INDIGENOUS SOVEREIGNTY AND CANADIAN DRUG LAWS

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by

TIERNEY KOBRYN-DIETRICH, B.A., M.A.

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AUTHOR: Tierney Kobryn-Dietrich, M.A. (McMaster University)

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LAY ABSTRACT

This dissertation explores how Canadian drug laws impact Indigenous sovereignty and perpetuate settler colonialism. It analyzes cannabis, liquor, and tobacco regulations to show how they have historically undermined Indigenous rights. The first chapter examines cannabis laws from 1923 to the 2018 *Cannabis Act*, revealing how these laws limit Indigenous control and criminalize resistance. The second chapter discusses liquor laws from the late 1800s to the early 1900s, highlighting how they shaped white settler identities by penalizing those who interacted with Indigenous people. The third chapter critiques the Canadian tobacco industry's portrayal of the Mohawk tobacco trade as illegal, showing how this benefits the industry economically through the criminalization of Indigenous peoples. Drawing on Settler Colonial Theory, Critical Race Theory, and Indigenous Criminology, this study uncovers the complex ways colonial power dynamics operate, helping us understand how drug laws continue to control Indigenous peoples and legitimize the theft of their lands.

ABSTRACT

This dissertation examines the role of Canadian drug laws in the repression of Indigenous sovereignty and situates these laws within a broader framework of settler colonialism. It presents a detailed analysis of historical and contemporary drug legislation with the goal of illuminating the unique ways each piece of legislation works to further colonial objectives and suppress Indigenous rights. It focuses on three specific areas: cannabis, liquor, and tobacco regulations. Because each drug policy was developed within a unique social and historical context, this study uses various methods to analyse different data sets. Chapter One presents a historical analysis of cannabis laws from the *Act to Prohibit the Improper Use of Opium and Other Drugs* (1923) to the 2018 *Cannabis Act* and shows how these regulations undermine Indigenous sovereignty, exclude Indigenous peoples from economic benefits, and criminalize Indigenous resistance. Chapter Two uses newspaper data to explore how liquor laws from 1880 to 1920 helped construct white settler identity by criminalizing settlers who interacted with Indigenous people. Chapter Three critiques the Canadian tobacco industry's portrayal of the Mohawk tobacco trade as illicit, highlighting how the industry profits from advocating for the criminalization of Mohawk tobacco sovereignty. Grounded in Settler Colonial Theory, Critical Race Theory, and Indigenous Criminology, this dissertation illuminates the complex and sometimes contradictory nature of colonial power dynamics. This research contributes to a broader understanding of how criminal legislation continues to regulate and control Indigenous peoples, legitimizing the theft of Indigenous land and resources under the guise of drug prohibition.

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Cleo, I hope this work helps to make the world you grow up in a better place.

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LIST OF ABBREVIATIONS

ACLU – American Civil Liberties Union

CRT – Critical Race Theory

CTF – Canadian Taxpayers Federation

FOI – Freedom of Information

ILRE – Industry Linked Research Entity

LCBO – Liquor Control Board of Ontario

MLI – Macdonald-Laurier Institute

NCACT – National Coalition Against Contraband Tobacco

NWMP – North West Mounted Police

OCSA – Ontario Convenience Stores Association

OPP – Ontario Provincial Police

RCAP – Royal Commission on Aboriginal Peoples

RCMP – Royal Canadian Mounted Police

RNWMP – Royal North West Mounted Police

TRC – Truth and Reconciliation Commission of Canada

DECLARATION OF ACADEMIC ACHIEVEMENT

This thesis is the original work of Tierney Kobryn-Dietrich, conducted under the supervision of Dr. Jeffrey Denis in the Department of Sociology at McMaster University. The research presented herein has been carried out entirely by the author, and all chapters are the sole work of the author.

There were no collaborations involved in the preparation of this thesis, and all analyses, interpretations, and writing are the result of the author's independent efforts.

Signed,

Tierney Kobryn-Dietrich

30 December, 2024

INTRODUCTION

The criminalization of Black, Latinx, and immigrant communities in the United States and Britain by anti-drug legislation is well-documented (Cashmore and McLaughlin 2013; Davis 1981, 2001, 2003; Dollar 2019; Gilroy 1987; Gomberg-Munoz 2012; Kalunta-Crumpton 2000; Levine and Reinarman 1997; Nunn 2002; Provine 2007). In the United States, nearly 80% of those incarcerated for drug offences in federal prisons are Black or Latinx (Drug Policy Alliance 2018), with racial disparities in drug arrests evident at community, state, and national levels (ACLU 2013; Geller and Fagan 2010; Levine et al. 2010). In Britain, Black people are nine times more likely to be stopped and searched for drugs and more than six times more likely to be arrested for drug offences compared to white people (Shiner et al. 2018).

Drug prohibition in Canada has similarly been shown to disproportionately harm racialized communities (Comack 2012a; Malakieh 2018; Owusu-Bempah 2014; Owusu-Bempah and Wortley 2014; Palmater and Sinclair 2015; Wortley and Owusu-Bempah 2011). For example, Owusu-Bempah and Luscombe (2020) found that Indigenous individuals were overrepresented in cannabis possession arrests in all the cities analyzed—Toronto, Ottawa, Regina, Edmonton, and Vancouver—highlighting systemic bias in drug law enforcement. Additionally, despite using drugs at similar rates, Black Canadians are more likely than white Canadians to be arrested for drug offences (Carstairs 2006; Comack 1985, 2012a; Dell and Kilty 2013; Marshall 2015; Ontario Human Rights Commission 2003; Owusu-Bempah and Wortley 2014). Canada's first federal drug law, *The Opium Act* (1908), specifically targeted Chinese and Japanese immigrants (Boyd 2017; Comack 1985; Dell and Kilty 2013; Marshall 2015; Malleck 2016).

However, there is little data detailing the extent of racial disparities in drug-related arrests, charges, and incarceration.[1] Canadian police departments do not release racially disaggregated arrest data despite calls from academics, activists, and policy makers to do so.[2] The lack of accessible arrest and charging data detailing the race of each accused makes it challenging for researchers to examine the extent of racial disparities in the Canadian criminal justice system (Owusu-Bempah 2014). The limited quantitative data available is hampered by sparse, inconsistently recorded information, and is often restricted to specific municipalities where data was obtained through Freedom of Information (FOI) requests (Browne 2017; Owusu-Bempah and Luscombe 2021; *Toronto Star* 2010). This obscures the extent to which Black, Indigenous, and other racialized people in Canada are disproportionately profiled, arrested, and incarcerated compared to white Canadians for drug-related offences. The limited research on the racialized impact of drug prohibition often generalizes all racial groups under "visible minority" which unfortunately homogenizes the unique experiences and struggles of Indigenous peoples, among others (Owusu-Bempah 2014).

Academic research consistently demonstrates that criminal legislation has been historically used to control and regulate Indigenous peoples (Backhouse 1999; Balfour 2008; Chartrand 2019; Comack 2012a; Crosby and Monaghan 2016; Cunneen and Rowe 2015; Dell 2002; Hall et al. 1978; Monchalin 2016; Monture-Angus 2014; Murdocca 2014; Nettlebeck et al. 2016; Razack 2002; Satzewich and McCalla 2002; Stark 2016). This includes using laws to

[1] The federal correctional system is the only criminal justice institution to release data on the racial background of detainees. Annual statistics detailing the racial composition of the entire federal correctional population are published by the Corrections and Conditional Release Statistical Overview (Public Safety Canada 2012).
[2] One of the two available sources of police data, the Uniform Crime Reporting survey, was found to be missing race designations in more than 80% of cases (Millar and Owusu-Bempah 2011). In 2009, nearly 20% of Canadian police departments outright refused to report Indigenous identity for either victims or accused persons. While some departments say this policy helps to destigmatize racialized groups, Millar and Owusu-Bempah (2011) argue that police departments do not readily release this data because they do not see it to be in their interests to do so.

criminalize Indigenous cultural practices (Satzewich and McCalla 2002:29-31), restrict movement (Razack 2002), and enforce assimilation policies (Carter 1990), which have led to systemic over-policing and higher incarceration rates among Indigenous peoples (Aboriginal Justice Implementation Commission 1999; Alberta Task Force 1991; Jackson 1989; LaPrairie 1990, 2002; Law Reform Commission of Canada 1991; Roberts 2002; Roberts and Stenning 2002; Royal Commission on Aboriginal People 1996; Royal Commission on the Donald Marshall, Jr., Prosecution 1989; Rudin 2008). Indeed, Canada's first federal police force, the North West Mounted Police (NWMP), was established to maintain and control the Indigenous population to make way for white settlement (Comack 2012b; Nettlebeck and Smandych 2010; Razack 2020; Reid 2010).

While Indigenous people have voiced their experiences of being criminalized by drug laws (Dyck 2013; Smye et al. 2023; Monture-Angus 2002; Pan et al. 2013) and theorized how colonialism operates through drug laws (Maracle 1993; Monchalin 2016; Simpson 2008), the intentional withholding of race-aggregated arrest data has limited the amount of both qualitative and quantitative academic research investigating the disproportionate harm drug laws cause Indigenous communities. This study aims to shed light on how Indigenous peoples have been regulated and criminalized via Canadian drug prohibition.

This dissertation consists of a three-pronged study that seeks to reveal how settler colonialism operates through various Canadian drug laws relating to cannabis, tobacco, and liquor. Each study employs distinct methods and analyses unique datasets to explore how various forms of drug prohibition have advanced settler colonial objectives. Frames were inductively drawn from the data to illuminate the overarching question: *how does colonialism operate through drug laws in Canada?*

Chapter One, "Cannabis Regulations and the Repression of Indigenous Sovereignty in Ontario," examines how cannabis laws have historically undermined Indigenous sovereignty. It examines how, and to what extent, the *Cannabis Act* (2018) represents a continuation of past practices of Indigenous control and regulation, as established by Canada's first law to criminalize cannabis, the *Act to Prohibit the Improper Use of Opium and Other Drugs* (1923). Additionally, it explores how the ongoing regulation of cannabis continues to impose barriers to the exercise of Indigenous sovereignty. The analysis begins with a broad comparative analysis of the *Act to Prohibit the Improper Use of Opium and Other Drugs* (1923) and the *Cannabis Act* (2018). Both pieces of legislation share three characteristics that suppress Indigenous sovereignty. First, both acts deny Indigenous communities the sovereign right to govern the cultivation, use, and sale of cannabis as they see fit. Although all Indigenous communities have the sovereign right to govern the cultivation, use, and sale of cannabis, regulation is especially problematic for communities like the Oneida Nation, the Delaware First Nation, and the Tuscarora peoples, for whom cannabis and hemp are integral to traditional herbs and teachings (Koutouki and Lofts 2019; Landry 2018; Standing Senate Committee on Aboriginal Peoples 2018). Second, both laws exclude Indigenous peoples from economic opportunities within the government-regulated cannabis industry. Lastly, both laws legitimize the criminalization of Indigenous resistance. Despite these barriers, Indigenous communities have asserted their sovereignty over colonial cannabis laws. The chapter ends with a discussion presenting how the Mohawk (Kanien'kehá:ka) peoples have asserted sovereignty over colonial cannabis laws by developing their own cannabis legislation and having Mohawk Peacekeepers oversee infractions, all of which is shown to have led to a significant decrease in cannabis raids by colonial police forces.

Chapter Two, "Liquor Regulations and the Construction of White Settler Identity in Ontario, 1880-1920," examines how colonialism operates through federal and provincial liquor laws criminalizing settlers who sold or gave liquor to "Indians." It examines how (and to what extent) liquor regulations have been used to ideologically construct white settler identity and explores how these constructions contribute to the suppression of Indigenous sovereignty. It finds that liquor provisions furthered the goals of colonialism by helping to construct white settler identity through its use as a mechanism to revoke whiteness from settlers whose behaviour concerning alcohol did not meet the standards of white respectability. First, settlers who were charged for (or simply accused of) providing liquor to Indians were racialized as Indians. Both accused and convicted settlers were racialized under the law to preserve the alleged superiority of white identity, whether by being federally charged under the *Indian Act*, or provincially charged by being placed on the Indian List. In either case, accused settlers were intentionally racialized in newspaper coverage by being referred to as "Indians" (in quotations) and were publicly shamed for giving liquor to Indians. Newspaper data reveals that selling liquor to Indigenous people was framed as an act of treason against the colonial state. The sobriety of Indigenous people was depicted as essential for their assimilation, while accused settlers were portrayed as malicious profiteers exploiting the alleged biological predisposition of Indigenous peoples towards alcohol. Lastly, the study explores how white femininity is reproduced through liquor laws. Liquor laws are shown to have criminalized casual drinking between Indigenous people and settlers to prevent miscegenation and protect the "purity" of the white race. The chapter concludes with a discussion highlighting the unexpected and complicated nature of identity construction by exploring instances where settlers resist the same rigid racial boundaries fundamental to settler colonialism.

Chapter Three, "Tobacco Industry Framing of the Mohawk Tobacco Trade," analyses reports funded by the Canadian tobacco industry and finds that this industry profits from advocating for increased criminalization of the "illicit" Mohawk tobacco trade. The chapter examines how tobacco industry-linked research frames the Mohawk tobacco trade and explores how these frames are used to further industry interests. The unique geographical location of the Akwesasne community in combination with the unique historical and political context surrounding the sale of tobacco by Status Indians makes this community a threat to the profits of the legal industry. The tobacco industry forwards three main arguments in their reporting: the denial of Mohawk tobacco sovereignty, the contention that the Mohawk tobacco trade directly funds terrorism, and the assertion that the trade increases negative health outcomes in youth. The analysis finds that all 24 of the industry-linked reports analyzed draw upon the historical framing of Indigenous peoples as criminal to assist in lobbying efforts against proven health measures designed to reduce tobacco consumption among the Canadian public, including government "sin" taxes, plain packaging requirements, and flavour restrictions.

Theoretical Foundations

This dissertation asserts that Indigenous peoples are self-governing nations entitled to sovereignty and self-determination and employs settler colonial theory to conceptualize the Canadian state as a settler colonial, white supremacist entity that aligns with elite capitalist interests (Barker and Lowman 2015; Denis 2020; Glenn 2015; McKay et al. 2020; Tuck and Yang 2012; Wolfe 2006). Colonialism involves domination and exploitation of a group or territory, while settler colonialism uniquely entails settlers' permanent occupation of Indigenous lands and the erasure of Indigenous peoples, as politically distinct peoples, to establish a new societal order (Wolfe 2006). Settler colonial theory examines the distinct forms of colonialism

where settlers come to stay, leading to the ongoing occupation and erasure of Indigenous societies. Unlike other forms of colonialism focused on resource extraction, settler colonialism involves the displacement and attempted elimination of Indigenous peoples to establish a new societal order. This theory highlights the structural and enduring nature of settler colonialism, which persists even after formal decolonization. Wolfe (2006:7) describes settler colonialism as a "structure, not an event" and emphasizes its pervasive and continuous impact. Settler colonialism shapes identities, governance structures, and land relations, reinforcing the marginalization of Indigenous peoples (Tuck and Yang 2012; Veracini 2010;).

Indigenous sovereignty and self-determination are central concepts that underpin the analysis of settler colonial dynamics and the ongoing struggle of Indigenous nations for justice and autonomy. In this dissertation, sovereignty refers to the inherent authority of Indigenous nations to govern themselves, maintain their cultural practices, and exercise control over their lands, resources, and political affairs (cf. Alfred 2009a; Simpson 2008; Coulthard 2014).[3] It challenges the legitimacy of the settler state and asserts that Indigenous nations have never ceded their right to self-governance. Self-determination, as articulated by Indigenous scholars such as Simpson (2011) and Coulthard (2014), emphasizes the right of Indigenous peoples to define their own futures, free from colonial interference. This concept goes beyond political independence; it encompasses cultural resurgence, respect for Indigenous territories, and the revitalization of traditional governance systems (Simpson 2017). These concepts are key to understanding how

[3] Indigenous scholars have debated the meaning and relevance of the term "sovereignty." Taiaiake Alfred (2009a), for example, notes the concept's Euro-Western origins. If understood in terms of exclusive authority over peoples and lands and coercive, top-down power structures, it may not align with traditional Indigenous notions of nationhood. Nevertheless, sovereignty reflects the framework through which white settler colonial governments conceptualize power, thereby shaping and perpetuating the social and political subjugation of Indigenous peoples under Canadian criminal law. As such, Alfred (2009a:79) argues – and I agree – that the concept of Indigenous sovereignty, as a strategic and rhetorical tool, can be "an effective vehicle for indigenous critiques of the state's imposition of control."

Canadian drug laws undermine Indigenous sovereignty, both historically and in the present, by imposing settler legal frameworks that erode Indigenous authority and disrupt self-determined paths to community well-being.

The concept of Indigenous resistance is also central to this dissertation. Like sovereignty, its meaning has been debated by Indigenous and non-Indigenous scholars alike. Drawing on James C. Scott (1990), my analysis considers the dual nature of resistance, recognizing both overt acts and subtle, everyday forms of "infrapolitics" that operate beneath the surface to challenge oppressive power structures. In an Indigenous-settler relations context, Taiaiake Alfred (2005) views resistance as an inherent component of Indigenous warriorship, emphasizing the necessity for direct action against colonial institutions and policies. Pam Palmater (2011) discusses the legal and political dimensions of Indigenous resistance, underscoring how it challenges and reshapes existing governance structures. Glen Coulthard (2014) conceptualizes Indigenous resistance as encompassing both the rejection of colonial frameworks, including the liberal politics of recognition, and the self-conscious return to traditional values and practices that affirm Indigenous sovereignty and self-determination. Similarly, Leanne Simpson (2017) illustrates how Indigenous resistance goes beyond overt oppositional acts (protests, blockades, etc.) to also include the revitalization of Indigenous languages and land-based practices as radical acts of Indigenous resurgence. This dissertation leverages these perspectives to examine how Indigenous resistance is conceptualized and mobilized against Canadian criminal drug laws.

In addition, this dissertation draws on critical race theory (CRT) to specifically analyse and theorize how racism is embedded within criminal law. Critical race theory aims to critically assess how law intersects with racial issues and challenges conventional liberal approaches to racial justice (Ansell 2008:344; Ray 2023). Critical race theorists contend that "racism is

ordinary" in modern Western societies (Delgado and Stefancic 2007:136). Racism is interwoven in everyday society to such an extent that it appears ordinary and difficult to recognize. The subtlety of racism extends to its application in law and makes it difficult for the untrained eye to recognize the ways in which law reproduces white supremacy. For this reason, proponents of CRT advocate for "story-telling," or the concerted effort to amplify the voices and stories of marginalized groups that would otherwise be overlooked (Delgado and Stefancic 2007). Second, critical race theorists argue that whites will only support racial justice to the extent that it "converges" with their own interests (Bell 1980). Because racism benefits whites both materially and psychologically, there is little incentive to eliminate it. As Bell (1980) points out, racial segregation in schools was only deemed unconstitutional in *Brown v. Board of Education* (1954) because this ruling boosted the public image of the United States at the height of the Cold War.

Lastly, critical race theorists assert that race is a social construction (Haney-Lopez 1996). Race is not biological, fixed, or inherent and the characteristics ascribed to it are socially generated. Racial characteristics are constructed to benefit the ruling class. Cedric Robinson (1983) argues that capitalism did not emerge independently of race but was instead constructed through racial hierarchies and practices of exploitation. In this sense, racial hierarchies were not incidental but were fundamental to the development and continuation of capitalist economies. As such, the meaning of race shifts based on its geographical, historical, and socio-economical location. For example, various studies have shown that the intense criminalization of racialized groups often occurs in conjunction with the perceived competitive threat these groups pose to white workers (Backhouse 1996; Carstairs 1999; Nunn 2002; Smith and Hattery 2008; King and Wheelock 2007). Law has worked in conjunction with these shifts to legitimate the criminal oppression of racialized groups that threaten white supremacy, and by extension, the status quo.

In Canada, critical race theory gained traction in the late 1980s as governments and academics began to grapple with the question of why racialized groups are so overrepresented in prisons. Various studies throughout the last 40 years have demonstrated that racism is inherent in the Canadian criminal justice system and has resulted in the criminalization of racialized groups (Anderson 1991; Backhouse 1999; Bolaria and Li 1988; Buchignani et al. 1985; Cashmore and McLaughlin 2013; Gilroy 1987; Indra 1981; Kline 1994; Law Reform Commission 1991; Mosher 1996, 1998; RCAP 1996; TRC 2012). Researchers have applied CRT to explore the causes behind racial discrepancies in arrest, sentencing, and incarceration rates by illuminating the social processes underlying them. A central aim of critical race theory has been to "uncover the racial meanings created by law, and the power relations they reflect and reproduce" (Haney-Lopez 1996:9).

While critical race theory has many merits, it has been criticized for overlooking Indigenous peoples and the ongoing struggle for self-determination (Agozino 2003; Cunneen and Tauri 2017; Kitossa 2012, 2014; Lynch 2000; Tauri 2013). While it effectively examines how law perpetuates racism, it overlooks issues specific to Indigenous peoples. More specifically, CRT often fails to analyse how the legal system is rooted in colonialism. Critical race theories examine the ways in which law reproduces racial inequities but often overlook how the law itself is "founded on, and maintained through, policies of direct extermination, displacement or assimilation." (Lawrence and Dua 2005:123). When applied this way, the framework is thus complicit in ongoing colonialism, as it overlooks how law was and is used for extermination, displacement, and assimilation (Lawrence and Dua 2005). CRT's limitations in addressing colonialism are particularly evident in criminology, where research frequently pathologizes Indigenous peoples by overlooking the ongoing influence of colonialism in their criminalization

(Cunneen and Tauri 2017). Many studies attribute Indigenous criminalization to socio-cultural and economic deprivation from past colonialism, ignoring its present and ongoing impact (Cunneen and Rowe 2014; Chartrand 2019). Government reports note the existence of anti-Indigenous discrimination but do not address its systemic roots (Report on Aboriginal Peoples and Criminal Justice by the Law Reform Commission of Canada 1991; Royal Commission on the Donald Marshall Jr. Prosecution 1989; Task Force on the Criminal Justice System and its Impact on the Indian and Métis People of Alberta 1991).

In response, Indigenous scholars and allies developed Indigenous criminology in the 1990s. This framework integrates anti-colonial perspectives, highlighting how law is both a product and producer of colonialism and emphasizing Indigenous voices and self-determination (Cunneen and Tauri 2017). Indigenous criminology critiques mainstream criminology for being state-dominated and Eurocentric, and for othering Indigenous peoples (Blagg 2008; Cunneen 2006, 2011b; Tauri 2012b; Walters 2003). It also opposes the use of empirical data that ignores Indigenous experiences and labels Indigenous knowledge as "unscientific" (Agozino 2004, 2010; Cunneen and Tauri 2017; Cunneen 2007, 2011a; Tauri 2013).

