
IMPLEMENTING DELGAMUUK'W

Biography of Dianne Newell

Professor of History, University of British Columbia, and author of Tangled Webs of History: Indians and the Law in Canada's Pacific Coast Fisheries.

Dianne Newell is a professor of history at UBC, where she teaches on the history of industrial technology and society, and on Canadian social history. Her Pacific Coast fisheries research began in the early 1980's, with a BC Heritage Trust funded project on the industrial archaeology of the historic salmon canning industry of BC. She has published two books on this research: "The Development of the Pacific Salmon-Canning Industry: A Grown Man's Game" (edited documents from the Henry Doyle Collection at UBC, 1989) and "Tangled Webs of History: Indians and the Law in Canada's Pacific Coast Fisheries" (1993, reprinted in 1997), and she is completing her third book "Work at the Rough Edge of the World". "Tangled Webs" resulted from her expert testimony on behalf of the Heiltsuk in Reid vs. the Federal Government (1990). She has developed a particular interest in tracing the work of Native women in the canneries. Her co-edited collection of essays, titled "Fishing Places, Fishing People: Traditions and Issues in Canada's Small-Scale Fisheries", will be published by the University of Toronto Press in late March.

Thank you very much. I didn't realize the introduction would be as long as my talk. I'm very, very pleased to be here and delighted to have been invited. We have only fifteen minutes, so I am going to try and touch upon some things that I think might be useful, and I also hope there will be some questions later on where I can give you more specific information. And I also hope that after this panel I will have a chance to meet some of you and learn about your own experience, as well.

The first point I want to make is that research really matters. Being able to document briefly and document your research is very important; care in taking down the references and in being able to survey sources efficiently. I know, almost all of you have to produce research very quickly and it's easy to take shortcuts, but I would emphasize that, in the climate -- whether it's for a legal case or for claims work -- being able to document and being able to be thorough in that research is very important. We always have not enough time to do the research we need, but it needs to be absolutely the best. One of the ways in which, I think, that research can be most effective is if we have both good background information on the history of the resource or the events that we're looking at -- which takes us, of course, outside the archives, knowing the background -- and then knowing what archives to do the work in and how to get to things quickly. We're always working back and forth between those background sources and the very specific sources, and always looking for the one source that will give us the unique information that we need.

Fishing is a particularly difficult area to do research in. It's more difficult in many ways, I think, than hunting and forestry simply because the jurisdiction is so complex and, historically, it has changed so much over time. Unlike the others, fishing was primarily a federal concern and so a lot of the records are federal records. But the province, from the beginning, has been getting more and more involved in fisheries, so over time there are more provincial fisheries records. Of course, the province gets involved in many other ways, as well, through provincial fisheries, through provincial police, for example, who are often working on fishing grounds and certainly with the canneries. The resource is very difficult because it's on the move, so the jurisdictions extends beyond the boundaries of the province, as well. And, of course, since salmon is such a predominant part of the fisheries, it complicates our research by being in fresh water, in-shore, off-shore, and all over the world. In terms of sources, it's also often difficult to track down.

When we're working in areas of litigation, we can see that the questions keep changing over time. Before 1982, the arguments about fisheries were that -- the old argument that the Crown would make -- that if there was an aboriginal right, if it had not been extinguished, even if there was one, it would no longer exist because of the regulations that had been brought in over time. Since 1982 this argument doesn't have the weight, but it took the Sparrow decision -- the Supreme Court decision of 1992 -- to make that a little bit clearer. But it made it clearer for subsistence fisheries, which it broadened the definition for, but not for commercial fisheries.

The case that I was involved in -- the Cecil Reed case, which is a spawn on kelp case -- came up just once after the Sparrow decision came down. That case made it clear that there was a commercial right; that is, Sparrow would be extended to commercial right. It's only now with Gladstone and Vander Peet that it's becoming clear that can be a viable argument. And each one of those cases changes the emphasis on the direction for the research that goes into the next work. Now we are at a point where, of course, oral histories, oral testimonies become critical as well, and those were not the first item of priority before.

