make a living."

The Miramichi River is one of the few remaining salmon rivers in Canada, but the fishermen say they are being
out-competed by foreign fishers. The Union has called for a moratorium on foreign fishers, but the government has refused.

October 5th 1999:

News item #7

Numbers, not season, key to stock: Chadwick

by Nick Maclean

MIRAMICHI - It's not the time of year, it's the numbers, says Chadwick. The salmon fishery on the Miramichi is down.

"We've had a shortage of salmon," said Chadwick. "We're not seeing the numbers we expect.".

Fishermen have been fishing for weeks, but the fish seem to be scarce. Chadwick says it's not just the weather, but also the lack of new fish entering the river.

October 5th 1999:

News item #8

Lobster moving out

by Nick Maclean

MIRAMICHI - The lobster season is coming to a close, but for some fishermen, it's not the season they were hoping for.

"The catch this year was not what we were expecting," said fishing captain John Johnson. "We're not seeing as many lobsters as we were last year."
What would happen have failed to see
How could DPO
How much lobster landed?

fisherman says native catch far exceeds DFO estimates

FEBRUARY 1999

A fisherman who has been working the lobster fishery for the past 10 years says the number of lobsters caught by native fishermen is far greater than the estimates provided by the Department of Fisheries and Oceans.

"I get a lot of lobsters in my traps," said the fisherman, who asked not to be identified. "I'm catching more than any one person could possibly handle."

The fisherman said he has been fishing in the same area for 10 years and has never seen a day without catching lobsters.

"I think the estimates are way off," he said. "I know for a fact that many more lobsters are being caught than what is reported."
Estimates

The number of traps the season has seen rose from 4,000 two years ago to 10,000 this year. Traps are set in the water to catch fish as they move through the Gulf of St. Lawrence.

Fish have been caught in traps, but the season is not yet over. The season runs until mid-October, and fishermen are hoping for a good catch.

Restrictions have been put in place to protect fish populations.boat owners and operators have been asked to follow these rules.

The season is expected to be successful, with predictions of a good catch. However, fishermen are提醒 to follow the rules and regulations to protect the fish populations.
Eel Ground hosts NB family awards

by Karen Goodnough

MIRAMICHI - While our active community was caught up in the night of a lifetime, another was celebrating with bounteous and singing.

The Eel Ground First Nation hosted its annual awards Sunday. The winners were the first nation community to lead the way. Approximately 12 natives and non-natives gathered for an evening of entertainment, presentations and handshakes.

The awards are sponsored by the First Nation and community services and are held in conjunction with National Family Week.

Eel Ground First Nation member, Kim Judkins, accepted the award for her contributions to the community. The award is given to recognize contributions to the community.

'Venka' has given time, money and even space in his home to support both young and old in Eel Ground.

'Venka' has helped young people find a job, learn and become independent. He has helped members of families by helping them in filling out forms, building and other government paperwork.

'Venka' has also helped to organize community activities for young and old. The award was given to recognize the contributions of the community.

The event was attended by all of the community members, including the Eel Ground First Nation council. The event was a success and the community is looking forward to future events.

Chief George Goodnough, femalizers, Fred, Kim Judkins, Eugene, Tobin and area residents.

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