In sum, mainstream criminology has historically controlled and dehumanized colonized peoples, recasting Indigenous resistance as criminal behaviour (Agozino 2003). Contemporary approaches still often depict Indigenous peoples as pathologically unable to enter modernity, justifying ongoing dispossession and regulation (Razack 2020). My study avoids these downfalls by using Indigenous criminology to reveal how the criminalization of particular racialized groups has a long historical tradition that began (and continues) with colonialism (Gilroy 1987; Hall et al. 1978; Backhouse 1999).

Methodology

Cannabis, tobacco, and liquor regulations have been implemented at different times and at different political junctures. Colonialism itself is a dynamic and sometimes contradictory process, so it is expected to operate through drug laws in varied and inconsistent ways.[4] As such, each chapter investigates a distinct way colonialism operates through drug laws and uses distinct methods and data to support its arguments.

Chapter One presents a historical analysis of cannabis legislation and compares Canada's first legislation to criminalize cannabis (1923) and more recent efforts to legalize aspects of cannabis use (2018). Because cannabis-related and race-aggregated arrest, charging, and incarceration data is unavailable, a Statistics Canada database detailing the frequency of raids on Mohawk territory from year to year is used to approximate whether Mohawk territory is overpoliced and to evaluate the success of Mohawk community cannabis regulations. This data is buttressed by a systematic analysis of 68 newspaper articles referencing 26 police raids on Mohawk territory from 1938 to 2021 (see Chapter One, Figure 1). Newspaper data featuring derogatory representations of Indigenous peoples is used to illustrate the implications of the criminalization of cannabis in Mohawk communities. Chapter One offers a classic illustration of a top-down power dynamic where the colonial state attempts to suppress Indigenous sovereignty by criminalizing it.

Chapter Two complicates this top-down understanding of how colonialism operates by exploring how white settlers negotiate white identity and contend for the power associated with it. The chapter transitions from a state-level legislative analysis to examine how white settler identity and racial boundaries are negotiated at the intersection of individual experiences and

[4] To further complicate the issue, the original version of this dissertation relied upon archival data that later became unavailable due to pandemic closures in 2020-21.

state-imposed laws and policies. The chapter contains a systematic analysis of 293 unique newspaper articles dating from 1880 to 1920 from 16 cities across Ontario. Portions of text that best summarize each article were captured and saved to preserve the particular meanings contained within the newspaper articles, and frames were inductively generated from this data (see Chapter Two, Table 2). The unique methodological approach taken by this chapter is valuable for illustrating the multidirectional and sometimes contradictory ways that identities and power are negotiated in a settler colonial context.

Chapter Three further complicates colonial power dynamics by exploring how private enterprise buttresses settler colonialism through the operation of drug regulations. This chapter investigates the intertwined nature of colonialism and capitalism by revealing the vested interest the Canadian tobacco industry has in advocating for increased police regulation of the Mohawk tobacco industry. To accomplish this, the chapter provides a critical analysis of 24 reports funded by the Canadian tobacco industry with the intention of swaying public policy and opinion. Because much of the research available on illicit tobacco in Canada is connected to the mainstream tobacco industry (Smith et al. 2019), this study overcomes the complexities involved in working with a dataset known to contain biased information by undertaking a critical analysis of this data.

In sum, while each chapter uses different methods, all three collectively illuminate the complex and sometimes contradictory nature of colonialism as it operates through drug laws. Their findings remind us that colonial power is not always exercised in a top-down manner by the state. It is also wielded by settlers competing for access to resources and by private enterprise for maximizing profits.

Note on Positionality

As a female white settler, I approach this research with an acute awareness of my position within a settler colonial society that has historically and continues to perpetuate systemic racism and oppression against Indigenous peoples. My journey into studying the racialized impact of drug laws on Indigenous communities in Canada is deeply rooted in a recognition of the interconnectedness of our struggles for justice. I align myself with the understanding that my liberation is intrinsically linked to the liberation of Indigenous peoples, a sentiment powerfully expressed by Murri (Indigenous Australian) scholar Lilla Watson: “If you have come here to help me you are wasting your time, but if you have come because your liberation is bound up with mine, then let us work together” (Leonen 2004). This dissertation is not an attempt to speak for Indigenous peoples but rather an effort to critically examine and challenge the structures of power that continue to marginalize them, while also reflecting on the ways in which my own identity and privileges are implicated in these systems.

CHAPTER ONE

CANNABIS REGULATIONS AND THE REPRESSION OF INDIGENOUS SOVEREIGNTY IN ONTARIO

This study examines how colonialism has shaped Canadian laws concerning the cultivation, possession, and sale of cannabis and hemp. The study is guided by two research questions. First, how (and to what extent) does the *Cannabis Act* (2018) constitute a continuance with past practices of Indigenous control and regulation as set out by Canada's first law to criminalize cannabis, the *Act to Prohibit the Improper Use of Opium and Other Drugs* (1923)? Second, how does the historical criminalization and ongoing regulation of cannabis impose a barrier to Indigenous sovereignty and self-determination? While all Indigenous communities have the sovereign right to govern the cultivation, use, and sale of cannabis as they see fit, cannabis regulation is especially problematic in practice for the Indigenous communities across North America that include cannabis and hemp as part of traditional herbs and teachings, including the Oneida Nation, the Delaware First Nation, and the Tuscarora peoples (Koutouki and Lofts 2019; Landry 2018; Standing Senate Committee on Aboriginal Peoples 2018). Pipes containing traces of hemp have been discovered in Morriston, Ontario that are estimated to be 500 years old (Spicer 2002).

This analysis draws from multiple data sources. First, a critical analysis of the *Act to Prohibit the Improper Use of Opium and Other Drugs* (1923) and the *Cannabis Act* (2018) is presented. This analysis reveals similarities between the two pieces of legislation and demonstrates how they represent a continuity of colonial control. Second, I consider more deeply how one Indigenous nation has been affected by and has responded to these colonial laws. A systematic analysis of archival and newspaper materials is presented to demonstrate how both pieces of legislation legitimize the criminal oppression of Kanien'kehá:ka (Mohawk) communities that resist these laws by asserting their sovereign right to cultivate land and to participate in their traditional economies.

I find that the prohibition and regulation of cannabis serves to suppress Indigenous sovereignty, beginning with the onset of criminalization via the *Act to Prohibit the Improper Use of Opium and Other Drugs* (1923) and continuing with Canada's current framework governing cannabis, the *Cannabis Act* (2018). I argue that Canada's first *and* current legislation regulating cannabis share three characteristics that suppress Indigenous sovereignty. First, both pieces of legislation deny Indigenous peoples their sovereign right to cultivate land and sell goods at their own discretion. Second, both exclude Indigenous peoples from the economic opportunities associated with the cannabis industry while white settlers are offered subsidies and grants to grow cannabis. Lastly, both legitimize the criminal oppression of Indigenous resistance to these laws. Archival and newspaper evidence reveals that Mohawk communities have been disproportionately targeted by police and criminalized in popular media.

I conclude this discussion by presenting how the Mohawk peoples have asserted their sovereignty over colonial cannabis laws. Shortly after the regulation of cannabis under the *Cannabis Act* (2018), Mohawk communities developed their own cannabis legislation and licensing committees and made local Mohawk Peacekeepers responsible for overseeing cannabis infractions. This has led to a significant decrease in cannabis raids by colonial police forces on Mohawk territory, which in turn suggests that police are abiding by the decision of Mohawk communities to police their own cannabis industry. The Mohawk's assertion of jurisdictional authority has empowered them to take part in the economic benefits associated with the cannabis industry while also mitigating the criminal oppression of colonial police forces.

Literature Review

While the subjugation of Indigenous peoples via cannabis policy is largely overlooked in mainstream criminological research, there are important exceptions. Marshall

(2015), for example, addresses ongoing issues with Canadian cannabis policy as it relates to Indigenous communities, arguing that the legislation perpetuates systemic inequities. Specifically, Marshall points out that "Indigenous peoples are disproportionately impacted by criminal records related to cannabis, effectively excluding them from participating in the legal market" (2015:7). The barriers created by these policies, such as strict licensing requirements and financial constraints, prevent Indigenous participation in the economic opportunities of cannabis legalization, thereby reinforcing socio-economic disparities and failing to promote meaningful reconciliation.

Vance (2018) extends this analysis by conceptualizing the systematic exclusion of Indigenous peoples from the economic opportunities associated as a logical consequence of the colonial roots of cannabis criminalization in Canada. She argues that the *Cannabis Act* (2018) disregards Indigenous claims to sovereignty and continues the racial bias inherent in earlier cannabis policies. From this perspective, the Act not only cements the systemic economic disadvantage experienced by these communities, but it also perpetuates a longstanding colonial approach to drug regulation that systematically marginalizes Indigenous communities. Vance argues that "The *Cannabis Act* disregards Indigenous sovereignty and perpetuates a racial order through its licensing requirements, which often exclude Indigenous communities due to socioeconomic barriers" (p. 65).

Ivers (2022), Koutouki and Lofts (2019), and Valleriani et al. (2018) take issue with the lack of meaningful consultation with Indigenous communities during the development of the *Cannabis Act* (2018) and discuss its implications. Koutouki and Lofts (2019) argue that the *Cannabis Act* (2018) fails to adequately address Indigenous rights, both by not consulting Indigenous communities properly and by neglecting to include provisions that support their

sovereignty and participation. They highlight that "the new legislation is inadequate both in terms of lack of consultation with Indigenous communities, as well as in terms of substantive provisions—and omissions—in the legislation itself" (p. 709).

Crosby (2019) applies an anti-colonial lens to the government's unwillingness to collaborate with Indigenous communities and argues that the *Cannabis Act* (2018) has perpetuated a "settler colonial model of attempted subversion and exclusion of Indigenous authority" (p. 635). Far from the government's promises of reconciliation, the Act undermines Indigenous jurisdictional authority over cannabis activities on their own lands and instead has legitimized increased policing of Indigenous communities like Tyendinaga and Kahnawà:ke who have asserted their right to regulate cannabis according to their own laws.

Collectively, these authors demonstrate that the regulation of cannabis under the *Cannabis Act* (2018) has had a disproportionately negative impact on Indigenous peoples by excluding them from the legal cannabis market. As these authors point out, the *Cannabis Act* (2018) denies Indigenous people their sovereign and treaty rights to cultivate their lands at their own discretion and, in some cases, denies their right to participate in their traditional economies (Crosby 2019; Koutouki and Lofts 2019). Furthermore, the *Cannabis Act* (2018) disproportionately excludes Indigenous peoples from the economic opportunities associated with the cannabis industry by requiring licensees to have a clean criminal record and large amounts of financial backing (Marshall 2015; Vance 2018). The *Act* also overlooks provisions within the *Indian Act* (1876) that make it extremely difficult for Indigenous people to economically develop reserve land on account of it being held in trust by the Crown.

My research emphasizes the historical and ongoing role of cannabis laws in repressing Indigenous sovereignty. This perspective is vital because colonialism is not merely a historical

phenomenon but an ongoing process (Wolfe 2006). Much of the existing research on the *Cannabis Act* (2018) and the racialized impacts of drug prohibition rightly frames Canadian drug laws as systems of control disproportionately targeting Indigenous communities. However, this research often overlooks the historical role of drug prohibition in the subjugation of racialized populations and its contribution to the establishment and maintenance of settler colonialism in Canada.

A significant limitation in current scholarship is the lack of an explicit anti-colonial lens capable of situating cannabis prohibition within the broader continuity of colonial governance embedded in the Canadian criminal justice system.[5] As a result, much of the literature conceptualizes the harms of cannabis prohibition—and drug prohibition more broadly—as compounding pre-existing social inequities specific to Indigenous peoples rather than as direct outcomes of colonial governance. For example, Marshall's (2015:1) study on the impact of cannabis prohibition on Indigenous communities emphasizes "the modalities through which Canadian drug policy can intersect with extant Indigenous inequities." Here, drug policy is framed as interacting with pre-existing Indigenous inequities rather than also being a foundational source of these inequities. While this framework provides valuable insights, it risks framing the harms of cannabis prohibition as incidental outcomes of colonial policies rather than deliberate mechanisms of ongoing colonial control. Such narratives pathologize Indigenous communities by framing their cultural practices and beliefs as inherently problematic, thereby perpetuating colonial tropes of Indigenous peoples as a vulnerable, "dying race" incapable of

[5] A lack of an anti-colonial focus may be rooted in the absence of race-aggregated data, which forces researchers to generalize the impacts of cannabis prohibition under the broader concept of "racialized harm." (For a generalized review of the racialized impact of cannabis legislation in Canada, see Di Loreto 2022, Owusu-Bempah and Luscombe 2021; Owusu-Bempah and Rehmatullah 2023; Wiese et al. 2023). This generalization obscures the specific role drug prohibition has played in the ongoing colonization of Canada.

overcoming historical injustices (Cunneen and Tauri 2017; Razack 2015; Ryan 1990; McGregor 1993).

In contrast, my research argues that cannabis prohibition is a deliberate policy tool designed to undermine Indigenous sovereignty. Historical and current practices of cannabis regulation reveal clear parallels in their function as mechanisms of colonial control, aimed at dispossessing Indigenous peoples of their lands and autonomy (Carter 1990). Narratives that attribute the impacts of cannabis prohibition solely to drug usage rates fail to account for its structural role in maintaining colonial governance. By foregrounding the colonial roots of Canadian drug policies, my work challenges the idea that cannabis prohibition merely exacerbates existing inequities. Instead, it positions these policies as part of a broader colonial strategy. This approach emphasizes the need for anti-colonial frameworks capable of addressing the structural roots of harm while resisting narratives that obscure Indigenous agency and resilience. Understanding cannabis prohibition as a continuation of colonial governance is essential for developing policies that genuinely support Indigenous sovereignty and self-determination.

Research has yet to examine how cannabis regulations have affected Indigenous peoples prior to the *Cannabis Act* (2018). Despite not dealing directly with cannabis restrictions, Sarah Carter's (1990) work in *Lost Harvests* sheds light on the various government regulations placed on Indigenous farming more generally in the late nineteenth and early twentieth centuries. Even though many Indigenous nations practiced agriculture long before the arrival of white settlers, colonial officials argued that agriculture was essential for the eventual civilization of Indigenous peoples (McQuillan 1980). As such, each numbered treaty contains provisions promising agricultural implements and training (Krasowski 2019). It was hoped that agriculture would

prepare Indigenous communities for the transition to capitalism by introducing the idea of private property, surplus value, and individualism (Stanley 1992). Despite their promises to establish agriculture on reserves to “civilize” Indigenous peoples, the Canadian government showed little interest in following through with these promises.

The Canadian government promoted the idea that Indigenous peoples practice agriculture to justify their relocation onto reserves as well as to legitimate the theft of Indigenous lands (Carter 1990; Daschuk 2019; Vowel 2016). Archival material demonstrates that Indigenous communities involved in the agricultural program were continuously denied training, tools, machinery, and seeds (Carter 1990). To make matters worse, many reserves were relocated into areas unsuitable for agriculture and endured floods and frost (Carter 1990). Many First Nations were successful despite these obstacles (Tang 2003) yet were met with more restrictions designed to limit the competition they posed to white settlers (Daschuk 2019; Vowel 2016). Indigenous farmers were prohibited from selling produce without a permit (Carter 1990; Joseph 2018),[6] were unable to own plots large enough to generate surplus or to pool labour resources (Joseph 2018), were denied large-scale machinery (Vowel 2016), and were restricted in their movement from and to reserves (Joseph 2018; Tang 2003).

The failure of Indigenous farmers to thrive under these conditions was framed as an issue of Indigenous incompetence by the Department of Indian Affairs. According to Carter:

> The standard explanation for the failure of agriculture on western Canadian reserves is that the Indians could not be convinced of the value or necessity of the enterprise. It was believed that the sustained labour required of them was alien to their culture and that the transformation of hunters into farmers was a process that historically took place over centuries (Carter 1990:xx).

Lands that were not cultivated to the satisfaction of Indian Affairs were considered *terra nullius* and were given to settlers (Dawson 2001). Historians and Indigenous scholars contend that the

[6] The permit system was not repealed until 2014 (Joseph 2018:39).

agricultural program was a large-scale strategy designed to justify the dispossession of Indigenous lands (Carter 1990; Vowel 2016; Daschuk 2019).

The present study expands previous research by connecting Canada's history of colonial agricultural policy with its history of cannabis policy. In the process, I discuss how Canada's first piece of cannabis policy and its latest policy both suppress Indigenous sovereignty. I argue that cannabis regulations extend the goals of the agricultural program through the imposition of colonial control and the denial of Indigenous sovereignty. Both the agricultural program and cannabis legislation have stripped Indigenous communities of their inherent right to cultivate their lands and participate in their traditional economies. Much like the "failure" of the agricultural program, the "failure" of Indigenous communities to legally produce and sell cannabis under the *Cannabis Act* (2018) is framed as an issue of Indigenous incompetence by the Canadian government rather than because of imposed dependence. Both the agricultural program and cannabis legislation contribute to the ongoing impoverishment of Indigenous communities, which in turn is used to justify the theft of Indigenous lands.

Methodology

The use of criminal records would be the most reliable and efficient way to explore how cannabis prohibition represses Indigenous sovereignty. The arrest and incarceration of Indigenous peoples under colonial laws for growing and selling cannabis and hemp – something some communities have historically done (Landry 2018; Standing Senate Committee on Aboriginal Peoples 2018; Koutouki and Lofts 2019) – is the clearest violation of sovereignty. However, race-aggregated arrest and incarceration data is nonexistent in Canada (Wortley and Owusu-Bempah 2012; Wortley and Tanner 2003; Atiba Goff and Barsamian Kahn 2012). Government attempts to obtain race-based arrest data from police departments are outright

rejected (Ling 2020). The only exception are studies that have successfully managed to secure information from police departments via Freedom of Information (FOI) requests (Browne 2017; Owusu-Bempah and Luscombe 2020; *Toronto Star* 2010). Extracting data from police departments in this way can be costly and time consuming. If access is granted, information may be heavily redacted and incomplete. In absence of the level of funding and time required to complete a project reliant upon FOI requests, I decided to explore the history of cannabis prohibition. The result is a multi-pronged study that relies on a combination of methods and data sources to make its arguments.

First, this study presents a comparative historical analysis of Canada's first piece of legislation to criminalize cannabis, an *Act to Prohibit the Improper Use of Opium and Other Drugs* (1923), and Canada's first piece of legislation to legalize it, the *Cannabis Act* (2018). The goal of this analysis is twofold: first, it is intended to analyse the extent to which cannabis legislation serves as a barrier to Indigenous self-determination; secondly, it is intended to explore the extent to which the *Cannabis Act* (2018) constitutes a continuance with the past practices of Indigenous regulation set out by an *Act to Prohibit the Improper Use of Opium and Other Drugs* (1923). To support the conclusions drawn from the comparative analysis, I include a case study to illustrate the ways in which cannabis legislation has repressed Indigenous sovereignty. Using the databases ProQuest Historical Newspapers and Newspapers.com, I performed a systematic search for newspaper articles containing keywords "Indian," "Native," "Aboriginal," "Indigenous," in combination with keywords "cannabis," "hemp," "marijuana," and "weed."[7]

[7] Slang terms such as "pot" and "dope" were also included in the search, but to no avail. I suspect that the overall exclusion of slang terminology for cannabis in the data is for two reasons. First, the use of slang terminology for cannabis is a relatively recent linguistic invention. Second, both ProQuest Historical Newspapers and Newspapers.com draw from databases with mainstream newspaper outlets that are less likely to adopt slang terminology compared to fringe outlets.

This search yielded 68 newspaper articles referencing 26 distinct police raids on Mohawk territories from 1938 to 2021. The first newspaper article pertaining to each event was saved and systematically analyzed.

Many newspaper articles covering Canadian cannabis raids pertain to Mohawk communities. The first cannabis raid on Indigenous territory in Ontario was in 1938 when the Royal Canadian Mounted Police (RCMP) raided Kahnawá:ke Mohawk territory under the direction of the Department of Indian Affairs. The next documented raid was in 1988, after which raids continued every three to nine years. Raids continued in the same frequency up until 2017, shortly before the *Cannabis Act* (2018) was passed, which prompted most Mohawk communities to develop and implement their own cannabis regulations and policing strategies (see Table 1).

Table 1: Cannabis-related raids on Mohawk territory

Cannabis-related raids on Mohawk territory

Year of raid	Number of raids	Mohawk territory	Policing agency
1938	1	Kahnawá:ke	RCMP
1988	1	Akwesasne	RCMP and US police
	Kanesatake Resistance (1990-07-11)		
1990	1	Akwesasne (St. Regis, NY, USA)	OPP
1995	2	Kanesatake	SQ (Quebec)
2004	2	Kanesatake and Akwesasne	SQ (Quebec; RCMP and CBSA
2008	2	Kahnawake, Kanesatake and Akwesasne	RCMP; OPP and RCMP
2009	2	Kahnawá:ke and Kanesatake	RCMP and SQ
2011	1	Kanesatake	RCMP
2014	1	Tyendinaga	OPP
2016	2	Kahnawá:ke and Six Nations; Wahta	SQ and RCMP
2017	1	Six Nations	Six Nations Police
2018	1	Six Nations	Six Nations Police
2019	3	Akwesasne (2); Six Nations (1)	Akwesasne Mohawk Police; Six Nations Police
2020	1	Akwesasne	Akwesasne Mohawk Police
2021	3	Akwesasne (2); Six Nations (1)	RCMP and CBSA; Akwesasne Mohawk Police; Six Nations Police

A complete list of cannabis-related raids on Mohawk territory organized by year. Items highlighted in green represent raids conducted by non-colonial police (i.e., local Mohawk Peacekeepers). See Appendix A for a list of cannabis-related raids which includes information on number of arrests, number of police involved, policing agencies involved, and other important details.

Newspaper coverage of police drug trafficking raids on Mohawk territory tend to racialize trafficking as an "Indian" crime. This finding supports research by Boyd and Carter (2014), who find that newspaper coverage on marijuana grow-ops increasingly link grow-ops to racialized groups. According to Boyd and Carter (2014:114), "news reports racialize marijuana cultivation as the purview of the Other, an age-old trope that constructs some racial and ethnic groups as outsiders and culprits." They find that Vietnamese, and, to a lesser extent, Indigenous peoples, are continuously linked to cannabis cultivation in the media. As shown below, my own analysis demonstrates that newspaper coverage of cannabis raids on Mohawk territory consistently stereotypes the Mohawk nation as prone to cannabis-related offences and crime more generally. Stereotypical media representations, in turn, legitimize racial profiling and over-policing (Boyd and Carter 2014; Reinarman and Levine 1997).