The Tangled Webs of History, I'll just make one brief mention of how that book came about. It came about because of the Cecil Reed case and my experience there. I had a research experience, probably unlike many in this room. I was approached in July and I was told there was a case that was going to court. The court date was set for the beginning of October and what they wanted from me, because of Sparrow -- they realized it was a chance if they got the right background -- to try to make a real commercial right argument, aboriginal right for commercial use. The Heiltsuk First Nation were suing the Crown for additional licenses for roe on kelp based on an aboriginal right to them. I was asked not to talk at all about spawn on kelp, oddly enough, but to give a history of the industry, a history of all the regulations and laws that had come into that industry, a history of all the native involvement in the industry, and how all the changes that occurred in the history of the industry and the regulations had affected First Nations' peoples ability to participate in it. I had four to six weeks and they wanted this in about twenty-five pages. So this was quite a scramble in order to do that kind of background research, especially since I had never looked at anything past World War II and, of course, the emphasis was on the post-World War II period. But the experience of trying to do that and to do that background -- which I think I was able, I was helped in doing it because I had been working for ten years on fisheries and understood where the records were and so on, and could mobilize students as researchers to work -- that my experience led me to believe -- the court experience particularly -- that it would be important to expand that into a book and to try and get a lot of the background down and to talk about the various fisheries so that everybody didn't have to start from scratch again on this work. I don't know to what extent I accomplished that, but I did want to try. So it came out of a real research experience and a research question.

Just a comment on a few tips, I think, to maybe add to Section 19 of your book on research and that is -- I think that this is a very good beginning and it's obviously intended as a brief outline -- but I could add a few things that I think might be helpful. A lot of the records described are records that are housed in the provincial government. The provincial government has an absolutely fantastic web site now. I don't know how many people have used the B.C. Archives' web site. Anyone in the room? Okay, about half of you. Well, I was unaware of it until very recently and the ability to be able to sit at your own computer and to call up all that catalogue description, all the finding-aid descriptions, all the photographs -- and actually even see images of the photographs -- all the maps and plans that they have, and to do it by subject. I tested it out for fishing, of course. I found that if you put in "salmon" or "canning" or "herring" or any of those, that all of the little nooks and crannies of materials that I knew about from researching in there kept popping up. Now you could not walk into the archives and ever be able to use a subject index and get that information. The web site is better than being there, in that sense. Of course, you can then order up those materials and have them ready for you when you want to go and look at them. So I would say the B.C.A.R.S. [British Columbia Archives and Records Service] web site is an absolute must, and there is no other web site for an archives that I know in Canada that matches it. For some reason, I always found that B.C. provincial archives not a particular user-friendly archives to use in person, but for some reason or other they have got a fabulous web site.

The other thing is the emphasis here in the description of sources and tips for research is on the McKenna-McBride Commission. Of course, it's absolutely a central commission. For fisheries, however, there are at least twenty-five royal commissions and other kinds of commissions and hearings into the fisheries of British Columbia: dominion, provincial, and in some cases dominion-provincial, and those are a wealth of information. Every one of those commissions will have historical background, every one will have testimony, they will have appended materials, and so. The Peter Pierce Commission of 1982, *Turning the Tide*, I think it's called, is probably the most thorough, because it covers every type of fish, as well as has a lot of interventions from First Nations peoples and a lot of history. That one, I think, is particularly good. But remember, there are twenty-five or more of these. The fisheries was extremely well studied over time, we could say.

As a final word, although we tend to always think of the provincial archives as a good resource, I would say of course it's good on government materials; it's not so good on manuscript materials, for fisheries at least. The best, oddly enough, I would say the best archives for fisheries manuscript materials and business records and so on would be the Special Collections at U.B.C. [University of British Columbia] as number one, and number two would be the Vancouver City Archives. Normally we don't go to a city archives for provincial records, but remember Vancouver would have in its holdings most of the company records for canning companies, for example; so all kinds of personnel records and so on, ledgers that affect First Nations people. And that's because Vancouver is a port city. It has head offices for companies that operate throughout the province. I would say for forestry, as well, U.B.C. and the Vancouver City Archives are probably the best in the province for looking at provincial records. I am sure a lot of you already know that, but I think it's not so obvious when you're starting out and I think it is a good thing to know about.

The last thing would be just to say that, as your conference organizers have said in this guide, that fisheries lead us into all the other resources. The fisheries is tremendously affected by other resource development in the province. It's very difficult to study fisheries without studying other resources and vice versa. So building up an expertise in all the resources is a good idea, even if your community is primarily a fisheries community. That's all I'll say for now. Thank you.