Lastly, I use data from Statistics Canada to demonstrate that Mohawk territories are disproportionately targeted by police for cannabis trafficking. The annual database *Incident-based crime statistics, by detailed violations, police services in Ontario*[8] (Statistics Canada 2023) details the number of cannabis-related police incidents using self-reported data from municipal and provincial police forces. I use these databases to gather data showing the number of cannabis trafficking, production, and distribution incidents laid under the *Cannabis Act* (2018) in all six Mohawk communities: Kahnawà:ke, Kanesatake and Akwesasne, Tyendinaga, Six Nations, and Wahta. These data are used to calculate the number of cannabis trafficking incidents per year that occurred on Mohawk territory compared to the number of total offences across Canada in that year. Data were compared with annual Statistics Canada population estimates for each Mohawk community and for the general Canadian population. Finally, cannabis trafficking incident data

[8] Downloadable datasets can be found on the Government of Canada's "Open Government" website at https://open.canada.ca/data/en/dataset/b4b05cc5-8668-4cce-862e-6d89eabec7e6.

and population data were compared to estimate the extent to which Mohawk communities are disproportionately targeted for trafficking-related police raids. Incomplete data from Statistics Canada limits these statistics to years 2004, 2008, 2009, 2011, 2014, and 2016.

Findings

Early Farming Policies

The reserve system was first conceptualized in the 1830s with the goal of eliminating Indigenous peoples through their assimilation into white settler society (Carter 1990; Joseph 2018; Harris and Leinberger 2002). The Canadian government sought the assimilation of Indigenous peoples for two reasons: first, eliminating this title would free the government of any political, legal, and/or economic obligations to Indigenous peoples; and second, it would be easier for the government to legally secure title to Indigenous lands. The reserve system helped to achieve these goals by removing Indigenous peoples from their ancestral lands and settling them into "villages" sometimes hundreds of kilometers away (RCAP 1996). Indian Affairs paternalistically suggested that "Indians" must be isolated to prevent them from absorbing the negative characteristics of the white settler population (Carter 1990).

From the Canadian state's perspective, the reserve system also represented an opportunity to "teach" Indigenous peoples the benefits of agriculture as a step towards eventual civilization (Joseph 2018; McQuillan 1980). Agriculture would wean Indigenous peoples from their presumed nomadic, tribalistic ways and would instill the values of capitalism (Stanley 1992). The legal principle of *terra nullius* ("vacant land") substantiated settlers' supposed "right" to assert sovereignty over Indigenous peoples by stating that the right to land could be claimed by Christians if non-Christians were failing to use it in accordance with the expectations of Europeans (Reid 2010; Stanley 1992). Traditional farming methods practiced by some

Indigenous communities long before the arrival of settlers were not considered to be "proper" agriculture because these methods did not produce profit.

Indigenous knowledge and storytelling demonstrate that some Indigenous communities have practiced cultivation and horticulture long before the arrival of settlers (Boyd and Surette 2010; Vowel 2016). In general, Indigenous communities are knowledgeable on the cultivation techniques, soil varieties, frost patterns, and water availability patterns suitable to their particular territories, as well as which plants can be used as foods, medicines, construction materials, or firewood (Kimmerer 2013). Even nomadic communities that relied mostly upon buffalo hunting had a profound knowledge of the plants and resources around them (Carter 1990). In some communities, this knowledge included the cultivation of cannabis.

The exploitative nature of the reserve system made survival difficult. Having been forcibly removed from their ancestral lands, Indigenous communities could no longer rely upon their specialized knowledge of their land and its occupants (Carter 1990). The reserve system, along with Residential Schools, contributed to a gradual loss of traditional knowledge, including knowledge surrounding local wildlife, vegetation, agriculture, and harvesting (Elliott et al. 2012; Truth and Reconciliation Commission 2015). To make matters worse, fur-bearing animals had been depleted as a result of the European fur trade, and the bison and caribou some Indigenous communities relied upon had been intentionally culled in order to starve Indigenous peoples into obedience (Phillips 2018; Roe 1934).

For Treaty 4 and Treaty 6 nations such as the Cree, Assiniboine, Saulteaux, and Dakota peoples, the reserve lands upon which they were expected to cultivate often lacked arable land, and throughout the 1880s were commonly the site of drought, grasshopper infestations, prairie fire, and frost (Carter 1990). Some Indigenous communities in the Prairies faced starvation and

became dependent on government rations — which made these communities vulnerable to exploitation by the colonial government (Daschuk 2019; Innes 2018). As part of the negotiations for the Numbered Treaties, Indian Affairs promised Indigenous communities a "practical program of instruction in agriculture," as well as farming implements such as tools, seeds, and oxen (Carter 1990:49). For example, Treaty Six (1880) contains the following provision promising farm implements would be sent to reserves:

> to any band of the said Indians who are now cultivating the soil, or who shall hereafter commence to cultivate the land, that is to say: Four hoes for every family actually cultivating; also, two spades per family as aforesaid; one plough for every three families, as aforesaid, one harrow for every three families as aforesaid; two scythes, and one whetstone and two hay forks…all the aforesaid articles to be given *once for all* for the encouragement of the practice of agriculture among the Indians (*Treaty No 6,* Government of Canada 1880).

The phrase "once for all" suggests that the provision of farm equipment and training by the Canadian government was made with the expectation that the provision of farming equipment would enable reserves to become self-sustaining so that the government may eventually end their financial obligations to Indigenous peoples (Carter 1990).

Sarah Carter (1990) contends that the Canadian government only promoted the idea that Indigenous peoples practice agriculture to justify their relocation onto reserves as well as to legitimate the theft of Indigenous lands. Once communities were relocated, they were largely left to their own devices. The farming instructors that were promised to various communities across the Prairies were both unqualified and overworked. Much of the tools and equipment promised to relocated communities arrived incomplete or broken, the seeds were often rotten, and the oxen were not broken in. Communities were unable to purchase supplies because bank loans were not given to Indigenous peoples. The remote location of relocated communities meant that the communities who were successful at growing crops were still unable to sell surplus crops as they were outside of the reach of the Canadian Pacific Railway.

Indigenous farmers in the Qu'Appelle region, the Algonquin peoples of Southern Ontario, and the Ojibwa peoples of Northwestern Ontario made great advances in agriculture throughout the nineteenth century (Carter 1990; Rogers and Flora Tabobondung 1975; Waisberg and Holzkamm 1993). In 1889, Indian Affairs sought to mitigate the competition Indigenous farmers posed to white settler farmers by prohibiting settlers from buying produce from Indigenous peoples and by prohibiting the sale of machinery to Indigenous peoples (Higgit 1973; Waisberg and Holzkamm 1993). The Department of Indian Affairs alleged that this move would be benefit Indigenous peoples, who would find themselves in extreme debt if not protected by the paternalistic government.

The failure of most farming projects was explained by colonial authorities by the supposed unalterable biological differences that exist between white settlers and Indigenous peoples (Carter 1990). Indigenous peoples allegedly could not adapt to the demands of modern life, including agriculture (Bateman 1996). An amendment made in 1906 to the *Indian Act* declared that reserve land that had remained uncultivated because of a lack of training, supplies, machinery, and monetary support was now considered "vacant" and was thus to be surrendered to the government. The rationale behind this policy was that "Indians [were] holding tracts of farming and timber land beyond their possible requirements and by doing [so] seriously impeding the growth of settlement…" (Moore et al. 1978:107). These policies were central to the appropriation of Indigenous land in Ontario, Saskatchewan, Manitoba, and Alberta throughout the early twentieth century. A 1918 amendment to the Indian Act allowed the Superintendent General of Indian Affairs to lease unceded Indigenous lands to white farmers to increase food

production for the war effort (Moore et al. 1978). Those who resisted being stripped of their ancestral lands were criminalized and met with force by the NWMP.[9]

Bill 97: An Act to Prohibit the Improper Use of Opium and Other Drugs (1911)

The agricultural program is representative of the social and political context in which Bill 97, *An Act to Prohibit the Improper Use of Opium and Other Drugs* (1911) was developed. In 1923, cannabis was added to the Act by the Minister of Health without any explanation or justification.[10] These 1923 amendments made cannabis a Schedule I drug, which made it illegal to possess, sell, or cultivate cannabis unless licensed by the federal government. Bill 97 created a certificate system where only registered Dominion analysts, dentists, and veterinarians were able to legally import, export, and trade cannabis (Vance 2018).

The amendments made to Bill 97 represent a continuation of colonial control as set out by the agricultural program and its supporting provisions under the *Indian Act*. Both the agricultural program and Bill 97 attempted to suppress Indigenous sovereignty by dictating what could and could not be grown on sovereign land. The criminalization of cannabis and hemp is particularly significant for Indigenous communities that have historically cultivated them, but all Indigenous nations have the sovereign right to decide how to use their territories. Furthermore, both created barriers to economic participation by barring Indigenous communities from selling to settlers. Lastly, resistance to both policies has resulted in criminalization.

[9] Carter (1990) contends that the Northwest Rebellion in 1885 was in part the result of the imposed failed agricultural program that resulted in the criminalization of Métis people. The denial of Métis title to their reserve land, general cutbacks in spending introduced in 1883, and a dwindling supply of food forced the Métis and their allies into rebellion. After the revolt, Canadian law enforcement was permanently installed in the west. Research by Daschuk (2019) shows a similar link between farming programs, starvation, conflict, and eventual installation of police amongst Plains communities, including Niitsitapi, Cree, and Assiniboine peoples.

[10] Giffen, Endicott, and Boorman's exhaustive study of Canadian drug policy contends that the sudden criminalization of cannabis in 1923 "remains a mystery" (1991:178).

Cannabis prohibition in Canada was partly motivated by the alleged connection between Chinese immigrants and psychoactive drugs (Carstairs 2006). However, Chinese immigrants were not the only racialized Other criminalized through an association with cannabis. Indigenous peoples were demonized through their association with cannabis as early as the late nineteenth century (Boyd 2017; Vance 2018). *The Globe and Mail* (1885) publicized the idea that marijuana endangered colonialism by inspiring mutiny in Indigenous peoples. According to the *Globe,* Indian "ganja" smokers were considered "the most dangerous class," as marijuana transforms men into "mad, wild beast[s]" (*The Globe and Mail* 1885). Indeed, cannabis is often referred to as "Indian hemp" in both newspapers and in court transcripts. As such, the criminalization of cannabis in Canada is partly the result of the association between cannabis and racialized groups, including Indigenous peoples.

Bill 97 affected Indigenous peoples in three major ways. First and most importantly, Bill 97 rejected and actively suppressed Indigenous sovereignty by dictating what Indigenous peoples could produce and sell on their own lands. For some communities, the criminalization of cannabis and hemp meant the criminalization of traditional herbs and teachings (Landry 2018). According to Chief Randall Phillips of the Oneida Nation, cannabis was used as a traditional crop for ceremonial and medicinal uses by multiple Indigenous societies (Standing Senate Committee on Aboriginal Peoples 2018). Carol Hopkins, a member of the Delaware First Nation in Moraviantown, Ontario contends, "the cannabis plant has been sited throughout history of First Nation culture," noting that, "[t]here are Elders and cultural practitioners who speak about the use of cannabis in health and ceremony …. A topical medicine is one of the ways cannabinoids have been used; it is applied on the skin to reduce pain" (as quoted in Koutouki and Lofts 2019:716).

The Tuscarora peoples (*Ska-ru-ren,* which translates to "hemp gatherers") have a rich tradition of using hemp[11] for construction and for ceremonial purposes (Landry 2018). Tuscarora peoples are a part of the Iroquois Confederacy and presently reside in Upstate New York and southern Ontario. The Tuscarora peoples' traditional teachings and origin stories contend that hemp has been grown by the Tuscarora people since time immemorial (Landry 2018). According to Tuscarora member Crandy Johnson, "As Tuscarora, we were deemed protectors of the seed…. We have an inherent right to own it and use it" (as quoted in Landry 2018). Despite the long-standing significance of hemp to the Tuscarora people, the traditional use of hemp had been criminalized under Bill 97. This is despite assertions from the Tuscarora community that the varieties of hemp traditionally used are different from forms of cannabis bred for its hallucinogenic qualities. According to Johnson, "We have been arrested six times … We could face 30 years in prison for a sacred herb that was given to us for a reason, to heal us and give us clothing." (as quoted in Landry 2018).

Bill 97 also excluded Indigenous peoples from the economic opportunities associated with the hemp and cannabis industry. Much like the agricultural program before it, Bill 97 prohibited Indigenous communities from selling agricultural products for profit. This severely limited the economic opportunities for the communities that grew hemp. In a clear illustration of settler colonial power dynamics, at the same time that the unlicensed cultivation of hemp by Indigenous people was criminalized, white settlers were offered subsidies and grants to grow hemp (Vance 2018). The *Canadian Hemp Bounty Act* (1923) provided those of European descent

[11] Hemp and cannabis are two distinct forms of the same plant species. Hemp is typically reserved for industrial uses and contains 0.3% or less THC, while cannabis contains a higher amount of THC and thus has psychoactive properties when consumed (Cherney and Small 2016). However, both hemp and cannabis production have historically been regulated by the Canadian government and continue to require a licence to cultivate (Government of Canada 2018).

a subsidy and tax-free policy for the production of hemp for a binder twine factory (Vance 2018). Agricultural Minister William Motherwell stated that the purpose of the Act was to "establish an industry which we stand very much in need of" (House of Commons Debates 1919, as cited in Vance 2018). Indeed, the desire to establish a white settler hemp industry on stolen Indigenous lands predates the *Canadian Hemp Bounty Act* (1923). Archivist Douglas Brymer notes that the production of hemp is of "great public benefit (as well as private advantage to the Governor) that would ensue upon government purchasing a Tract of Indian Land … which might be particularly appropriated to the culture of hemp" (Report on Canadian Archives 1893, as cited in Vance 2018). The criminalization of Indigenous traditional economies continues today and is not limited to cannabis.[12]

Lastly, the *Act to Prohibit the Improper Use of Opium and Other Drugs* (1923) legitimized the criminalization and surveillance of Indigenous peoples and Nations who resisted these laws. The Kahnawá:ke Mohawk Territory was raided by police in 1938 after it had been discovered that hemp had been growing wild there. According to an article from the *Montreal Gazette* (1938), "marijuana has been growing in Caughnawaga as long as residents can remember." Police spent months burning over 3,500 pounds of hemp plants per day under the orders of the Department of Indian Affairs. The discovery of wild hemp was made after Royal Canadian Mounted Police made "at least" two raids on a dance hall within the reserve and seized

[12] In *R. v. Van der Peet* ([1996] 2 S.C.R. 507), a member of the Stó:lō Nation was charged for selling salmon caught by her husband using an Indian food fishing licence. Chief Justice Antonio Lamer ruled that Indigenous people's right to fish for food did not extend to the sale of fish. The reasoning behind this ruling was that to be protected by the Constitution (1982), Indigenous practices, customs, and traditions must have existed prior to contact with European society. Critics contend that this reasoning situates Indigenous traditional practices as occurring "in the past," and relies upon the notion that Indigenous traditions and cultures are static and unchanging (Eisenberg 1998; Kent 2012; Marshall 2007; Pasternak 2020; Valverde 2003). Such rulings freeze Indigenous traditions in a pre-colonial context, ignoring their evolution and diversity. This narrow view undermines Indigenous sovereignty, imposes colonial definitions of authenticity, and perpetuates systemic inequalities by criminalizing Indigenous self-determination and economic development.

cannabis found to be in the possession of some young men attending the dance. Police attempted to keep the discovery of wild hemp a secret from residents as they were concerned that "Indians would secure quantities for themselves or to sell at high prices to dope peddlers" (*Montreal Gazette* 1938).

After the first raid of Mohawk territory in 1938, raids were relatively infrequent throughout the twentieth century. The only recorded raids during this time period were one raid of Akwesasne territory in 1988, one raid of Akwesasne territory in 1990, and two raids in 1995 on Kanesatake territory (see Appendix A). The fifty-year gap between the raids that took place between 1938 and 1988 can be explained by pointing to historical trends in cannabis enforcement. Researchers contend that cannabis criminalization was not seriously enforced until the 1960s (Fischer et al. 2003; Owusu-Bempah and Luscombe 2020). Bill 97 was replaced with the *Narcotic Control Act* (1961), which accelerated cannabis prohibition by rendering cannabis a Schedule I drug. These changes made possession punishable by up to seven years of imprisonment and trafficking punishable by a maximum of life in prison. A combination of longstanding tensions between Mohawk communities and conflicts over illegal gambling resulted in the heightened scrutinization of Mohawk communities by police beginning in 1988.

Newspaper evidence shows that there were at least 14 police raids on Mohawk territory for offences related to the cultivation and trafficking of cannabis between 1988 and 2016 (see Appendix A). Self-reported police data shows that the number of incidents related to cannabis trafficking is consistently higher in each of the Mohawk territories than in the general Canadian population (Statistics Canada 2023). The highest recorded discrepancy between Akwesasne and Ontario trafficking-related incidents occurred in 2004, with 36.57 incidents per 100,000 in Ontario compared to 432.90 per 100,000 in Akwesasne—a rate over 11 times higher than in the

provincial population (see Figure 1). In 2000, Kanesatake recorded 870 cannabis-related incidents per 100,000 population, while Quebec recorded approximately 36. This represents a rate over 24 times higher in Kanesatake compared to the general population in Quebec (see Figure 2). From 2004 to 2016, Mohawk communities were anywhere between 18 times to 78 times more likely to be involved in police raids for cannabis trafficking compared to the general population. Once Mohawk communities instated their own cannabis legislation and licensing committees overseen by local Peacekeepers, police raids fell dramatically. From November 2017 to 2021, there was only one police raid carried out by colonial police forces.

Figure 1: Rate of cannabis trafficking, production, or distribution incidents per 100,000 population, pre-legalization

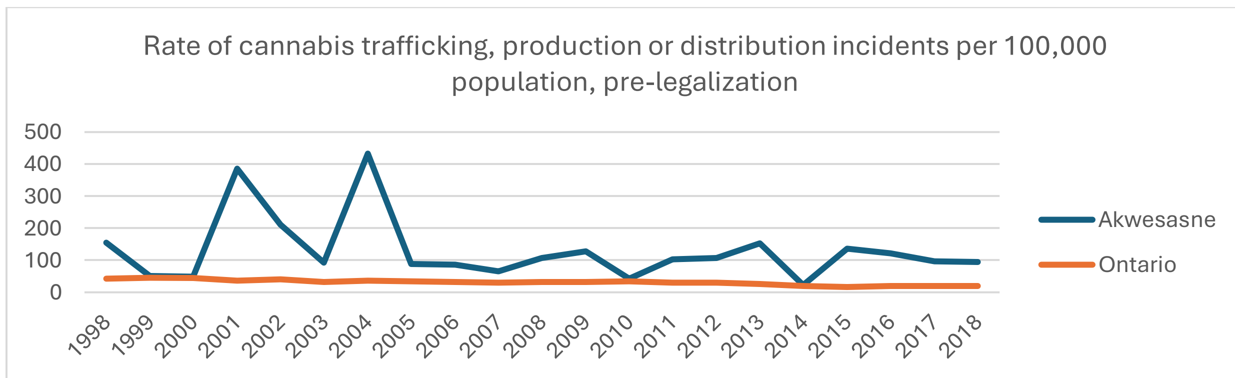
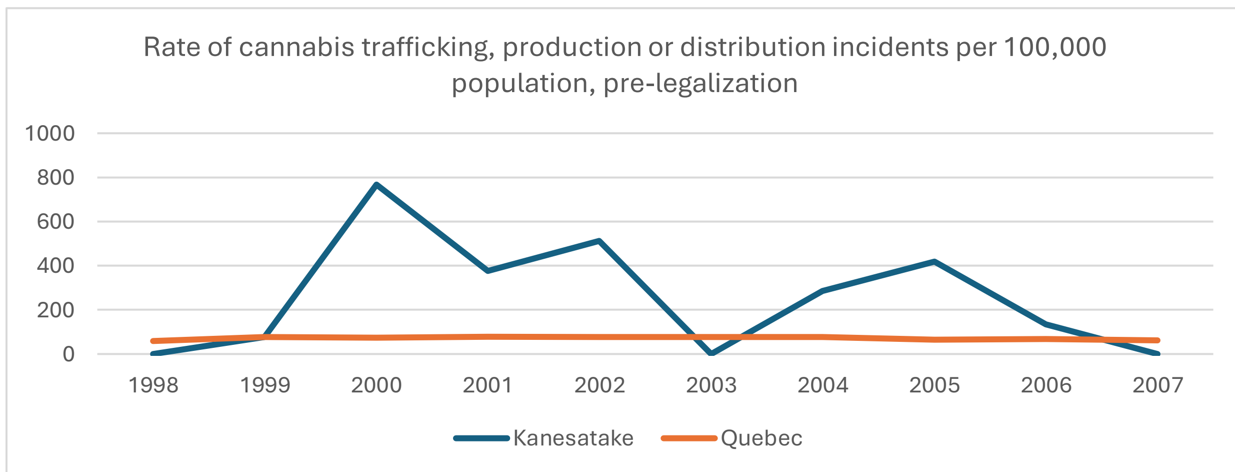


Figure 2: Rate of cannabis trafficking, production, or distribution incidents per 100,000 population, pre-legalization



Rate of incident data on Kanesatake reserve for years 1998-2003 was obtained through a systematic search of newspaper archives ProQuest and Newspapers.com. Data for years 2004-2018 was obtained through Statistics Canada (2023), which provides incident-based crime statistics by detailed violations by province as well as by specific municipality and territory.

Boyd and Carter (2014) warn that the resulting media coverage of police raids reinforces the racialization of cannabis-related crimes. They find that newspapers have increasingly begun to racialize the cultivation of cannabis by framing it as an activity of ethnic outsiders. Newspaper coverage often depicts cannabis as a threat to the nation that originates in Indigenous and “foreign” bodies. And yet, Boyd and Carter (2014) point to evidence from the Canadian Justice Department (2011) that demonstrates that the majority of those arrested for involvement with cannabis grow-ops are white.

Little has changed since *The Globe and Mail* (1885) accused Indigenous peoples of being “evil ganja eaters” conspiring to overthrow the state. For example, more than a century later, an editorial cartoon by Terry Mosher, a Canadian political cartoonist for the *Montreal Gazette*, depicted a Mohawk Warrior flag sprouting a marijuana leaf (*Montreal Gazette* 2009). The cartoon was in response to a raid of the Kanesatake reserve in May of 2009 that involved over 400 police and resulted in four arrests.

Figure 3: Political cartoon of Mohawk Nation flag depicted with a cannabis plant

The Montreal Gazette, 20 May 2009

In a statement made in response to Mosher's cartoon, the Kahnawà:ke Branch of the Six Nation Iroquois Confederacy stated, "We feel this cartoon unfairly misrepresents the 35,000 people of the Mohawk Nation as a nation of criminals" (Horn 2009:1). By branding all Mohawks as potential criminals, the media coverage of cannabis raids has worked in concert with police to legitimize the over-policing and over-incarceration of all Indigenous peoples. In 2023, Indigenous peoples made up 32% of Canada's prison population despite only accounting for around 5% of the total population (Zinger 2023). While data does not exist to determine the extent to which drug offences and cannabis offences contribute to Indigenous overincarceration, investigations reveal that Indigenous peoples were over-represented in arrests for cannabis possession prior to legalization (Owusu-Bempah and Luscombe 2021; Browne 2017). The criminalization of cannabis legitimizes the criminal oppression of Indigenous resistance to these laws and results in the reproduction of imagery that depicts Indigenous peoples as "lawless" and "savages." Unfortunately, the *Cannabis Act* (2018) does little to address these racial disparities.

The Cannabis Act (2018)

The *Cannabis Act* (2018) – in conjunction with Bill C-45, *An Act to Amend the Criminal Code* – legalized recreational cannabis in Canada. As stated in the *Cannabis Act* (2018), its purpose is to "provide legal access to cannabis and to control and regulate its production, distribution, and sale." The *Cannabis Act* (2018) permits adults 18 years or older to purchase cannabis from a provincially approved retailer, to possess or to share up to 30 grams of cannabis, and to grow up to four cannabis plants for personal use with licensed seeds purchased from the provincial retailer. According to the Government of Canada (2018b), the three cornerstones of the Act are to "keep cannabis out of the hands of youth, keep profits out of the pockets of criminals, [and to] protect public health and safety by allowing adults access to legal cannabis."

To meet these goals, a strict framework was implemented dictating the rules and penalties surrounding the commercial sale and cultivation of cannabis, requiring federal licenses, strict quality control measures, and secure production practices, with severe penalties of up to $5 million in fines or 14 years in prison for non-compliance (Government of Canada 2018b).

In addition to being a colonial law unjustly applied to unceded territories, the *Cannabis Act* (2018) subordinates Indigenous knowledge by overlooking the medicinal, spiritual, and practical uses of the plant developed historically by Indigenous peoples. Indigenous ways of knowing are subsequently discounted in all areas of knowledge, including in medicine, law, and botany. This extends to the classification of cannabis as an unlawful and dangerous substance. The *Cannabis Act* (2018) also ignores the role Indigenous knowledge has played in the cultivation of various cannabis strains and the protection of this knowledge over the span of generations (Koutouki and Lofts 2019). Indeed, the present-day diversity of cannabis strains is owed to the selection practices embedded in Indigenous knowledge systems (Duvall 2016). The profits derived from the genetic resources developed in part through the application of Indigenous traditional knowledge are not being realized by the Indigenous communities responsible for them (Koutouki and Lofts 2019:716).

Second, the *Cannabis Act* (2018) denies Indigenous peoples the right to participate in their traditional economies (where applicable) and excludes Indigenous peoples from the economic opportunities associated with the cannabis industry. Under the *Cannabis Act* (2018), the regulation, cultivation, distribution and sale of cannabis is the exclusive jurisdiction of the federal government in conjunction with the provinces, territories, and municipalities. As such, First Nations peoples are denied their inherent and treaty right to regulate, grow, distribute and sell cannabis on their own territories. The issue of sovereignty extends to those Indigenous

peoples who are not First Nations but still retain the inherent right to their ancestral lands. While different communities have different perspectives on cannabis, Crosby (2019) contends that there is a consensus amongst Indigenous communities that Indigenous peoples have a sovereign right to govern the regulation, production, distribution and sale of cannabis on their territories. Studies confirm that there are tremendous racial inequities within Canada's legal cannabis industry. A systematic analysis of 700 directors and executives of licensed cannabis producers and parent companies show that only 14 of cannabis industry leaders in Canada are Indigenous (Centre on Drug Policy Evaluation 2020; Owusu-Bempah et al. 2020).[13]

The exclusion of Indigenous peoples from the legal cannabis market is due to a complex web of factors stemming from centuries of colonization and genocide that have resulted in the chronic underfunding of on-reserve services, a disproportionate burden of illness, addiction, and mental health issues, a steep over-incarceration rate, and discrimination in the labour market. Resulting racial inequities in wealth and income tend to prevent Indigenous people from accumulating the generational wealth needed to successfully start a licensed cannabis production facility in Canada. Many of the largest cannabis producers in Canada were producing medical cannabis before it was legalized for recreational purposes, which in addition to financial backing, required strategic connections with politicians, police, and lobbyists that are largely unavailable to Indigenous peoples (Owusu-Bempah 2020). For racial justice to occur under cannabis legalization, room must be made at the top of the cannabis supply chain for those targeted by criminalization, and some funds from the legal cannabis industry need to be redirected into the communities most devastated by criminalization (Wiese et al. 2023; Owusu-Bempah and Rehmatullah 2023).

[13] Of these 14 Indigenous industry leaders, 10 are from the Assembly of Nova Scotia Mi'kmaq Chiefs who own a majority stake in AtlantiCann, a licensed producer of cannabis (Owusu-Bempah et al. 2020).

Furthermore, the criminalization of Indigenous peoples also presents a barrier to those with criminal records because licensed cannabis production requires high-level security clearances. Despite facing the brunt of consequences associated with cannabis criminalization, Indigenous peoples have been excluded from the benefits of cannabis legalization. In 2019, the Canadian government passed legislation to expedite pardons for those with prior cannabis convictions. While this move had the potential to address the racial harms caused by cannabis prohibition, only 845 pardons have been granted as of June 2024 (Major 2024). Andrew Tanenbaum, director of non-profit organization Pardons Canada, explains that applying for a pardon is a tedious and costly process and that a significant portion are rejected for being incomplete or ineligible (Major 2024). Furthermore, a pardon still shows up on criminal background checks. In 2022, an alternative program was developed to automatically "sequester" records (i.e., hide from criminal background checks) for possession, but no updates have been made as of 2024 (Major 2024). To address the racial disparities caused by a near century of cannabis criminalization, critics call for a total expungement of cannabis possession charges (Owusu-Bempah and Rehmatullah 2023).

Lastly, the *Cannabis Act* (2018) legitimizes the criminalization of Indigenous self-determination. Growing cannabis represents one of the many forms of sovereign control of their land and customary governance systems that has been identified as a security threat to settler society and subsequently criminalized (Crosby 2019). The *Cannabis Act* (2018) increases police powers and resources, including the implementation of strict penalties that can result in imprisonment for up to 14 years (Justice Canada 2018). The targeting of racialized communities, similar to what was seen under cannabis prohibition, can be perpetuated and potentially made worse under the *Cannabis Act* (2018) (Owusu-Bempah and Luscombe 2021). Likewise,

following the legalization of cannabis in Colorado, Alaska, and Washington, the rate of arrest for Latinx and Black people increased while the arrest rate of white people decreased (Owusu-Bempah and Luscombe 2020). Black people in Colorado continue to be arrested at a rate four times higher than their white counterparts after four years of legalization (Owusu-Bempah and Rehmatullah 2023).

Mohawk Cannabis Sovereignty

Seven of the eight Mohawk communities have asserted their sovereignty in response to the *Cannabis Act* (2018) by enacting their own laws regulating the cultivation, production, distribution, and sale of cannabis in their territories in the years following the *Cannabis Act* (2018). Each of the jurisdictions (except for Wahta) have developed their own laws and regulations that allow qualifying residents to participate in the cannabis industry legally. Many of the cannabis retailers operating on Mohawk territory do not have government licenses. In 2021, the first sale of a federally licensed cannabis product to a provincially unlicensed (but locally approved) cannabis retailer in Akwesasne was reported (Brown 2021). Despite the threat of police harassment, Mohawk cannabis retailers and producers continue to operate in defiance of colonial rule.

The development of cannabis legislation and licensing committees across Mohawk communities has meant that local Mohawk peacekeepers are now responsible for overseeing its infractions. Since 2017, when most communities enacted their own cannabis regulations, there have been zero cannabis-related police raids on Mohawk territory by colonial police forces – with the exception of one raid in 2023 that was a combined effort of the Akwesasne Mohawk Police and the Canada Border Service Agency (CBSA). While there is no official agreement between Mohawk peacekeepers and government-led police forces stating that government police

will not interfere with the unlicensed production and sale of cannabis on Mohawk territory, a declining rate of arrests and raids suggests that police abide by the decision of Mohawk communities to police their own cannabis industry. The establishment of Mohawk cannabis legislation and licensing overseen by local Mohawk peacekeepers has allowed Mohawk communities to assert their sovereignty, to take part in economic benefits, and to combat the criminal oppression of colonial police forces.

The Mohawk territory of Kahnawà:ke has taken their fight for sovereignty a step further by entering into a memorandum of understanding (MOU) with Health Canada in July of 2021. The MOU establishes a harmonized licensing system between the Mohawk Council of Kahnawà:ke and the Canadian federal government. In addition to establishing a coordinated licensing system, the MOU also provides for cooperation between the Council and Health Canada for the purposes of inspections, information sharing between Health Canada and Kahnawà:ke's local police force (the Peacekeepers), and the sharing of resources to help the Kahnawà:ke Cannabis Control Board oversee its cannabis supply chain. This agreement is the first of its kind and represents an important step towards the recognition of Indigenous sovereignty. The MOU will likely serve as a template for other First Nations to develop their own cannabis regulations and creates opportunities for possible jurisdictional disputes in the future. Thus, while the criminalization of cannabis has played a role in the regulation and subordination of Indigenous peoples throughout Canadian history, Mohawk people continue to assert their sovereignty in new and adaptive ways.

Conclusion

The *Cannabis Act* (2018) perpetuates colonial control, echoing Canada's first law criminalizing cannabis in 1923. Rooted in the same oppressive logic as nineteenth century

agricultural policies, both frameworks aim to assimilate Indigenous peoples and seize Indigenous lands. These policies unjustly subjugate Indigenous ways of life and represent just one facet of a broader pattern of colonial laws designed to exclude Indigenous peoples and stifle dissent. Despite cannabis legalization, barriers to Indigenous sovereignty persist. To rectify historical injustices, the Canadian state must recognize Indigenous sovereignty, provide reparations, and return unceded territories. Mohawk communities' efforts in crafting their own cannabis legislation signify a crucial step towards cannabis sovereignty and the broader fight for Indigenous self-determination.

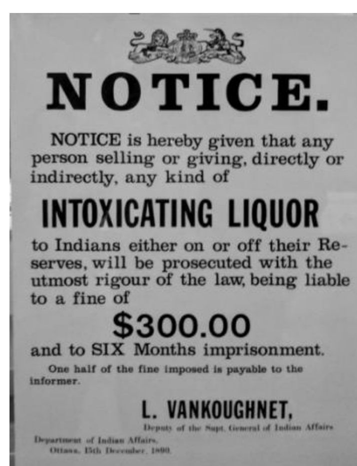
More research must be done to explore how more than a century of drug prohibition has impacted Indigenous communities. Various qualitative studies and empirical research supports the realities of racial profiling by police and courts (Henry and Tator 2006; Ontario Human Rights Commission 2015; Tanner and Wortley 2002; Wortley and Owusu-Bempah 2011; Wotherspoon and Hansen 2019). However, research has yet to focus specifically on how drug policies, including the *Cannabis Act* (2018), contribute to the overincarceration of Indigenous peoples. Calls must be made for the immediate release of race-aggregated arrest and incarceration data by police forces to understand the scope of this issue. It is important that future research highlight the autonomy and resilience of Indigenous communities by focusing on the strategies implemented by these communities in their fight for sovereignty against laws and policies disproportionately impacting them.

CHAPTER TWO

LIQUOR REGULATIONS AND THE CONSTRUCTION OF WHITE SETTLER IDENTITY IN ONTARIO, 1880-1920

Turtle Island was virtually alcohol-free prior to colonization. Settlers introduced alcohol to Indigenous peoples primarily through the trading of furs via the Hudson's Bay Company (formed in 1670) and the North West Company (formed in 1780) (Campbell 1991). According to Simons (1992), the drive to criminalize Indigenous alcohol consumption is rooted in the stereotype that Indigenous peoples become violent when intoxicated. New France was the first jurisdiction to enact repressive liquor control legislation against Indigenous peoples after the arrival of missionaries in 1763 (Simons 1992). The sale of liquor to Indians became federally prohibited in 1868 and later under the *Indian Act* (1876), when a third provision was added to criminalize Indigenous peoples in possession of liquor on a reserve (S.C. 1876, c. 18, ss. 79-85). The *Indian Act* provisions were the most restrictive yet: they included penalties of hard labour and fines of up to $300 (S.C. 1876, c. 18, ss. 80; see Figure 4). Provisions were later added that criminalized anyone found intoxicated or gambling in an Indian home (1886), settlers who refused to leave a reserve after sunset (1886), and anyone found to be in possession of an intoxicant in an Indian residence both on and off-reserve (1936, see Boyd 2017).

Figure 4: Liquor notice from Department of Indian Affairs



NOTICE.

NOTICE is hereby given that any person selling or giving, directly or indirectly, any kind of

INTOXICATING LIQUOR

to Indians either on or off their Reserves, will be prosecuted with the utmost rigour of the law, being liable to a fine of

$300.00

and to SIX Months imprisonment.

One half of the fine imposed is payable to the informer.

L. VANKOUGHNET,
Deputy of the Supt. General of Indian Affairs

Department of Indian Affairs,

A notice from the Department of Indian Affairs warning the public of criminal penalty for supplying an Indian with liquor, Ottawa, 1890 (Canadian Museum of History)

Provinces have developed their own legislation criminalizing Indigenous liquor possession and consumption. From 1927 to 1975, the Liquor Control Board of Ontario (LCBO) kept records of (primarily non-Indigenous[14]) people who were barred by a judge from purchasing alcohol (Genosko and Thompson 2009). This list was formally referred to as the interdiction or prohibited list but was more commonly referred to as the "Indian List." Offenders were placed on the Indian List by a court judge after an investigation by the Liquor Inspector that was usually triggered by written complaint from police or from family members. Offenders were typically settlers; however, Indigenous peoples with ambiguous racial identity were also included on the list. The "Indian List" was distributed by the local Liquor Inspector to taverns, and barkeepers were threatened with a fine if they were caught serving an Indian-lister. In 1927, provinces began establishing retail liquor stores and started to develop and maintain their own Indian Lists (Genosko and Thompson 2009). The Indian List lasted until 1990 in Ontario (Valverde 2004).

In addition to being an important tool for reifying the racial boundaries blurred by "half-breeds," liquor laws were also used to construct white identity by selectively rebuking the whiteness of settlers whose behaviour put white superiority into question, thus protecting the social and economic order of Canada. Liquor laws provided Indian Agents and judges the opportunity to declare disreputable whites as "Indians" based on several criteria, including dress, location, occupation, spouse, language fluency, and whether they voted – what one judge summarized as "an Indian way of life" (*R. v. Mellon* 1990, Territories Law Reports, vol. V, 301-2, cited in Valverde 2005:166).

[14] A systematic analysis of interdiction files found that only 6% mentioned race, singling out "Indians" and "Negros" (Thompson 2009). Indians were prohibited from purchasing alcohol until 1954, so it is likely that Indians were only included in interdiction files in instances where their racial identity was in question.

This chapter explores the construction of white identity by federal and provincial liquor laws in Ontario, Canada from 1880-1920. Liquor provisions that normally applied only to Indigenous peoples were being used to target white settlers whose behaviour concerning alcohol did not meet the standards of white respectability. Both accused and convicted settlers were racialized under the law to preserve the alleged superiority of white identity, whether that be being federally charged under the *Indian Act*, or provincially charged by being placed on the Indian List. The presumed superiority of whiteness is crucial in justifying the settler colonial order in Canada (Denis 2020). This chapter explores the role of these liquor provisions in the construction of white identity using newspaper sources.

Identity formation is a complex social process involving many different dimensions (Anderson 2016; Bourdieu 1979; Butler 2015; Fanon 1967; Goffman 1959; Jenkins 2014; Mead 1934). Policy and law represent one facet of racial identity formation, and the impact of liquor laws is a case in point. Research has yet to seriously question the extent to which liquor laws have constructed white settler identity. This chapter analyses newspaper articles published in Ontario from 1880 to 1920 to explore how newspapers worked in conjunction with liquor regulations to construct white identity. To this end, two research questions are explored. First, how (and to what extent) have liquor regulations been used to ideologically construct white settler identity? Second, how does the construction of white settler identity via liquor provisions contribute to the suppression of Indigenous sovereignty?

Newspaper evidence reveals that the opportunities for public shaming provided by liquor laws were of particular importance to the construction of white identity. Unlike for other crimes, newspaper outlets publicized the names, aliases (if applicable), occupation, and location of those accused of selling or giving liquor to Indians. This study reveals three ways that liquor

provisions worked to construct white identity. First, settlers who were charged (or simply accused) of providing liquor to Indians were racialized. Not only were settlers being charged under laws normally applicable only to Indians, but they were also referred to as "Indians" (with quotations) in newspaper accounts. The second theme identified in the newspaper data is how newspaper articles frame the selling of liquor to Indians as a form of treason against the colonial state. Newspaper articles describe the sobriety of Indians as the most important step towards their eventual civilization and successful integration into the colonial-capitalist state. The third theme reveals how white femininity is reproduced through liquor laws. Liquor laws criminalize casual drinking between Indians and settlers with the goal of preventing miscegenation and protecting the 'purity' of the white race. The chapter concludes by exploring how liquor provisions unexpectedly inspired resistance among settlers who rejected the responsibility of determining who is "Indian." In doing so, these settlers challenged the rigid racial identities and boundaries that are fundamental to settler colonialism – but only when it served their interests.

To my knowledge, this study is the first to use newspaper evidence to consider how late nineteenth and early twentieth century liquor laws in Ontario were used to legally and ideologically construct white settler identity. My newspaper data confirms that white identity in Canada is constructed in opposition to Indian identity: whiteness is described as sober, industrious and respectable; Native identity is described as impulsive, child-like, and barbaric (Crosby 1991; Doxtator 2011). As such, I argue that liquor laws were used not only to regulate drinking in Ontario but also to construct white identity.

Literature Review

Colonial imagery and derogatory representations of Indigenous peoples, people of colour, and immigrants have long pervaded the Canadian legal system (Anderson 1991; Backhouse

1999; Bolaria and Li 1988; Buchignani et al. 1985; Indra 1979, 1981; Kline 1994; Mosher 1996, 1998; Neugebauer 2000). The legal system has delineated ideological and material boundaries between white settlers and racialized "Others" (Jiwani 2002; Razack 2002). For instance, laws have confined Indigenous bodies to reserves via the pass system and prevented interracial relationships that blur the lines between white and racialized identities (Backhouse 1996; Thompson 2009a). These racial boundaries fuel the colonial imagination, positioning settlers as rightful occupants deserving of rights and citizenship while portraying Indigenous peoples, immigrants, and people of colour as undeserving, out of place, and threats to the colonial order.

Law reproduces ideological representations of Indigenous peoples as “barbaric,” “static,” and “savage” (Comack and Balfour 2004; Kline 1994). Devaluating portrayals of Indigenous people have been apparent in law from past to present (Kline 1994). In the *St. Catharine’s Milling and Lumber Co. v. R* (1888) case, the Judicial Committee of the Privy Council referred to the traditional hunting and fishing practices of the Saulteaux as a hobby (Kline 1994:458). In *R. v. Syliboy* (1928), the Crown referred to First Nations peoples as “uncivilized” and “savage” before ruling against Mi’kmaq people’s right to fish and hunt on traditional territories (Kline 1994:459). More recently, in *Delgamuukw v. British Columbia* (1991), Chief Justice McEachern described the ancestors of the plaintiff as a “primitive people without any form of writing, horses, or wheeled wagons,” and argued that starvation, slavery, and war were common amongst the Gitksan and Wet’suwet’en peoples (Kline 1994:459). Judges often rely upon stereotypical understandings of Indigenous people in their rulings that depict Indigenous peoples as an unchanging, unadaptable “dying race” despite changes in the political and material conditions of Indigenous communities (Kline 1994).

The stereotypical image of the “drunken Indian” is one of many ideological representations reified by law and used to perpetuate colonialism (Comack and Balfour 2004; Monture-Angus 1995). In *Seeing Red: A History of Natives in Canadian Newspapers*, Mark Cronlund Anderson and Carmen Robertson (2011) explore how Canadian newspapers have perpetuated colonial ideologies, misrepresenting Indigenous peoples through harmful stereotypes like the "drunken Indian." This trope framed Indigenous people as inherently irresponsible with alcohol, justifying paternalistic policies and reinforcing public perceptions of inferiority. For example, the *Sudbury Star* reported a storekeeper jailed for selling alcohol to Angus Commanda, a "treaty Indian," who received a suspended sentence for possession under the Indian Act. Sensationalized crime reports, such as *The Globe and Mail*’s coverage of a stabbing during a "drunken brawl" in Leamington, Ontario, and the murder of Mrs. Gwendolyn Pine by Peter Powless, focused on alcohol consumption and "shabby" conditions to portray Indigenous people as violent and deviant. These reductive narratives deflected attention from colonial injustices, normalized racism, and justified oppressive policies. Anderson and Robertson (2011) argue that these portrayals were deliberate tools of settler dominance and ideological control and emphasize their persistence and continuity over many decades to sustain colonial power structures.

Patricia A. Monture’s (1989) analysis of child welfare cases demonstrates that stereotypical depictions of the “drunken Indian” were used to justify the apprehension of Indigenous children from their families. In *R. v. Eliza* (1989), Provincial Court Judge Moxley argued that Indigenous peoples have an “acceptance of widespread drinking and even drunkenness,” and claimed that Indigenous peoples had a “tolerance to violence while drunk.” As Monture (1989) notes, judgments such as these obscure the effects of colonialism by blaming

Indigenous peoples for their own victimization – a process Jeffrey Denis (2020) calls "laissez-faire racism."

Sherene Razack (2013) shows how the "drunken Indian" stereotype is used to justify the deaths of Indigenous people in police custody. Previous research by Razack demonstrates that alcohol abuse and violence are viewed as inevitable and naturally occurring features of the spaces inhabited by Indigenous peoples (Razack 2002). In the inquests investigating the deaths of Indigenous people in police custody:

> …the Aboriginal body is considered by health care professionals as so deeply destroyed by alcoholism that nothing else can destroy it, a situation that renders the body one that is not worth caring for, and one that can be violated with impunity (Razack 2012:354).

These representations are used to cast Indigenous peoples as pathologically fragile and incapable of reaching modernity. Native bodies are depicted as a "pollution from which the colonial body must constantly purify itself" (Smith 2005:9). Law is used to achieve this goal.

Renisa Mawani (2000) examines liquor provisions within the *Indian Act* (1876) and their application within British Columbia in the late nineteenth and early twentieth centuries (see also Campbell 2004, 2008 and Mayhew 2008). She notes increased "colonial anxieties" about the growing number of mixed-race progeny from relationships between white men and Indigenous women. The very existence of mixed-race people challenged white supremacy. This is because the reproduction of racial hierarchies necessary to sustain colonization requires white elites to constantly recreate their "identities and superiority against the bodies of racialized Others" (Mawani 2000:10). Not only did mixed-race people reveal the permeability of racial categories, they also could potentially lay claim to the land, resources, and political power normally reserved for whites. Liquor provisions were integral to the reproduction of racial and spatial boundaries, and to "keeping racially mixed peoples in their place: or, in other words, *out of place*" (Mawani 2000:12, emphasis in original). Liquor provisions furnished authorities with the means to restrict

the movements of mixed-race people and limit them from assimilating into both white and Indigenous spaces (Mawani 2000:12). Criminality and immorality are markers of racial inferiority directed at differentiating settlers from Indians and for justifying the regulation of the latter.

Mariana Valverde's (2003) research confirms that liquor laws in Ontario operate similarly to the laws explored by Mawani (2000) in British Colombia. Valverde (2003) points out that the operation of liquor laws requires white people to have an intuitive, expert knowledge of racial identity. Barkeepers were accountable for knowing who was or was not Indian and what criteria were necessary to make such a determination. In doing so, "Indianness" is imagined as a transcendental entity, like an imagined culture across hundreds of distinct communities defined through appearance, lifestyle, and "mode of life" (Valverde 2003). Liquor provisions helped to specify exactly what constituted Indian identity. Court transcripts detail how government officials decided whether a "half breed" was an "Indian," and was thus guilty of purchasing, possessing, or consuming alcohol. Some of the characteristics that were said to legally comprise "Indianness" included whether the accused wore moccasins, lived an "Indian way of life," had good work references, married a white woman, or voted (*R. v. Mellon* [1990] Territories Law Reports, vol. V, 301-2; see also *R. v. Hughes* (1906), B.C. Reports, vol. XII, 290).

Valverde (2003) provides a brief yet fascinating account of multiple whites being charged under provincial liquor legislation in Ontario. Settlers who found themselves on the prohibited list, much like Indians who were also prohibited from drinking, were thought to be lacking the self-control necessary to practice responsible drinking. Instead of reaffirming racial boundaries, Valverde (2003) reveals that the *Indian Act*'s liquor clauses actually blur the boundaries between settler and Indigenous when whites are charged under it. My research seeks to build upon

Valverde's (2003) research by examining the federal liquor laws embedded in the *Indian Act* (1867) that came before the LCBO was established in 1927.

In sum, research by Mawani (2000; 2010) and Valverde (2003) has examined the impact of federal and provincial liquor provisions on the formation of Indian identity and the unintended ways racial identities have been blurred by the prosecution of white settlers under the *Indian Act* (1876). However, research has yet to explore the ways *Indian Act* (1876) liquor provisions have been used to construct white settler identity as morally superior. This chapter explores how liquor provisions have been used as a tool to protect the supposed virtuosity of white identity by racializing those who fail to meet its standards of sobriety and respectability. Because racial identities are constructed in opposition to one another, an exploration of the construction of white identity under liquor laws is also helpful for understanding the construction of Indian identity. These complementary constructions help us to understand the ideological mechanisms behind white supremacy, on one hand, and the systematic repression of Indigenous sovereignty on the other.

Methodology

Newspaper data provides a nuanced picture of the role liquor provisions play in the construction of settler identities. Data was gathered from the ProQuest Historical Newspaper Database and from Newspapers.com. My initial search used keywords "Indian" and "liquor" and included all provinces and territories. I decided to limit my search to Ontario to match the location of my other two studies. I performed a systematic search of thousands of newspaper articles published in Ontario that contained the keywords "Indian," "Native," "liquor" and "alcohol" and examined the data for trends.

My analysis of the data revealed three major trends. First, I found that most relevant newspaper articles were published between 1880-1920 and decided to limit my study to this time period. At this point in history, concern with mixed race people was at its height (Brady 2004; Campbell 1982). Métis author Maria Campbell (1982:3) contends, "the fear of the Halfbreeds that their rights would not be respected by the Canadian government … led to the Red River Rebellion of 1869." By 1870, Louis Riel had escaped to the United States and the Métis were forced to flee their lands. Increased settlement and the completion of the Canadian Pacific Railway in 1885 further threatened the land rights and livelihood of "Halfbreeds," who were now effectively squatters on their own land. The Northwest Rebellion of 1885 was sparked by the refusal of the Canadian government to recognize "Halfbreeds" as deserving of Indian title (Brady 2004).

I saved the most relevant newspaper clippings and organized them by date of publication, newspaper agency, and region. A total of 293 unique articles were saved dating from April 1880 to December 1920 (see Appendix B) from 16 Ontario cities (see Table 1 below). Although some cities had more newspaper coverage of the issue than others (areas bordering reserves were much more likely to publish stories about liquor infractions), all regions of Ontario are represented in this study (i.e., South, North, East, and West). While the data for this chapter is limited to what is available on newspaper databases, it is fair to surmise that there is a correlation between the number of newspaper articles on liquor law infractions and the city's proximity to a First Nations reserve. It is important to note that while this data is categorized by newspaper agency and its corresponding region, not all liquor infractions occurred in the area it was reported in. For example, a newspaper outlet may report on an infraction that occurred in a neighbouring city,

and larger outlets (i.e., Ottawa- and Toronto-based papers) sometimes report on other cities if it is considered a matter of national interest.

Table 2: Regional breakdown of newspaper data

Region	Newspaper outlets	# of articles
Aurora	Aurora Banner	3
Brantford	The Brantford Daily Expositor, The Brantford Weekly Expositor, The Expositor	110
Hamilton	The Hamilton Spectator	14
Kemptville	The Advance	1
Kitchener	The Berlin News Record	4
Kingston	The Kingston Whig-Standard, The Weekly British Whig, The Kingston Daily News, The Kingston Whig	37
Lanark	The Lanark Era	1
Merrickville	The Merrickville Star	1
North Bay	North Bay Nugget	12
Ottawa	The Ottawa Daily Citizen, The Ottawa Journal, The Ottawa Citizen	45
Owen Sound	The Owen Sound Sun, Times	7
Sault St. Marie	The Sault Star	5
St. Catharines	The Twice A Week Standard, The St. Catharines Standard	12
Toronto	The Toronto Star, The Evening Star, Star Weekly	21
Weston	Times and Guide	2
Windsor	The Windsor Star	18

The articles were analyzed using a two-step process. First, articles were coded by hand using verbatim coding by extracting portions of text that best summarize each article. This form of coding is best for interview and written data as it allows the researcher to focus on the actual spoken and/or written words of participants to develop a deep understanding of the particular meanings generated by participants (Manning 2017). The articles were then examined to inductively generate a list of frames (Table 2) using the study's research questions: how do the articles frame white settler identity; and how does this framing contribute to the suppression of Indigenous sovereignty?

It is important to identify how themes are identified as themes do not lie passively in the data waiting to be found (Ryan and Bernard 2003). For this study, special attention was paid to

repetition (Bogdan and Taylor 1975) and the use of metaphors and analogies (Lakoff and Johnson 1980). Newspaper articles typically employed these rhetorical strategies when discussing liquor infractions, whether that be referring to white settlers who were banned from purchasing liquor as “Indians” (with quotation marks), using powerful imagery of a dying Indian race to convince settlers to stop selling liquor to them, and the colourful use of language such as “firewater” or “fire in liquid form” to emphasize the supposedly violent effects of liquor on Indians.

Nine codes were identified in total. Four were chosen for further examination based on their significance to the study’s research questions: racial hybridity, selling of liquor to Indians as a form of treason against the colonial state, gender, and resistance by settlers. It is from these codes that the three main themes of the study were developed.

Table 3: List of inductively generated codes

Code	Description of code
Infraction	These articles are standard reports of liquor law infractions. These notices are short (i.e., “Percy Walsh is charged with having supplied an Indian with liquor” from *The Brantford Daily Expositor* 29 May 1917) and appear alongside similar announcements on criminal charges.
Indians violent when drunk	Articles flagged with this code describe violent behaviour at the hands of “drunken Indians.” These articles typically contain sensationalist headlines (i.e., “One Redskin Stabs Another” from *The Kingston Whig-Standard* 23 June 1899; “Chewed His Arm: Dave Hotwell, Windsor Sailor, Attacked by Drunken Indian” from *The Windsor Star* 29 September 1903).
Indians helpless when drunk / Liquor kills Indians	These articles frame Indians as especially prone to the harmful effects of alcohol in a paternalistic fashion (i.e., “Liquor Was Indian’s Undoing” from *The Hamilton Spectator,* 4 September 1907; an excerpt from *The Ottawa Journal* 24 November 1909 that states “Louis Montour, an Indian…was picked up on Canal Street yesterday in a helpless condition”)
Gender	These articles frame liquor infractions with a gendered lens. They fall into three categories: white settler men charged with providing Indian women with liquor (i.e., “Isaac Buckingham Charged With Letting an Indian Girl Have Some Liquor,” from *The Brantford Weekly Expositor,* 18 June 1908); women being harmed by “drunken Indians” (i.e., “Woman Beaten to Death by ‘Infuriated Indian,’” from *The Brantford Weekly Expositor* 18 July 1912); and cases where judges chastise women charged with liquor law infractions for not meeting standards of femininity (i.e., an excerpt from *The Kingston Whig-Standard,* 1 September 1909 where a judge tells one woman

	that "you must decide which is stronger, your love for liquor or your love for your children."
Government warning	These articles are published in local newspaper outlets by governmental agencies and agents (i.e., the Ontario Licence Board, Police Magistrates, Indian Agent Superintendents, etc.) warning citizens that the selling of liquor to Indians will not be tolerated.
Racial hybridity	These articles refer to white settlers accused or charged with liquor offences as "Indians" (using quotation marks) or "Indian Listers"
Statistics	These articles contain statistics for local county jails and/or gaols detailing the annual number of white settlers incarcerated for providing an Indian with liquor. Unfortunately, these records are not consistent.
Bad settlers sell liquor to Indians / Good settlers remain abstinent for the Indians	These articles can be categorized in one of two ways. Some articles emphasize the supposed vulnerability of Indians to the harms of temptations of liquor and the "disreputable" and "wicked" behaviour of settlers who take advantage of these vulnerabilities to turn a profit by selling liquor to them (i.e., an excerpt from *The Brantford Weekly Expositor,* 24 May 1906, which states that "there always has been a class of whites low enough to take advantage or every trick and subterfuge in order to supply the Indian with liquor"). Other articles highlight the exemplary behaviour of settlers who choose to practice complete sobriety for the benefit of Indians (i.e., an excerpt from *The Ottawa Daily Citizen,* 15 March 1881, that states "20,000 odd people who went into that country [Canada] were willing to deny themselves from this indulgence to preserve the Indians from destruction")
Resistance from settlers	These articles detail accounts where settlers contest laws prohibiting the sale of liquor to Indians, typically for their own benefit. The most common scenario being that bartenders are fined for providing liquor to an Indian accidentally because their racial identity was unapparent.

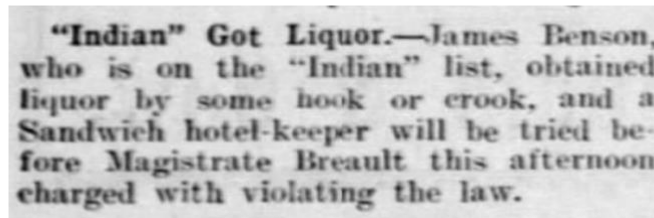
Findings

Theme One: Liquor Laws and the Construction of White Settler Identity

Newspaper evidence reveals an ideological dimension to the shaping of white settler identity by Ontario liquor laws. Those charged under federal or provincial liquor laws were publicly identified in newspaper articles and had their cases carefully followed. In these articles, settlers were commonly referred to as "Indians" (with quotation marks to signify the accused's settler identity) or as "Indian Listers" (see Figure 5). Quite literally, settlers accused of breaking liquor laws were racialized. Liquor laws uphold white superiority by racializing settlers who do not meet standards of white respectability. Furthermore, a close inspection of the articles reveals the public stripping of white identity as a spectacle in service of protecting white supremacy.

Colourful language is used to name and shame settlers, especially those who repeatedly defy liquor provisions (see Figure 6).

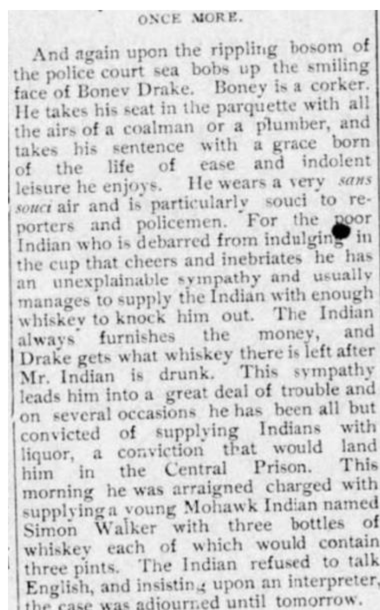
Figure 5: Newspaper article referring to accused settler as "Indian"



"Indian" Got Liquor.—James Benson, who is on the "Indian" list, obtained liquor by some hook or crook, and a Sandwich hotel-keeper will be tried before Magistrate Breault this afternoon charged with violating the law.

An article from *The Windsor Star* published on 10 June 1910 referring to a settler charged under Ontario liquor laws as an "Indian." In addition to naming and shaming the individual involved, these articles often included unfavourable descriptions of settler behaviour.

Figure 6: Boney Drake the corker



ONCE MORE.

And again upon the rippling bosom of the police court sea bobs up the smiling face of Bonev Drake. Boney is a corker. He takes his seat in the parquette with all the airs of a coalman or a plumber, and takes his sentence with a grace born of the life of ease and indolent leisure he enjoys. He wears a very *sans souci* air and is particularly souci to reporters and policemen. For the poor Indian who is debarred from indulging in the cup that cheers and inebriates he has an unexplainable sympathy and usually manages to supply the Indian with enough whiskey to knock him out. The Indian always furnishes the money, and Drake gets what whiskey there is left after Mr. Indian is drunk. This sympathy leads him into a great deal of trouble and on several occasions he has been all but convicted of supplying Indians with liquor, a conviction that would land him in the Central Prison. This morning he was arraigned charged with supplying a young Mohawk Indian named Simon Walker with three bottles of whiskey each of which would contain three pints. The Indian refused to talk English, and insisting upon an interpreter, the case was adjourned until tomorrow.

An article from *The Brantford Daily Expositor* on 25 July 1887 describing the conviction of Boney Drake, a settler frequently accused of selling liquor to Indians. The article refers to Drake as a "corker…with all the airs of a coalman or a plumber." Another article from *The Brantford Daily Expositor* (4 November 1887) refers to Boney as "one of the most worthless drunken characters in the city."

It is relevant to note that liquor laws also serve to construct other dimensions of white respectability, including class. Sendbuehler (1993) points out that in nineteenth century Ontario, drinking establishments primarily operated as lodging for transient men with sporadic work. The

racialized and classed nature of taverns made them the target of disdain by community members of the upper classes. As such, Canada's first regulations on liquor were designed to target working-class drinkers. For example, the *Dunkin Act's* (1864) five-gallon rule, which criminalized the purchase of liquor under five gallons, was aimed at working-class settlers whose primary form of recreation was socializing at the tavern over whiskey or beer. Five gallons of whiskey represented approximately two days of work, so most working men could either afford liquor or a roof over their heads (Sendbuehler 1993).

White respectability is directly tied to hegemonic forms of masculinity and femininity (Connell 1987), which in turn is tied to the ability to generate profits in a capitalist labour market. As Sendbuehler (1993:33) points out, "Sobriety, discipline, and consent to the dominance of industrial capitalism could not be produced within the factory alone: they had to inculcated into every member of the working-class household." The establishment of patriarchal relations was of particular importance here. The wives of indicted husbands were held responsible by the Royal Commission on Liquor Traffic, which blamed their inability to provide an adequate home life for their husband's drinking (Sendbuehler 1993). Liquor laws help to inoculate sobriety to the white working class while simultaneously rebuking whiteness from those who fail to comply.

Theme Two: Giving Liquor to Indians as Treason against the Colonial State

Historical records contain graphic accounts of drunken behaviour by Indigenous peoples and indicate that settlers believed Indigenous peoples to be particularly susceptible to the effects of alcohol (Boyd 2017). According to Simons (1992), the drive to criminalize Indigenous alcohol consumption is rooted in the belief that Indigenous peoples become violent when intoxicated (Satzewich and Liodakis 2010:238; Thatcher 2004). Violent Indians are more difficult to control

and assimilate. Newspaper evidence echoes this sentiment. Newspapers ran sensationalized headlines such as "The B.C. Indian Murder Stated that Liquor Caused Him to Commit the Crime" (*The Kingston Whig-Standard*, 23 June 1899), "Chewed His Arm: Dave Hotwell, the Windsor Sailor, Attacked by Drunken Indian" (*The Windsor Star*, 6 November 1903), "Liquor Crazed Indians" (*The Ottawa Citizen*, 19 August 1907) and "Gave Indian Liquor: And The Red Man Threatened to Kill a Beautiful Young Woman" (*The Star Weekly,* 24 February 1912). Some articles make explicit connections between liquor and race:

> Emigrants who touch our shores are met at once by the universal glass. The Indian "savage," as we call him, is being exterminated by the fire-water of the White Christian! … For proof, look at the drunken Indians on your streets every Saturday; at the cases of crime committed by Indians, under the inspiration of whiskey, to be investigated at every session of your courts (*The Brantford Weekly Expositor*, 17 March 1882).

This article contends that liquor is responsible for the ongoing extinction of Indians – not the Canadian state's genocidal policies. Newspaper articles such as this one work to confirm the stereotype that racialized people are more prone to violence and crime.

The stereotype that Indians are prone to violence when drunk was used to justify increased spending on Royal North West Mounted Police in the early twentieth century. One newspaper advertisement for the RNWMP declares that "Whether Dealing With Bloodthirsty Indians or Disorderly and Desperate Whites [the RNWMP] Seldom Fail to Preserve Order and Punish the Guilty" (1908). The article goes on to state that:

> One of the primary troubles which the force had to contend with was the sale of liquor to Indians by white men and half breeds, which kept the Indians in a chronic state of deviltry and was the cause of many murders and other violations of the law (*The Ottawa Journal*, 19 February 1908).

It is perhaps no surprise that liquor laws enabled police powers and spending. Historians point out that the idea that Canada's first federal police force (the North West Mounted Police) was established to "protect" Indigenous peoples against wicked whiskey traders is a prevalent claim mythologized in the Canadian imaginary (Campbell 1991; Ennab 2010). Newspaper evidence

supports these findings (see Figure 7). This case demonstrates that narratives concerning the need to paternalistically protect Indigenous peoples from liquor continued to justify police intervention, especially in areas like Winnipeg that saw increased Indigenous resistance to colonial police like what happened during the Red River Resistance.

Figure 7: "Protect Indians from Liquor"

PROTECT INDIANS FROM LIQUOR

Mounted Police to Patrol the Norway House District North of Winnipeg.

Special to The Toronto Star.

Ottawa, June 27.—Owing to numerous complaints concerning the growing prevalence of drunkenness among the Indians along the shores of Lake Winnipeg, arrangements have been made by the Mounted Police Department to patrol that district, and to establish a detachment with a lock-up at Norway House, the northern extremity of Lake Winnipeg.

An article from the *Toronto Star* (27 June 1904) detailing the establishment of a Royal North West Mounted Police patrol and lock-up in North Winnipeg due to "numerous complaints concerning the growing prevalence of drunkenness among the Indians." High-profile cases like this were reported nationwide to garner public support for increased police intervention in the West, a region marked by ongoing Métis resistance to colonial authority.

Liquor laws construct whiteness by framing the giving or selling of liquor to Indians as a form of treason against the colonial state. Whereas "good" settlers are abstinent for the good of the Indians (and by extension, for the good of Canada), "bad" settlers sell liquor to Indians and thus exploit their alleged biological shortcomings for a profit. An article from the *Brantford Daily Expositor* (1906) demonstrates this point:

> The primary reason for the prohibition of selling liquor to the aborigines was the instinct of self-preservation; for the in "intoxicated Indian is a dangerous Indian. In spite of this fact, however, there always has been a class of whites low enough to take advantage of every trick and subterfuge in order to supply the Indian with liquor (*Brantford Daily Expositor*, 24 May 1906).

The idea that Indians suffer a biological propensity towards alcoholism and violence, otherwise known as the firewater myth, is reflected in newspaper evidence. Indeed, an article titled “Indians Are Unruly: Redskins in Rainy River District Secure Whiskey” contends that “women and children along the route are in apprehension of being attacked” (*Times and Guide*, 5 November 1909). The article goes on to state, “if some one does not take steps to stop the sale of liquor to Indians, it is felt there will be a tragedy some day.” Reframing addiction as an issue of pathology instead of as a natural consequence of the systematic subordination of Indigenous peoples under colonialism minimizes the responsibility of the state.

Newspaper evidence suggests that whatever the intent behind the offence (i.e., whether the accused sold or simply gave liquor to Indians), whiteness is swiftly rebuked for the offender. Giving liquor to Indians infers that the settler in question fraternizes with Indians, which is enough to put their whiteness into question. Those repeatedly charged with giving liquor to Indians become the target of other morality laws used to regulate behaviour along acceptable racial, gender, and class lines. Repeat offenders risk being outcasted from the community and being disproportionately fined (*The Weekly British Whig*, Kingston, 16 April 1908).

Alternatively, being charged with selling liquor to Indians suggests that the offender is nefarious enough to profit from the alleged biological shortcomings of the Indian race for a profit. The following article from *The Ottawa Journal* emphasizes the idea that Indians are biologically predisposed to alcoholism and that settlers who sell or provide liquor to Indians are profiting from the biological deficiencies of Indians:

> Nations and tribes not addicted, in former days, to the consumption of liquor, either because the stuff was not accessible, or because climatic or other conditions did not foster the use of it, are invariably degraded when the sale of liquor is either permitted or encouraged amongst them. The deterioration of the Indian races of America cannot be wholly accounted for without considering that the traders who wickedly brought fire-water to the camp-fires supplied a destructive poison to the aborigines which has ever since been the bane of the race (*The Ottawa Journal*, 5 October

1886).

The article claims that liquor is a poison partially responsible for the "deterioration" of Indians. This characterization of Indigenous peoples as fragile creatures unable to adapt to modernity is a common colonial trope (Razack 2015; Ryan 1990; McGregor 1993). Settlers who give or sell liquor to Indians are considered "race traitors" whose actions undermine the state's efforts to establish colonialism (Ignatiev and Garvey 1996).

Liquor laws were among many morality laws that helped shape a specific image of whiteness. "Real" white men were depicted as abstinent from liquor, framed as being for the "good" of the country. Settlers were made to feel guilty for their role in introducing liquor to Indigenous communities, exploiting supposed biological deficiencies. This narrative overlooks the broader impacts of colonialism on Indigenous communities, focusing instead on blaming individual settlers. One article published in 1881 illustrates this point:

> In the great North-West, why did the people decide that there should be no intoxicating liquors, not even light wines of beer? My honorable friend says it is on account of the Indians; 20,000 odd people who went into that country were willing to deny themselves this indulgence to preserve the Indians from destruction; but in this country, where misery is brought to the domestic hearth, we refuse to remove the tempting glass from their sight and allow them to sink into drunken graves (*Ottawa Daily Citizen*, 15 March 1881).

This pro-prohibition article is one of many that suggests that "good" settlers remain abstinent from alcohol for the good of Indians, and by extension, for the good of the colonial project in Canada. As such, liquor laws are helpful in defining what white settler identity is – and is not.

Theme Three: White Femininity and Liquor Laws

White femininity is important to the construction of settler identity in Canada. White femininity is an ideology that defines dominant femininity as virtuous and subservient and racialized femininity as promiscuous and uncontrollable (Connell 1987; Deliovsky 2008). White

femininity is an important aspect of white supremacy and works in conjunction with heteronormativity, cisnormativity, and middle-class values to preserve racial hierarchies.

Liquor laws and newspaper reporting work in conjunction to produce white femininity in two ways. First, liquor laws seek to prevent miscegenation by criminalizing casual drinking between races to protect the 'purity' of the white race. Newspaper evidence reveals anxieties surrounding the intermingling of settler men and Indian women, especially in the presence of liquor. The *Indian Act* (1876, s. 126c) criminalizes any "man or Indian … found in possession of intoxicating liquor in the house, tent, wigwam, or place of abode of any Indian." This law extended police powers in ways never seen before by allowing police officers to enter the home of any Indian or settler suspected of possessing liquor (Smart and Ogborne 1996). Historians contend that this provision was originally intended to be used to prosecute Western whiskey traders (Smart and Ogborne 1996). However, newspaper data suggests that it was also used to prosecute settler men who offered liquor to Indian women in bars and private homes.

Newspaper articles such as "Supplied Indian Woman With Liquor" describe these cases as a commonality and condemn – in a tongue-in-cheek way – the willingness of settlers to "take advantage" of Indian women by "tempting" them with liquor (*The Ottawa Citizen*, 23 October 1909). Indigenous women are framed as promiscuous and easily exploitable by white men. The gendered and racialized framing of liquor offences means that even platonic relationships between Indian women and settler men become suspect and criminalized. One article describes the case of Dan Cunningham, a settler man who was fined $50 for supplying an Indian woman with liquor. According to the article:

> Cunningham said he had known the woman a long time and was friendly with the Indians who had been kind to him in presents of fish, etc. Mrs. Commando asked him to get her a bottle of highwines as her husband was sick. He knew it was against the law, but took a chance on account of friendship and the supposed illness of the male Commando (*North Bay Nugget*, 20 January

1913).

Cunningham's case was widely publicized across Ontario as a cautionary tale to settlers who fraternize too closely with Indians.

Liquor laws are only one part of the *Indian Act* (1876) designed to criminalize interracial unions and, in particular, relationships between Indigenous women and settler men. The *Indian Act* (1876) discouraged interracial relationships by denying legal status to Indigenous women married to non-Indigenous men, as well as the offspring from these unions. The *Act* also enacted laws criminalizing sex work that only pertained to Indigenous women (Kobryn-Dietrich 2018). The late nineteenth century saw the introduction of multiple laws designed to prevent racial mixing – usually at the expense of Indigenous women. Previously sanctioned relationships between male settlers and Indigenous women had begun to worry state officials at the turn of the nineteenth century as these relationships had gained too much legitimacy amongst the masses and, in the eyes of white Canadian elites, delegitimized white supremacy (Carter 1997; Smith 2005; Woollacott 2006). The mixed children resulting from Indigenous-settler relationships were also a threat to white property and rule (Carter 1997), as was confirmed to colonizers in the Louis Riel-led rebellion of the Métis. These children could potentially lay claim to the inheritance left by their white male settler fathers and pursue legal avenues for the ownership of property that was designed to be exclusive to white settlers.

Liquor laws also constructed white identity by rebuking the whiteness of women who failed to meet standards of white femininity. Women who were charged for providing liquor to Indians had their whiteness rebuked for not meeting standards of white femininity, including virtuousness, sobriety and self-discipline. The consumption of liquor – an activity that is decidedly masculine and working-class – stands in direct opposition to the demands of white femininity. The consumption of liquor in conjunction with providing liquor to an "Indian"

suggests that the woman is an incapable wife/mother *and* a race traitor. As such, women who found themselves racialized under liquor laws faced double demoralization: their whiteness and femininity are both rebuked.

The gendered enforcement of liquor laws is demonstrated by a newspaper article titled "Will Punish Anyone Who Gives Liquor to 'Indians'" (*The Kingston Whig-Standard*, 1 September 1909). The article describes a liquor case involving a couple charged with giving liquor to an "Indian" (quotations are used to suggest that they were an Indian-listed settler). While both husband and wife were charged, the judge did not speak directly to the husband and instead focused on admonishing the wife:

> Your children concern us most at present, and the society that looks after children has been looking into your case. If you and your husband get drunk before them, it is easy to see what will follow from it, and what may happen. I have talked to Mr. McCallum, head of this society, and they are willing to give you one more chance, before they take your children away from you. If you love your children you must realise that the next time you get under the influence of liquor you lose your children. You must decide which is the stronger, your love for liquor or your love for your children (*The Kingston Whig-Standard*, 1 September 1909).

Here, drinking liquor is viewed as incompatible with (white) motherhood. While this appears to be the couple's first liquor charge, the judge threatens to take their children away if the wife indulges in liquor again. The judge does not make the same demands of the husband. This case demonstrates the racialized and gendered enforcement of liquor laws and how liquor laws are used to construct white femininity.

Settler Resistance

This chapter has explored how liquor laws construct white settler identity to further white supremacy and Indigenous subjugation. It argues that liquor laws strengthen racial boundaries, reinforcing colonialism. However, the application of these laws is not always clear-cut, leading to unexpected outcomes. In practice, liquor laws have caused conflicts between settlers and the officials who enforce them. Notably, some hotelkeepers rejected the responsibility of

determining who counts as "Indian" and refused to pay fines. These settlers challenged the idea of rigid racial boundaries and contested the notion that there is a clear, transcendental Indian identity that all whites intuitively understand. Despite acting out of self-interest, they unknowingly challenged the rigid racial identities and boundaries fundamental to settler colonialism.

The challenge of determining who was "Indian" to comply with the *Indian Act* provision prohibiting liquor sales to Indigenous people created a point of contention between hotelkeepers and Indian Agents. Some hotelkeepers contested the *Indian Act* liquor provisions. Hotelkeepers felt that they were not responsible for determining who counts as "Indian" and lamented the impossibility of drawing strict racial boundaries. In 1906, a bill was unsuccessfully introduced to amend the *Indian Act* as it was considered "unfair that … penalties for selling liquor to Indians should be enforced in such cases" where "men who are classed as Indians under the law but who cannot be distinguished from white men" (*The Ottawa Citizen,* 30 March 1906).

A newspaper article titled "Essex County Indians: Magistrate Bartlet's Decision Hard on Many Local Men" (*The Windsor Star,* 6 November 1903) details the trial of four Windsor hotelkeepers charged for selling liquor to Indians and reveals the contention surrounding the law. The article points out that "many of the older families of this district are descendants from the Indians who once lived along the frontier. Some of the most prominent men of this city have Indian blood in their veins" (*The Windsor Star,* 6 November 1903). The hotelkeeper's defence lawyer used this fact to argue that the Indians who were sold liquor were "not full-blooded Indians, but rather half-breeds of distant Indian extraction" (*The Windsor Star,* 6 November 1903). The hotelkeepers went as far as to attempt to assign white identity to the Indians involved, arguing that "the Indians, so-called, are not in reality Indians any longer, but that they are

Canadian within the meaning of the law and as such are entitled to the privileges of other people" (*The Kingston Whig-Standard,* 12 February 1904). The Magistrate was unmoved by this defence and maintained that "every man who has Indian blood in his veins is liable under the Act" (*The Windsor Star,* 6 November 1903).

It is noteworthy that the alliance between settlers and the Indigenous people they believed deserved the same privileges as whites was short-lived. After the Magistrate's ruling, the hotelkeepers chose to serve a month in jail rather than pay the $50 fine. The *Indian Act* states that informants whose tips lead to a successful conviction are entitled to half of the fine levied against the offender.[15] The hotelkeepers felt targeted by Indigenous people who they believed were tricking them for money. One hotelkeeper reportedly said, "Those Indians will never get a cent of my money; I'll go to jail for a month first" (*The Kingston Whig-Standard*, 11 November 1903).

There were some instances where the ruling Magistrate sided with settlers against the accusing Indian Agents. Indian Agents were accused of exploiting the very same blurred racial boundaries they were charged with delineating to secure convictions against hotelkeepers. Indian Agents habitually sent white passing Indian informants into hotels to attempt to secure a drink, a move one Magistrate called a "trap" used to "try to secure a conviction" (*The Brantford Weekly Expositor,* 29 January 1914). In one case, Indian Agents went undercover, entered a Cornwall hotel with a group of Indians, and purchased them a round of drinks from the hotelkeeper (*Berlin*

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[15] This practice aimed to encourage settlers to report one another for liquor offences; however, as Horrall (1973:1) notes, it failed to "overcome the general antipathy towards the law and police" and resulted in very few informants. While it exacerbated tensions between settlers and Indigenous peoples, it also fueled conflict between settlers and the police. Horrall (1973) highlights that members of the NWMP were often awarded half of the fines collected, leading to public criticism that officers were motivated by financial gain rather than justice. The practice faced opposition within the police force itself. Superintendent Gagnon, commanding the Regina district, recommended discontinuing the rewards for informants, citing the "great amount of discredit it brought to the force" (Horrall 1973:2).

News Record, 12 April 1909). All charges were dropped after the hotelkeeper's defence counsel threatened to have the Indian Agents involved prosecuted (*Berlin News Record,* 12 April 1909).

In a separate case, a Magistrate acquitted 25 hotelmen charged with selling liquor to Indians. In his ruling, the Magistrate asked the liquor detectives if they thought it was honourable to tempt men to break the law (Toronto Star, 9 September 1916). He further argued:

> The Indian law ought to be changed, for it was designed to protect the Indian when he was not the man he was today. Now the Indian was educated, fit to fight for his country, and it was ridiculous to deny him the right to buy liquor when a white man could buy all he wished (*Toronto Star*, 9 September 1916).

This case demonstrates that there was notable resistance among hotelkeepers and police magistrates in enforcing the *Indian Act* liquor provisions. A regulation intended to delineate boundaries between Indigenous people and settlers, thereby reinforcing white supremacy, instead became a site of conflict amongst settlers. These instances of complex, real-life application illustrate that even some white individuals recognized the fluid and socially constructed nature of racial identity.

Conclusion

Provincial and federal liquor laws regulating the sale and possession of liquor to Indians persisted long after the scope of this study. The *Liquor Control Act* (1927) established the Liquor Control Board of Ontario (LCBO) for the purposes of regulating and retailing liquors, spirits, and wines. The LCBO took control of the Indian List and used IBM technology to rapidly and systematically expand it (Thompson and Genosko 2006). According to Thompson and Genosko (2006), the success of an LCBO store was not measured in profits but in the absence of drunkenness, disorderliness, and abused or neglected families (LCBO Circular 497, October 10, 1928). The LCBO continued to operate the Indian List until 1975.

The 1951 *Indian Act* made it an offence for Indians to have intoxicants on their possession or to be intoxicated off a reserve. This section was struck down in 1967 in the precedent-setting case of *R v. Drybones*. Joseph Drybones was charged under the *Indian Act* for being intoxicated off-reserve, even though Drybones lived in the Northwest Territories where no reserves existed. In striking down section 94, the judge argued that it interfered with the *Canadian Bill of Rights* because it applied to a particular racial group (Valverde 2004:167). However, the *Drybones* case did not end liquor regulation for Indigenous peoples. In *R. v. Whiteman* (1971), the Saskatchewan court declared section 94 to be valid despite its disproportionate impact on Indians. According to the ruling judge, "the right to be intoxicated in one's own home has never been a fundamental freedom" (as quoted in Valverde 2003:205).

In 1983, the *Whiteman* (1971) decision was overturned. Justice Hall of the Manitoba Court of Appeal ruled in *R. v. Hayden* that criminalizing intoxication on a reserve amounted to racial discrimination (*R. v. Hayden*, 1983, WWR 655). In making his decision, Justice Hall argued that "place had become race in terms of where one may be found intoxicated" (*R. v. Hayden* at 659, per Hall J.A., as quoted in Valverde 2003:205). Finally, in 1985, all liquor provisions in the *Indian Act* were repealed. Band councils were granted the ability to regulate matters related to liquor at their own discretion (Moss and Gardner-O'Toole 1987). From one perspective, this repeal was positive in that it recognized the authority of band councils and the autonomy of Indigenous communities to make decisions that reflect their unique cultural values and needs. However, as Coulthard (2014) might argue, such recognition continues to operate within the colonial structure, reaffirming the settler state's dominance rather than dismantling it. By loosening the *Indian Act* to allow Indigenous communities some control over liquor governance, the state maintains its overall authority to define the terms of sovereignty, treating

Indigenous peoples as subjects within its legal framework rather than recognizing their inherent right to self-determination.

Furthermore, centuries of racist liquor policies had solidified the image of the "drunken Indian." This derogatory image has been used to justify genocidal and paternalistic policies as well as to legitimate a disproportionate amount of police surveillance and violence against Indigenous communities (Bird 1996; Trimble 1988; Weinrath 2007). For Indigenous peoples, colonial narratives of addiction and alcoholism have legitimized government intervention into Indigenous families (Bennett et al. 2005; de Leeuw et al. 2010; Landertinger 2017; Trocmé et al. 2004), discriminatory treatment by healthcare workers (Kurtz et al. 2008; Monchalin et al. 2020; Wylie and McConkey 2019), and police violence (Razack 2012, 2013). As illustrated in this chapter, liquor laws have also had an enduring impact on the construction of white settler identity. White settlers continue to benefit from a colonial imaginary that perceives their identities as virtuous and industrious, and as the rightful masters of Indigenous land and livelihood. White settlers benefit from the perception of sobriety, stewardship, and hegemonic femininity in various ways, including fewer apprehensions from child protective services, less discrimination in the health care system, and fewer deaths at the hands of police during arrest or in custody. While these benefits cannot be directly traced to the perception that white settlers practice more sobriety and self-restraint compared to Indigenous peoples, it is fair to say that liquor laws have played a role within a much larger matrix of legal and political tools designed to buttress white superiority.

Further research on the construction of white settler identity is recommended to augment the already burgeoning study of race and colonialism in Canada. Recommendations for future research include the critical examination of the construction of white settler identity by other

criminal laws, especially morality laws, and in other provinces. Future research on the construction of white settler identity via liquor laws may also pursue some of the codes identified by this study in more detail. Of particular interest here are instances where settlers resist liquor laws and align themselves with the interests of Indians (albeit for their own motives) to protest their own prosecution of selling liquor to Indians.

CHAPTER THREE

TOBACCO INDUSTRY FRAMING OF THE MOHAWK TOBACCO TRADE

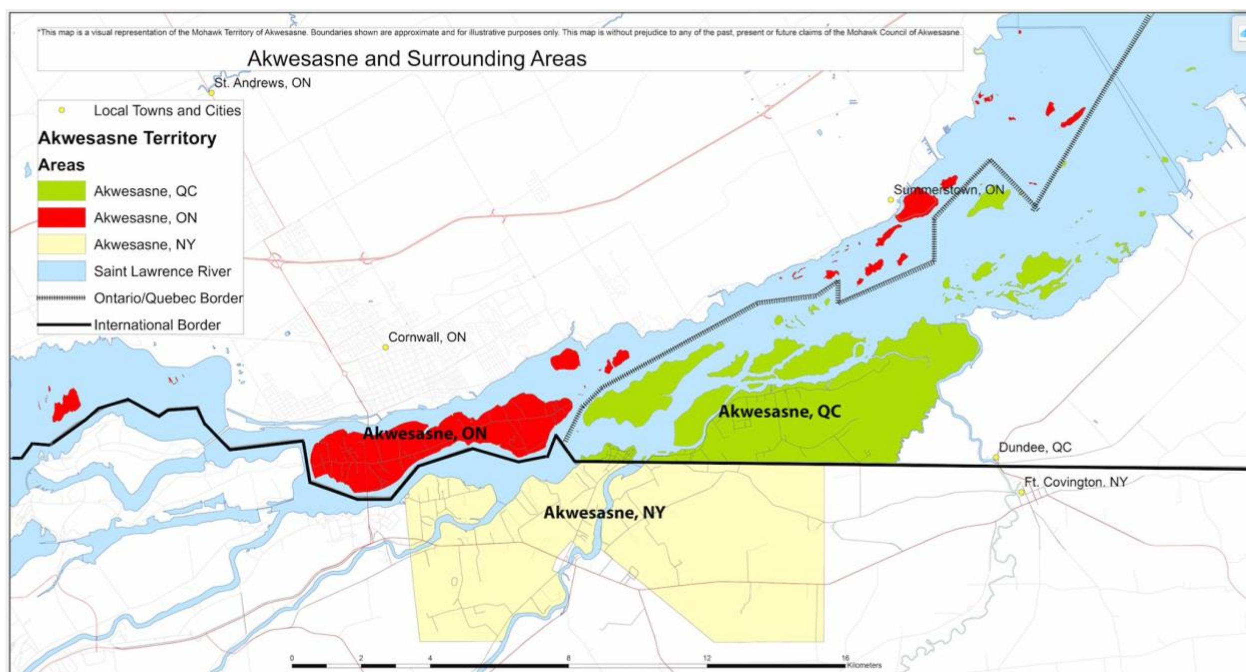
The contraband tobacco trade encompasses any activity prohibited by law relating to the production, transport, distribution, possession, sale, or purchase of tobacco products (Fooks et al. 2014; RCMP 2011). Tobacco is contraband when it is produced in unlicensed facilities or when taxation has been circumvented by way of smuggling or through fraudulent use of government trademark (RCMP 2011). This study focuses on a third form of contraband tobacco that the RCMP (2011) claims to be the most prevalent: tobacco products that are exempt from provincial and federal excise duties designated for sale on First Nation reserves that are later sold to a non-Status Indian person. Estimates suggest that Canada has a higher amount of illicit tobacco compared to other countries: 9 to 11% of cigarettes consumed worldwide are contraband compared to 15 to 33% of Canada's market[16] (Public Safety Canada 2018; World Health Organization 2018). In Ontario and Quebec, where the Akwesasne and St. Regis Mohawk reserves are located, estimates of illicit tobacco are even higher, at 40% and 50% respectively (Public Safety Canada 2018).

A significant amount of contraband tobacco in Canada is linked to the Akwesasne and St. Regis Mohawk reserves (RCMP 2011). Their unique geographical location and political context position these communities to benefit from government taxation of tobacco products. The Akwesasne and St. Regis Mohawk territories are positioned within overlapping jurisdictions governed by different provincial and federal governments. Akwesasne territory is located across the Canada/United States federal border as well as across the provincial borders of Ontario and Quebec (see Figure 8). Colonial borders have divided Mohawk jurisdiction into three: the Mohawks of Akwesasne that reside within Cornwall Island, Ontario; the Mohawks that live in Snye and St. Regis, Quebec; and the Mohawks that live in the St. Regis Mohawk Tribe in New

[16] It is important to note that accurate data on the scale of the illicit tobacco trade in Canada is difficult to obtain – a point this study will address in more detail in the methodology section.

York State. Residents of the Mohawk Nation are considered citizens of both the United States and Canada and actively defend their right to cross the border at their own discretion (Simpson 2008, 2014). The Saint Lawrence Seaway divides the Canadian and U.S. portions of the territory and creates opportunities for border crossings by boat in summer and snowmobile in winter (Public Safety Canada 2018:30). According to the RCMP (2011), the ability of Akwesasne/St. Regis Mohawks to cross the border freely along with the unique geographical characteristics of the territory creates the opportunity for tobacco "smuggling."

Figure 8: Map of Akwesasne territory by the Mohawk Council of Akwesasne, 2021



The issue of tobacco smuggling is further complicated by the unique political situation of the Mohawk Nation. The *Jay Treaty* (1794) affirms the right of Indigenous peoples whose traditional territories span the Canada-U.S. border, such as the Mohawk Nation, to cross freely and exempts them from duties on personal goods (Simpson 2014). While the U.S. largely upholds these rights under immigration law, Canada imposes significant restrictions by requiring

proof of status under the *Indian Act* via documentation like a Secure Certificate of Indian Status (Foster 2007; Alfred 2009b). These restrictions limit the treaty's application (according to the Canadian state) and complicate Mohawk mobility, particularly for cross-border economic activities. Research highlights how Canadian enforcement, including racial profiling and accusations of smuggling, criminalizes Indigenous trade and undermines Mohawk sovereignty (Simpson 2008, 2014; Public Safety Canada 2018). The treaty remains an important recognition of Indigenous rights, but it is inconsistently applied, reflecting broader colonial tensions over Indigenous self-determination (Foster 2007; Alfred 2009b).

Section 87 of the *Indian Act* exempts Status Indians from paying provincial sales tax on tobacco for personal use.[17] In practice, this means that the Canadian government allocates a certain amount of tax-exempt tobacco for sale on each First Nation reserve based on on-reserve and off-reserve population, local smoking patterns, and the frequency of special events (Ontario Ministry of Finance 2022). The price differential between taxed and untaxed allocated tobacco products in Ontario is significant. In 2024, the average cost of a pack of 20 cigarettes in Ontario was $14.01. Of this cost, $8.71 is attributed to government tobacco taxes (Physicians for a Smoke-Free Canada 2024). While it remains illegal to sell tax-exempt allocation tobacco to non-Status Indians, industry-linked research contends that longstanding historical tensions between the Canadian government and the unceded Mohawk Nation has resulted in an unwillingness of police to enforce the law. In 2023, a landmark decision was made recognizing the treaty rights of two Kahnawà:ke men, Derek White and Hunter Montour, who were arrested for “smuggling” tobacco over the U.S./Canada border (The Canadian Press 2023). The case was seen as

[17] It is important to note that the *Indian Act* does not exempt Status First Nations individuals from paying excise tax (taxes that incur from U.S. products being shipped to Canada). However, Akwesasne Mohawks maintain that they have an inherent right to trade on their territory tax-free.

landmark, not only affirming the trade rights under traditional treaties but also recontextualizing the legal frameworks used to determine Indigenous rights, shifting away from the outdated Van der Peet test towards a model more aligned with contemporary Indigenous practices and the principles outlined in the United Nations Declaration on the Rights of Indigenous Peoples (2007).

A significant portion of research on illicit tobacco in Canada is funded (either directly or indirectly) by the tobacco industry. Smith et al. (2019) find that 42% of the research available on illicit tobacco in Canada is at least partially funded by the tobacco industry. They contend that industry-linked research and reporting is biased in favour of industry interests and does not meet basic standards of scientific practice such as validation and peer review. A lack of independent data makes it difficult for policy makers and the public to gain a clear understanding of the landscape of illicit tobacco in Canada (Gomis 2017). Think-tanks, consultancy firms, and associations that receive tobacco industry funding act as an echo chamber confirming the agenda of tobacco companies in an environment where data is limited (Smith et al. 2019). The result is that the tobacco industry controls much of the policy discourse on the illicit tobacco trade in Canada. Indeed, 70% of newspaper articles on the topic of illicit tobacco in Canada quote sources with links to the industry (Smith et al. 2017).

The unique geographical location of the Akwesasne community in combination with the unique historical and political context surrounding the sale of tobacco by Status Indians makes this community a threat to the profits of the legal industry.[18] As such, the mainstream tobacco industry has a significant interest in supressing the sovereign rights of Indigenous peoples by overestimating the scale of and misrepresenting the harms associated with the Indigenous

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[18] These profits are immense. In 2022, the Canadian tobacco industry generated $843.6 million in profit (Government of Canada 2023).

tobacco industry. With this distinct social context in mind, this chapter answers the following questions: How does tobacco industry-linked research frame the Mohawk tobacco trade, and how are these frames used to further industry interests?

This chapter reveals that the corporate tobacco industry borrows from historically embedded tropes that frame Indigenous peoples as criminal to advance industry interests. In doing so, the tobacco industry forwards three main arguments: that Mohawk tobacco sovereignty should be denied, that the Mohawk tobacco trade directly funds terrorism, and that the Mohawk tobacco trade increases negative health outcomes in youth. These arguments and their corresponding frames are analyzed using an anti-colonial theoretical lens that amplifies the voices of Indigenous scholars. This analysis finds that all 24 of the industry-linked considered reports draw upon the historical framing of Indigenous peoples as criminal to assist in lobbying efforts against proven health measures designed to reduce tobacco consumption among the Canadian public, including government "sin" taxes, plain packaging requirements, and flavour restrictions. To this end, the tobacco industry produces methodologically questionable research to support their claims.

Literature Review

From the perspective of Indigenous scholars, the criminalization of traditional Indigenous knowledge and activities is part of a larger strategy to "undermine, deny and otherwise overwrite Indigenous peoples' practices and assertions of sovereignty" through legislative and juridical violence (Wrightson 2020:159; see also Coulthard 2014; Simpson 2008, 2016; Woolford 2005). Kahnawà:ke Mohawk scholar Audra Simpson (2008) argues that the criminalization of the Mohawk tobacco industry is an example of the subordination of Indigenous ways of knowing and being under colonialism. Recasting Indigenous acts of tobacco sovereignty as "smuggling"

is part of a larger historical strategy of associating Indigeneity with lawlessness and savagery (Simpson 2008). Simpson's (2008) research prompts the question: *how does the Canadian tobacco industry benefit from framing Mohawk tobacco trade as an illegal activity that warrants increased policing?* Inspired by Simpson (2008) and other Indigenous scholars, this study seeks to apply an anti-colonial perspective to explore how the Canadian tobacco industry frames the Mohawk tobacco trade and examine how these frames support industry interests.

Health science researchers Julia Smith, Sheryl Thompson and Kelly Lee (2017) analyse 177 newspaper articles to discover how the illicit tobacco trade is framed by the media and discover that the "most common frames present" illicit tobacco "in ways favourable to the industry." They identify four frames: illicit tobacco as a law-and-order issue, the illicit trade is caused by excessively high tobacco taxation, the First Nations tobacco industry as "Canada's contraband capital," and increased youth access to illicit tobacco. In 2019, these researchers extended their analysis by developing a critical review of data on the Canadian illicit tobacco trade and found that 42% of the literature reviewed had financial ties to the mainstream tobacco industry. The present study broadens Smith et al.'s (2017) research by using an anti-colonial perspective to delve into the framing of the Mohawk tobacco trade.

Public health researchers contend that the corporate tobacco industry has an interest in inflating the harmfulness of illicit tobacco to use as evidence for lobbying against tobacco control measures that have been proven effective in reducing tobacco consumption (Schwartz and Zhang 2016; Smith et al. 2017, 2019). Industry lobbying efforts are focused on the elimination or reduction of government-imposed "sin" taxes on tobacco products and on advertising restrictions such as plain packaging. The present study extends health science and

public health research by using an anti-colonial perspective to explore how the tobacco industry frames the Mohawk tobacco trade and what benefits are derived from this framing.

Framing and Critical Race Theory

The concept of framing is used to analyse how elite ideologies are packaged, disseminated, and reproduced by the wider public. A frame refers to a method of positioning and packaging an issue to convey a desired meaning (Entman 1993). Frame analysis involves "select[ing] some aspects of a perceived reality and make them more salient … in such a way as to promote a particular problem definition, casual interpretation, moral evaluation, and/or treatment recommendation" (Entman 1993:52). Corporations, think-tanks, politicians, and the like influence public policy by inflating the importance of certain issues, framing them a particular way, and recommending solutions that serve the interests of the companies funding them (Gasher et al. 2007). The journalistic framing of issues and events does not develop in a vacuum: the way issues are portrayed is shaped by the frames imposed by various stakeholders, including politicians, corporations, and social movements (Brenton et al. 2006; Carragee and Roefs 2004).

Bonilla-Silva's (2003) ideas can be used to expand Entman's understanding of framing to explain how racial ideologies are constructed and then disseminated in the media for political purposes. Bonilla-Silva's research on colour-blind racism begins with the contention that white elites leverage their resources to exert influence on the ideas of the white masses. White elites, and to a lesser extent, the white masses, benefit from the reproduction of a particular racial project that solidifies the white supremacist social forces from which they draw their power. However, it would be a mistake to assume that the dissemination of racial ideologies has a clear top-down effect. The white masses use their agency when considering racial ideologies and

actively participate in their development, construction, and transformation. Bonilla-Silva (2003:67) thus proposes conceiving of the process of instilling racial ideology as an "interpretative repertoire."

An interpretative repertoire consists of three elements: frames, style, and racial stories. These elements are used as "building blocks … for manufacturing versions on actions, self, and social structures in communicative situations" (Bonilla-Silva 2003:67). Framing refers to the use of well-established ideological strategies used by whites to explain racial tensions and differences. The reproduction of racial ideology depends upon the framing of central topics. Many of the topics central to these frames are deeply rooted in North American history and correspond with the specific needs of white supremacy at a given time period and political juncture. Some well-known frames include the association of Blackness and Indigeneity with criminality, fear of the racialized "Other," and the portrayal of people of colour as subhuman, animalistic, and savage. Bonilla-Silva connects framing with his discussion of colour-blind racism by demonstrating that contemporary forms of racism rely on the indirect, abstract, and apparently non-racial framing of important issues. While earlier forms of racism relied on direct and blunt contentions that racialized peoples are biologically inferior, contemporary forms of racism often use more subtle frames to avoid the appearance of racism.[19]

Entman and Bonilla-Silva's conceptualizations of framing are helpful for analyzing the effects of corporate framing of the First Nations tobacco industry. Entman's work illuminates how the frames used by think-tanks and news agencies have the power to change the way the public conceives of certain issues and guide the evolution of public policy (see also Davis et al. 1998; Siu 2009). This chapter illustrates how these principles apply to the issue of tobacco

[19] Bobo, Kluegel, and Smith (1997) similarly describe a historical shift from Jim Crow racism to laissez-faire racism.

policy. While Entman's approach is appropriate for examining how frames translate into public policy, Bonilla-Silva's work is helpful for analyzing how frames fit into the larger picture of structural racism. From this perspective, framing is part of a larger strategy of covertly maintaining white supremacy. Framing enables tobacco corporations to sidestep the issue of Indigenous sovereignty in favour of longstanding tropes that call for the criminalization and increased policing of Indigenous peoples.

Methodology

Much of the research available on the illicit tobacco industry in Canada is connected to the tobacco industry itself (Smith et al. 2019). Industry-linked research is often disguised as government reporting, research by independent, private think-tanks, and even as academic research (Fallin, Grana, and Glantz 2014; Oreskes and Conway 2011; Smith, Thompson, and Lee 2016).[20] The mainstream tobacco industry has exploited the lack of research by producing biased studies that overestimate the prevalence of illicit tobacco in Canada (Smith, Thompson, and Lee 2016:144). As such, there is an overall lack of independent, scientific data on the illicit tobacco trade. Research that is not already known to be connected to the tobacco industry must therefore be carefully evaluated for potential financial or political links to the industry.

To overcome the complexities involved in working with a dataset known to contain biased information, I focused my analysis on the frames used by industry-linked research and reporting to depict the Mohawk tobacco trade. This paper focuses on the St. Regis and Akwesasne Mohawks (and, to a much lesser extent, Kahnawá:ke Mohawks) because these regions have been identified by the RCMP and by industry-linked research as the largest source

[20] Some academic research on tobacco policy is based on statistical data provided by industry-linked research entities. In other cases, professors from various Canadian universities take a position as a Research Fellow at an industry-linked research institute (for example, the C.D. Howe Institute and the Fraser Institute) and work to publish research on their behalf.

of contraband tobacco in Canada. In doing so, this paper analyses 24 reports shown to be linked to the Canadian tobacco industry.

Industry-linked research was identified with the assistance of Smith et al (2019), who identified several entities known to be partially funded by tobacco corporations (see Figure 9 for a full list of research entities identified by Smith et al. and their funding sources).[21] This study also includes one industry-linked research entity not included in Smith et al.'s (2019) research, the Canadian Taxpayers Federation. While the Federation does not publicly list their donors, they are linked to other tobacco-linked research entities (i.e., National Coalition Against Contraband Tobacco, or NCACT) and are known to campaign against plain packaging restrictions and tax increases (Tobacco Tactics 2023).

Figure 9: Research entities with links to the tobacco industry

Table 1 Research entities with links to tobacco industry

CCSA/OCSA	Imperial Tobacco and JTI-MacDonald give money to the convenience store associations; spokespersons have acknowledged funding from tobacco industry.[32]
NCACT	Received funding from the Canadian Tobacco Manufacturers Council.[31]
C.D. Howe Institute	Received funding from Imperial Tobacco between 2010 and 2014; former board member, Brian Levitt, was CEO of IMASCO Limited.[55]
Fraser Institute	Has receiving funding from various TTCs.[60 61]
GfK	Reports were commissioned by NCACT and Imperial Tobacco.
KPMG	Reports were commissioned by BAT.
MacDonald Laurier Institute	Advisory council member Purdy Crawford was the CEO and Chairperson of IMASCO, the holding company for Imperial Tobacco; reportedly received funding from tobacco industry in 2014.[62 63]

BAT, British American Tobacco; CCSA, Canadian Convenience Store Association; CEO, chief executive officer; NCACT, National Coalition Against Contraband Tobacco; OCSA, Ontario Convenience Store Association; TTC, transnational tobacco company.

Taken directly from Julia Smith et al.'s (2019:142) article titled "'Both Sides of the Argument'? A critical review of existing evidence on the illicit trade in tobacco products in Canada."

To discover how industry-linked research frames the Mohawk tobacco trade, I searched academic databases and Google using the name of each industry-linked research entity

[21] A detailed discussion of the tobacco funding received by these entities can be found at TobaccoTactics.org, a research project headed by the University of Bath in the United Kingdom.

(hereafter referred to as ILRE) in combination with the following key words: Akwesasne, St. Regis, Kahnawá:ke/Kahnawake, Mohawk/Kanien'kehá:ka, Indigenous, Aboriginal, Indian, First Nation(s), Native, and reserve. I also searched the websites associated with each ILRE for research containing the same key words. While industry-linked research typically uses anglicized names for the Mohawk community, I found it important to include the correct names of these communities to better include the voices of Indigenous community members who have spoken on the issue of the Mohawk tobacco trade.

All 24 ILRE documents discovered were included in this analysis (see Appendix C). To my knowledge, these documents represent the entirety of English-language documents published on this topic by entities funded by the corporate tobacco industry. These documents consist of research and reports conducted by ILREs, accompanying press releases, commentary by ILRE spokespersons, and newspaper articles directly sponsored by ILREs. The intended purpose of industry-linked research is to provide political support for policies that benefit the corporate tobacco industry. As such, the intended audience for these documents are individuals and agencies who may advocate for the policy changes championed by the corporate industry, including politicians, political entities (for example, Canada Border Services Agency, Canada Revenue Agency, House of Commons, etc.), and prospective voters.

Each article was analyzed inductively to generate a list of arguments and to identify the overarching frame used to forward these arguments. Inductive analysis, rooted in grounded theory, involves closely examining the data to identify recurring themes and patterns without preconceived categories (Charmaz 1996). This method allows researchers to uncover the underlying frames by which the tobacco industry constructs its narratives, revealing the strategic ways these frames are employed to shape policy discourse and influence stakeholders. I conclude by briefly discussing how framing has been employed by lobbyists to sway tobacco policy in

Canada. Data for this section came from the Office of the Commissioner of Lobbying of Canada, which provides detailed summaries of the lobbying efforts aimed at the federal government, including what is being lobbied and whom.

Findings

The Criminalization of Indigenous Tobacco Sovereignty

All 24 reports reject Indigenous sovereignty and frame the Mohawk tobacco industry as criminal. Industry-linked reports frame the trading of tobacco by Indigenous peoples (referred to in reports as "smuggling") as an abuse of Indigenous rights as recognized under Canadian law (Simpson 2008). This framing transforms the problem of contraband cigarettes from an issue of Indigenous sovereignty to an issue of the refusal of Indigenous peoples to comply with criminal law. Denying Indigenous claims to sovereignty on the issue of tobacco trading and suppressing public argument about issues of Indigenous sovereignty perpetuates the notion that the only legitimate sovereign governments at play here are those of Canada and the United States (Simpson 2008). A report from the Macdonald-Laurier Institute (cited as Leuprecht 2018) directly rebukes Indigenous peoples' inherent and treaty right to engage in traditional economies and to trade across the U.S./Canada border duty-free. The report contends that "for First Nations to stake a monopoly claim on tobacco as a cultural heritage is a weak argument … Tobacco is as much a part of the British North American and Canadian cultural heritage as of the Aboriginal one" (p.19). The same report also rejects the broad consensus held by Indigenous Elders and settler historians that tobacco has been used by Mohawks (amongst other Indigenous communities) for sacred and ceremonial purposes for centuries.

The Mohawk people have refused to consent to the colonial occupation of their territory and reject the colonial mappings imposed onto Indigenous territory. Simpson (2008:195) states

that this refusal has fuelled "settler anxiety about the 'containability' of Indian bodies and practices." This point is reflected in industry-linked reporting that calls for increased border security around Mohawk reserves. A report from the Macdonald-Laurier Institute (cited as Leuprecht 2018) proposes:

> Greater [enforcement] effort across the borders of the Cornwall-Valleyfield region, as well as the main ports (and points) of entry for loose tobacco on the New York/Vermont/Quebec border would likely put a significant dent in the supply of untaxed tobacco from these reserves. Yet, for complex legal, historical, and cultural reasons, enforcement of federal and provincial tobacco tax laws by the RCMP and provincial forces has been intermittent on Native reserves (Leuprecht 2018).

Simpson (2008:196) points out that the criminalization of the activities of Indigenous peoples serves to solidify the delicate sovereignty of the settler colonial state by way of legally extinguishing Indigenous sovereignties. By framing the treaty and sovereign rights of Indigenous peoples as criminal, the tobacco industry is suggesting that these rights should be eliminated altogether while simultaneously reaffirming the dominance of the Canadian and American colonial governments (Simpson 2008).

Smith et al.'s (2017) research on newspaper framing of illicit tobacco in Canada found that 38% of the 171 newspaper articles analyzed focus on the Indigenous tobacco industry. Only 14 (21%) of the 68 articles discussing the Indigenous tobacco trade cite or quote a member of Indigenous communities. Newspaper framing of the Mohawk tobacco trade rejects Indigenous assertions of sovereignty, including on-reserve tobacco commerce. Smith et al. (2017) note that newspaper articles rarely discuss the complex political issues surrounding the First Nations tobacco industry. Instead, these issues are framed as law-and-order concerns. This framing has real consequences for Indigenous peoples. As one Mohawk community member states, "You've got 95% of the people who are living quietly, who've got jobs and every time we cross the border, they treat us like criminals …. In the press, it's every family that is involved in [cigarette

smuggling], but that's not true" (Blackwell 2010, as cited in Smith et al. 2017). This quote demonstrates that industry-led efforts to criminalize the unauthorized participation of Indigenous peoples in the tobacco industry have buttressed the overall perception of Indigenous peoples as criminal amongst border patrol agents.

Attempts to criminalize the Mohawk tobacco trade divert attention away from the tobacco industry's own role in the illicit trade. Between 1989 and 1994, Imperial Tobacco, Rothmans, Benson & Hedges, and JTI-MacDonald legally exported their products to the United States and smuggled them back into Canada through the Akwesasne/St. Regis reservations to evade the payment of excise tobacco taxes (Schwartz 2019). In 2008, the tobacco companies involved admitted to smuggling in an out-of-court settlement with the Canadian government and agreed to pay fines totaling $1.7 billion (Schwartz 2019). Industry-linked research is part of a broader strategy by tobacco corporations to rebrand themselves as legitimate stakeholders in tobacco policy making in the aftermath of these major lawsuits.

Compared to the tobacco corporations involved in the lawsuit, the Indigenous traffickers involved faced relentless public scrutiny (Simpson 2008). The images described in these cases spectacularized and criminalized Mohawk traders to obscure the involvement of the much wealthier tobacco corporations (Simpson 2008). In the lawsuit, the Canadian government alleges that RJR-Macdonald used lobbying efforts (specifically through the Canadian Tobacco Manufacturers Council) to "throw the Government of Canada off the smuggling trail" by blaming increased smuggling on Indigenous actors (Department of Justice Canada 2008).

Industry-linked reports are unanimous in their contention that more police enforcement is necessary to combat the criminality stemming from Mohawk participation in the tobacco trade.[22]

[22] In one notable instance, the messaging outlined in these reports contributed to successful lobbying efforts by the tobacco industry. In 2014, the Conservative federal government allocated $82.9 million over five years to fund a

For example, a report from C.D. Howe Institute (2017) contends, "Provinces should fight contraband cigarettes with better policing." Similarly, a report by NCACT (cited as Grant 2019) argues that:

> Although Ontario has worked hard to combat organized crime involved in contraband tobacco, their team is still too small to deal with the mass amount of contraband tobacco coming in and out of Ontario and the teams are not dedicated to solely investigating contraband tobacco. All police officers in Ontario could enforce tobacco crimes if the province chose to utilize sections of the Criminal Code of Canada, but currently, the tobacco excise laws restrict enforcement to the RCMP, the Ministry of Finance, and the OPP (Grant 2019).

The NCACT advocates for the establishment of a larger, specialized policing unit dedicated to intercepting and prosecuting illicit tobacco production and sales.[23] Additionally, it argues that tobacco excise law violations should be framed as organized criminal activity and prosecuted as criminal offenses under the Criminal Code. This argument is often made in the same breath as assertions that Mohawk territory is the most frequently raided region by police for involvement in the illicit tobacco trade. According to one report by the Macdonald-Laurier Institute, in 2007-2008 there were 480 reported seizures on Akwesasne territory (Leuprecht 2018). The same report contends that between 2008 and 2010, the RCMP confiscated 3.2 million cartons of contraband cigarettes on Akwesasne territory, along with 1600 vehicles, numerous high-powered weapons, 70 watercrafts, and 7 properties (Leuprecht 2018).

It might appear contradictory that industry-funded reports are inflating the danger of the Mohawk illicit tobacco trade to argue for increased enforcement while simultaneously acknowledging that Mohawk territory is frequently raided for tobacco smuggling. This apparent contradiction is intentional: it is designed to lead the reader to believe that the only reasonable

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high-tech surveillance initiative targeting illicit tobacco activities on Mohawk territories. Referred to in the federal budget as the "Geospatial Intelligence and Automatic Dispatch Centre," this operation employs drones to monitor routes in Kahnawake and Tyendinaga that are suspected of being frequently used for smuggling (Mire 2014).

[23] In 2009, Quebec gave its provincial and municipal police forces authority to investigate tobacco crimes and to lay charges (NCACT 2022). Industry-linked lobbying groups have since been urging the Ontario government to follow suit.

solution to the problem of illicit tobacco is the reduction or elimination of the consumer taxes said to be responsible for the creation of the illicit tobacco market. According to NCACT spokesperson Christian Leuprecht (2014:2), "high taxation rates … incentivize the manufacture, distribution and consumption of contraband tobacco, which is priced to undercut the regulated tobacco market." Leuprecht writes in the *Toronto Star* that the government's inability to prevent the sale of contraband tobacco to non-Status Indians is "indicative of state failure or collapse. We commonly associate this phenomenon with select parts of the Balkans, Africa, the Middle East and Asia. But Canada?" (Leuprecht 2014b:1). A report from the Canadian Taxpayers Federation concludes, "the most sensible policy response would seem to be a reduction in federal and state taxes, in order to eliminate the incentives to supply illegal tobacco products" (Furtick et al. 2014).

In making these claims, tobacco corporations are drawing on tropes with deep colonial roots. The criminalization of Indigenous peoples has long been used as a tool to subjugate Indigenous peoples and to aid in the process of colonization. Indigenous peoples have been the target of a wide range of criminal penalties under the *Indian Act* and continue to be overrepresented in all aspects of the criminal justice system today (Aboriginal Justice Implementation Commission 1991; La Prairie 1990, 2002; Linn et al. 1992; Millar and Owusu-Bempah 2011; Mirchandani and Chan 2002; Monture-Angus 2002; Office of the Correctional Investigator 2018, 2020; Perreault 2009; Royal Commission on Aboriginal Peoples 1996; Sangster 1999). These processes have led to the idea that Indigenous peoples are criminal, savage, and uncontrollable (Lampron 2022; Ross 1998). The criminalization of Indigenous peoples is the natural consequence of a legal system that has historically targeted Indigenous

peoples with the intention of subjugation and colonial domination (Crosby and Monaghan 2012; Gavigan 2012; Monchalin 2016).

Industry-linked reports claim that police and border agents intentionally overlook the Mohawk tobacco trade. Police face criticism for insufficient action against the illicit trade, while the Canadian government is condemned for creating a "jurisdictional vacuum" that enables Status Indians to buy and sell tobacco at different prices than non-Status customers. According to a 2010 report from the Fraser Institute (cited as Gabler and Katz 2010), “Although seizures of contraband tobacco in Canada are at record levels, efforts to curtail the market are hampered by long-standing territorial disputes between the federal and provincial governments and some Aboriginal communities, where substantial contraband trafficking takes place.” Industry-linked reports blame the unwillingness of police to interfere in Mohawk smuggling cases on political tensions between law enforcement and Indigenous communities – most notably the Ipperwash and Oka crises in the 1990s. Indeed, an RCMP raid on Kahnawà:ke tobacco vendors in 1998 resulted in a 29-hour armed standoff, blocked highways, 17 arrests, and the seizure of nearly half a million dollars of tobacco products (Leuprecht 2018). According to industry-linked reporting, there has been little enforcement of tobacco-related offences on reserves since this incident (Leuprecht 2018).

Methodological Issues

To bolster their arguments, ILREs overestimate the scope of the “illicit” tobacco trade and the tax revenues said to be lost to the trade. Smith et al. (2019) confirm that industry-linked research uses questionable methods to overestimate the prevalence of illicit tobacco in Canada more generally. ILREs employ “butt studies” to estimate the prevalence of illicit tobacco, which involve the counting of discarded cigarette butts in a particular area (usually Ontario high

schools). All Native-brand cigarette butts that are collected are assumed to be contraband regardless of whether taxes were paid on them or if they were consumed by a Status Indian (Smith et al. 2019). Furthermore, butt studies are conducted privately by ILREs and are not subject to peer review. Ten of the 24 reports analyzed in this study directly cite butt studies when estimating the scope of the illicit tobacco trade and lost tax revenues.

A 2012 press release from the Canadian Taxpayers Federation (CTF) states that “364 to 539 million contraband allocation[24] cigarettes were sold from Ontario reserves in 2011 and between 1.6 to 2.5 billion cigarettes over the last five years” (Fildebrandt 2012:3). The report goes on to claim (or, put more accurately, assume) that based on this 2011 statistic, 100 million packs of contraband cigarettes were sold from Ontario reserves between 2002 and 2007. To arrive at this statistic, the CTF claims to have used a Freedom of Information Request to gain information through the Ontario government on the sale of tax-free allocation tobacco to First Nation reserves. The CTF uses this data to estimate the amount of allocation tobacco sold from reserves to those who are not Status Indians. They compare this data with a rough estimate of the number of Indigenous smokers in Ontario combined with an estimate of the number of grams of tobacco consumed by the average Indigenous smoker to estimate how much allocated tobacco is “legally” consumed by Status Indians. The report concludes that “if all recorded allocation tobacco sold on Ontario reserves was for personal, legal use, Status Indians who are smokers would need to consume an estimated equivalent of 32 to 70 cigarettes a day” (Fildebrandt 2012:3).

[24] Allocation cigarettes refer to cigarettes sold under Ontario’s First Nations Cigarette Allocation System. Under this system, Status First Nations individuals may buy an allotted number of cigarettes tax-exempt for personal use. The Ministry of Finance calculates the total quantity of cigarettes permitted to be sold to each reserve each year by authorized retailers. These retailers are only permitted to resell these cigarettes to other Status First Nations individuals. To determine the amount of allotment cigarettes authorized, the Ministry of Finances takes into consideration the on- and off-reserve populations of First Nations adults, their smoking patterns, and the frequency of special events on the reserve (see Province of Ontario 2022).

This study has numerous methodological issues. Firstly, it is unclear how data on the average amount of grams of tobacco consumed by an Indigenous smoker was obtained. The study cited by the report has not been made publicly available. Furthermore, newer versions of the same annual report do not collect data on Indigenous smokers. Secondly, the study assumes that any allocation tobacco above the average amount of tobacco consumed by Status Indians who smoke is automatically contraband. This does not account for youth smokers, occasional smokers, or smokers who choose not to self-report their habits. Furthermore, this data does not account for Indigenous smokers who live off-reserve or who reside within a different province and purchase tobacco products from an Ontario reserve. Lastly, an ongoing legacy of colonialism has been the systematic exclusion of Indigenous people from Indian Status identity. Government policies have historically stripped Indigenous peoples of their Status for many reasons, including women's marriage to a non-Status man, attending university, and living outside of the country for a few years. Hundreds of thousands of First Nations people do not have Status due to unilaterally imposed *Indian Act* rules (Henderson 2006). The CTF study overlooks issues related to Indigenous legal status, and, in doing so, demonstrates the dangers of simplifying a complex historical and political issue to that of a matter of law and order.

A 2019 report from the National Coalition Against Contraband Tobacco states that "millions of cigarettes a day are handed over [from First Nations land] to criminal organizations for national distribution" (Grant 2019:5). This statistic is pulled from a newspaper article written by the author himself (Gary Grant, a paid spokesperson for the NCACT and 39-year veteran of the Toronto Police Service) for the Postmedia Network in 2019, in which there is no data provided to support these claims. This statistic is not confirmed in any report published by any police service operating in Ontario or the RCMP. Despite this, the statistic is repeated in reports

and newspaper articles connected to the NCACT, including in lobbying efforts (see *Written Submission for the Pre-Budget Consultations in Advance of the 2020 Budget,* cited as NCACT 2019a; *Conservative Party of Canada Platform Recommendation,* cited as NCACT 2019b; *Submission to the Standing Senate Committee on Social Affairs, Science and Technology, Comments on Bill S-5,* cited as NCACT 2017).

A press release by the Ontario Convenience Stores Association (OCSA), cited as Convenience Industry Council of Canada (2020), contends that convenience stores saw an unprecedented spike in tobacco sales when First Nations reserves introduced pandemic measures that closed reserves to visitors. Dave Bryans, CEO of the OCSA, claimed that legal tobacco sales were on track to grow 20 to 25% while reserves were closed. This logic assumes that any increase in convenience store tobacco sales is directly diverted from the Mohawk trade. An uptick in tobacco sales in 2020 could be explained by a general increase in the use of tobacco by the general Canadian population during the pandemic (Chaiton et al. 2022; Currie 2021). Analysts also suggest that a temporary increase in tobacco sales during the early days of the pandemic stemmed from smokers stocking up on products due to fears of shortages (Kary 2020). Indeed, tobacco profits soared during the pandemic in countries across the world for reasons that have nothing to do with the Mohawk tobacco trade (Tobacconomics 2021).

Industry-linked research also uses faulty data to overestimate the amount of potential tax revenue lost to the Mohawk tobacco trade. These claims are used to incentivize the government to introduce the policy solutions suggested by the industry to further their own interests. Industry-linked research claims that over $1.1 billion in provincial and federal tax revenues are lost annually to contraband cigarettes concentrated on Mohawk reserves in Ontario and Quebec (NCACT 2015a). These claims are derived from a butt collection study performed by the

NCACT in 2008 (see The Canadian Press 2009). This study involved the collection of nearly 20,000 cigarette butts from Ontario and Quebec high schools located near reserves and found that 30% of the butts collected contraband. These findings were then extrapolated to all adult smokers in Canada and allowed the NCACT to arrive at the conclusion that 1.1 billion dollars in tax revenue are lost annually. However, these findings are deeply flawed. Like other butt studies discussed thus far, this study assumed that all Native-brand cigarettes found were contraband. Furthermore, it is important to highlight the NCACT's decision to focus on high-school smokers living near reserves. Not only are people living near reserves more likely than other Canadians to purchase Indigenous tobacco, but the prohibitive cost of legal tobacco means that high schoolers are more likely than the general population to seek out a more affordable alternative.

These examples demonstrate that tobacco-industry-linked research is not concerned with generating legitimate and verifiable data on the Indigenous tobacco trade. Rather, industry-linked research is focused on generating flimsy claims manufactured for the purpose of creating a media buzz that serves the long-term interests of the industry. The intention here is not to negate the fact that allocation tobacco is being sold to non-Status individuals. However, it is important that all research on the matter of Indigenous tobacco acknowledge the complex socio-political issues at stake here and strive to produce accurate, bias-free data.

Mohawk Tobacco Trade Linked to Gangs and Terrorism

Three of the 24 reports claim that the Mohawk tobacco trade funds gangs and terrorism. This frame appears in lobbying efforts by the National Coalition Against Contraband Tobacco. Industry-linked research contends that the routes used for the transportation of tobacco in Akwesasne/St. Regis territory are also used in human,[25] drug, and gun trafficking operations by

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[25] Industry-linked research fails to contextualize the issue of human smuggling on the Akwesasne reserve as an issue experts contend is rooted in a failure of government immigration and refugee policies. Advocates for migrants argue

gangs and terrorists (Daudelin et al. 2013; Kelton and Givel 2008). This study does not dispute that criminal groups use Mohawk territory to smuggle goods, and, in some cases, desperate migrants. The RCMP and CBSA have demonstrated the involvement of criminal gangs in smuggling on Akwesasne/St. Regis territory (RCMP 2011). However, little data exists on the scope of the issue. Claims that the Mohawk tobacco industry directly funds gangs and terrorism need to be backed with evidence or else risk pathologizing Indigenous peoples as prone to criminality or in need of protection on behalf of the colonial state.

Industry-linked reports that argue the Mohawk tobacco trade funds gangs and terrorism rely on general arguments pointing to connections between terrorism and the organized criminal activity that terrorist groups typically rely on to fund their operations, including cigarette smuggling. According to one uncited and unverifiable claim made in a 2018 NCACT press release, contraband tobacco is said to fund more than 175 criminal gangs across Canada (cited as *London Free Press* 2018). This statistic is repeated multiple times across various industry-linked reports, committee transcripts, lobbying efforts, and newspaper articles, including in a public transit advertisement shown below (see Figure 10).

Figure 10: NCACT public advertisement campaign

that the tightening of border restrictions is directly related to an increase in unauthorized border crossings (Stevenson 2023). For example, the recent renegotiation of the Safe Third Country Agreement and effective closure of Roxham Road diverted the flow of migration to unsafe areas (Côté-Boucher et al. 2023). In April 2023, Akwesasne Mohawk police discovered the bodies of eight migrants in the St. Lawrence River (Humphreys 2023). While Akwesasne residents have been involved in these smuggling operations, it is important that this issue be framed as a consequence of failed government policy.

A public transit advertisement campaign funded by the NCACT uses fearful images of gun violence to advance the notion that contraband tobacco is used to buy illegal guns, despite a lack of concrete evidence demonstrating this claim. The advertisement repeats the unverified claim made in a 2018 press release (cited as London Free Press 2018) that over 175 criminal gangs are involved in the sale of contraband tobacco in Canada.

These reports do not provide any evidence that funds obtained from the Mohawk tobacco trade have ever been used to fund terrorist activities, either nationally or abroad. In a series sponsored by the NCACT (cited as NCACT 2015b), Christian Leuprecht adopts a paternalistic stance in line with the historical treatment of Indigenous peoples in his contention that "Aboriginals are often an instrument used by organized crime." This phrase reflects a colonial mindset where Indigenous peoples are depicted as an inferior, dying race whose inability to adjust to modernity makes them susceptible to manipulation (McGregor 1993; Razack 2015; Ryan 1990). This phrasing is not accidental: it is used to convince government officials and citizens that an increase in policing and surveillance is necessary to "protect" Indigenous communities against organized crime.

The notion that the Mohawk tobacco trade produces or funds organized crime is rebuked by Mohawk Council Association Grand Chief Mike Kanentakeron Mitchell (*Turtle Island News* 2013). Mitchell points out that there is no evidence linking Mohawk tobacco "smuggling" with gang violence or terrorism. He also takes issue with the Macdonald-Laurier Institute (MLI) report by revealing that the study was completed without any contact with Akwesasne leadership until plans were underway to release it. Researchers also excluded any Mohawk media sources or publications. Mitchell argues that the systematic exclusion of Mohawk voices from the MLI study "contributes to a one-sided report that is meant to scare the federal government into taking extreme measures to fight a non-extreme political and economic issue" (*Turtle Island News* 2013:4).

The assertion of Indigenous sovereign rights has long been associated – in the settler colonial mind – with criminality, terrorism, and the need for additional police surveillance. Indeed, the interests of Indigenous peoples have been depicted as being at odds with the security of the Canadian state. State surveillance of Indigenous peoples has been an integral part of the colonization process, beginning with the North West Mounted Police and continuing today with the ongoing surveillance of Indigenous activist groups, protests, blockades, and environmental movements (Brown and Brown 1978; Crosby and Monaghan 2018; Proulx 2014). Studies using FOI requests to obtain the internal documents of Canadian policing agencies reveal that Indigenous groups who assert their sovereign rights are labelled as terrorists (Crosby and Monaghan 2016; Monaghan and Walby 2011; Proulx 2014). According to one study, "Indigenous political protestors are re-framed as insurgents on par with Islamic terrorists … standing in the way of progress" (Proulx 2014:87).

Mohawk Tobacco Trade Harms Canadian Youth

Four of the 24 industry-linked reports analyzed argue that the Mohawk tobacco trade harms Canadian youth. Industry-linked research contends that Indigenous vendors are more likely to sell tobacco illegally to youth and that these vendors sell banned tobacco products (i.e., flavoured tobacco) that are attractive to youth. Despite a lack of supporting evidence, these claims are seen in lobbying efforts across tobacco industry research entities, most notably the National Coalition Against Contraband Tobacco (2009), the Canadian Tobacco Manufacturer's Council, the Canadian Taxpayers Federation (cited as Gaudet n.d.), and Imperial Tobacco (2017). Rather than being concerned with the health of children, this research serves to deflect blame for the negative public health outcomes associated with tobacco products onto Indigenous actors.

A 2008 study by the NCACT used a cigarette butt study to estimate the number of Native-brand cigarette butts found at eight Ontario high schools located near the Glebe Farm Six Nations reserve in Brantford (cited as Bonokoski 2016, see also Canadian Convenience Stores Association 2008). The study found that anywhere between 20% to 48% of the butts discovered were Native brand.[26] Like other butt studies, this study assumed that all Native-brand cigarette butts found were automatically illicit. These cigarettes could have been purchased by a Status person or had taxes paid on them by a non-Status purchaser. The study also assumed that all the butts were consumed by youth (as opposed to by faculty, staff, parents, and passersby). Lastly, the study assumed that all Native-brand butts were purchased on-reserve by youth. Some of these butts could have been purchased on-reserve by older friends or siblings and then later resold or given to youth.

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[26] These findings contradict an independent butt collection study conducted on post-secondary campuses in Ontario, which found that 14% of cigarette butts found were known Native brands (Barkans and Lawrance 2013).

The claims espoused by industry-linked research hinge on the contention that the prevalence of illicit tobacco has increased in high schools and post-secondary campuses in recent years due to increases in tobacco taxes (Gabler 2011). These claims have been debunked by academic research demonstrating that when industry-linked data on contraband tobacco is excluded from quantitative modelling, results show that for every one dollar increase in sales price, there is a 4% reduction in cigarette consumption per capita (Gruber et al. 2003). Indeed, academic research contends that increasing consumer taxes on tobacco decreases youth smoking rates as this population is particularly sensitive to price (Birkett 2014; Guindon et al. 2017; Zhang 2006). A decision to reduce tobacco taxes in 1994 in Ontario was shown to increase youth smoking rates without significantly reducing smuggling (Breton et al. 2006; Kelton and Givel 2008). This finding disproves the notion that a reduction in tobacco tax will eliminate the illicit tobacco industry and thus prevent youth from gaining access to tobacco products.

While it is important to acknowledge and combat the negative health impacts of both legal and contraband tobacco products on youth, tobacco companies need to take responsibility for these outcomes instead of transferring the responsibility to Indigenous actors. Indeed, most cigarettes consumed in Canada are from non-Indigenous tobacco companies. Overall, there is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health. It is disingenuous of the tobacco industry to try and discredit the Mohawk tobacco trade using health-related arguments.

Industry Framing in Lobbying Efforts

Industry-linked research entities such as the Canadian Convenience Stores Association, the National Coalition Against Contraband Tobacco, and Imperial Tobacco Canada are directly involved in lobbying various government agencies, including Canada Border Services Agency,

Canada Revenue Agency, Crown-Indigenous Relations and Northern Affairs Canada, Finance Canada, Health Canada, the House of Commons, Justice Canada, and the Prime Minister's Office (Office of the Commissioner of Lobbying of Canada 2023). Other industry-linked entities analyzed in this study do not directly lobby government agencies on the topic of illicit tobacco, but publish research and reporting intended to sway public policy on the matter. All industry-linked entities analyzed in this study claim to provide nonpartisan policy advice to interested parties and to be unbiased. Yet, these reports are not peer reviewed or do not sufficiently outline their peer review process,[27] and, in most cases, do not publish their sources of funding.

The tobacco industry has an interest in portraying the "illicit" Mohawk tobacco trade as a wide-scale perversion of Indigenous rights that breeds criminality and poor health outcomes for youth. These arguments are used to lobby for the elimination of protections and limitations enacted by the government to reduce tobacco harm.[28] These protections and limitations include consumer "sin" taxes on tobacco products, restrictions on advertising such as mandatory plain (brandless) cigarette packaging, and the elimination of flavouring restrictions (i.e., menthol and fruit-flavoured tobacco).

The tobacco industry argues that higher tobacco prices cause increased contraband use, and that these regulations are responsible for creating and sustaining the First Nations tobacco

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[27] For example, the Macdonald Laurier Institute contends that it "conducts rigorous peer reviews of its research" by commissioning two experts in the field of public policy to "make recommendations about the publishability of major institute research" (MacDonald Laurier Institute 2023). However, a standard peer review process involves independent, unpaid researchers who evaluate the quality of a study by assessing its originality, significance and validity – not "publishability." The Fraser Institute runs an academic-esqe research journal titled *Studies in Risk and Regulation* that purports to be peer-reviewed. The Fraser Institute claims that its research is reviewed by a minimum of one internal and two external experts recommended by the Institute's Editorial Advisory Board (Gabler 2011). Similarly, the C.D. Howe Institute claims all its research is peer-reviewed but does not detail the process.

[28] In 1994, the tobacco industry was successful in lobbying the Canadian government to reduce federal excise taxes on tobacco products to combat a surge in tobacco smuggling (Dupuis 1998). The reduction contrasted sharply with other G7 nations at the time, which were generally moving toward increasing tobacco taxes as part of their public health strategies (Breton et al. 2006). Since 1994, taxes have increased; however, an article sponsored by the Canadian Taxpayers Federation falsely claims that "the return of high taxes has seen a return of the illegal tobacco trade" (Gaudet, n.d.).

trade. For example, in his testimony before the Public Safety and National Security Committee, Michel Gadbois, Executive Vice-President of the Canadian Convenience Stores Association, states:

> The very high price differential between the legal product and contraband tobacco remains the primary cause of increased contraband. It is important to remember that 75 per cent of the cost of a carton sold is taxes—nothing but taxes (Gadbois 2008).

He goes on to say that "Aboriginal nations" are "the most significant source of the problem [with contraband tobacco] that we are currently experiencing" (Gadbois 2008). These statements are contrary to the findings offered by academics with no links to the tobacco industry who demonstrate that raising tobacco taxes does not bolster the contraband market (Schwartz and Zhang 2016).

Academic research demonstrates that high tobacco taxes decrease the prevalence of smoking and increase tax revenue, *even with the availability of contraband tobacco* (Chaloupka, Straif, and Leon 2011; Guindon et al. 2017; Schwartz and Zhang 2016). Hamilton et al. (1997) find that lowering consumer tobacco tax slows the decline of tobacco use by "inducing more non-smokers to take up smoking and leading fewer smokers to quit" (Hamilton et al. 1997:187; see also World Health Organization 2010). A panel hosted by the International Agency for Research in Cancer concluded that claims made by the tobacco industry are unfounded and that there is insufficient evidence to prove that lowered consumer tobacco taxes will result in a decrease in contraband tobacco use (see also DeCicca et al. 2010; Emery et al. 2002; Farrelly et al. 2003; Joossens and Raw 1998).

Industry-linked reports often argue for the reduction of excise taxes by claiming that lower taxes would encourage more people to purchase legal cigarettes, thereby increasing tax revenue for society. These reports frame the public interest as tied to combating contraband

tobacco, emphasizing the alleged loss of tax revenue. For example, a press release from the Canadian Taxpayers Federation (2012) claims:

> Last year between 53% and 79% of all reported sales of tax-exempt allocation tobacco on Ontario aboriginal reserves was made illegally to people who are not Status Indians. This has created an estimated tax hole of between $219 million and $331 million over the last five years, averaging $43 to $66 million per year" (Canadian Taxpayers Federation 2012).

This argument extends to health care costs. A Macdonald-Laurier Institute report (Leuprecht 2018) asserts "those who smoke contraband end up not paying their fair share of health care costs, despite the fact that their higher risk for chronic illnesses and cancer is likely to cost the health care system more than the average Canadian." This case exemplifies a troubling trend in tobacco industry-funded research, which seeks to deflect responsibility for the health care costs associated with their products onto the Mohawk tobacco industry, thereby avoiding accountability for the harm they perpetuate.

The tobacco companies behind the reports analyzed in this study actively lobby against public health measures designed to reduce tobacco use, such as implementing plain (brandless) packaging. Tobacco industry lobbyists contend that government-mandated brandless packaging is easier to counterfeit and enables illicit tobacco to go undetected by authorities. Interestingly, no evidence is provided that branded packaging is more difficult to counterfeit. In a submission to the Standing Senate Committee on Social Affairs, Science and Technology in 2017, the NCACT argues, "there is every reason to believe that the introduction of plain and standardized packaging will increase an already bustling illegal market" (NCACT 2017). In 2018, Conservative MP (and former Conservative cabinet minister) Diane Finley told a parliamentary committee that contraband tobacco sales financed "the blowing up of the Twin Towers" in her

arguments against the *Tobacco and Vaping Products Act* (2018), which would implement plain packaging for cigarettes (Smith 2018).[29]

Plain packaging mandates were introduced by *The Framework Convention on Tobacco Control* to reduce the promotional impact of tobacco branding. In contrast to the arguments held by tobacco lobbyists, academic research on plain packaging shows strong evidence to support the use of plain packaging to reduce the appeal of tobacco products (Freeman, Chapman, and Rimmer 2008). These studies demonstrate that plain packaging has three benefits: to reduce the overall appeal and attractiveness of tobacco products, to highlight health warnings, and to eliminate design techniques that mislead consumers about the harm of tobacco products (for example, the use of the term "organic," nature-inspired imagery, etc.).

The tobacco industry employs flawed logic to argue against restrictions on flavoured tobacco products, such as menthol and fruit-flavoured varieties. During a Parliamentary debate on *Bill 45: Making Healthier Choices Act* (2015), Gary Grant, a spokesperson for the National Coalition Against Contraband Tobacco (NCACT), opposed the bill, which sought to ban the use of flavouring in tobacco products (cited as Grant 2015). Grant claims:

> When a tobacco product is banned, demand for an illegal substitute spikes. Last year, a report on the RCMP's Federal Tobacco Control Strategy noted that illicit manufacturers are producing flavoured little cigars to meet the growing demand on the black market, particularly following the federal ban on these products (Grant 2015).

However, this assertion is not substantiated, as no such claim exists in any publicly available RCMP publication. Despite industry resistance, the legislation was implemented in 2017,

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[29] Finley later retracted the claim but maintained that contraband tobacco was "part of" the funding for the 1993 World Trade Center bombing (Smith 2018). While the industry-linked research organizations examined in this study have not directly connected contraband tobacco to a specific terrorist attack, the NCACT told the *National Post*: "There's no doubt that contraband tobacco is used by international criminal groups, including terrorists, to finance their activities" (Smith 2018). Finley's statement likely refers to a 2003 report by the Cato Institute—a U.S. think tank partially funded by Philip Morris—which falsely asserted that counterfeit cigarette tax stamps were found in the apartment of the 1993 bombing perpetrators.

banning flavoured tobacco products as part of broader efforts to reduce youth smoking and contraband tobacco sales.

Conclusion

The Akwesasne community's distinct location, along with the historical and political context of tobacco sales by Status Indians, pose a threat to the profits of the mainstream tobacco industry. In response, the industry has commissioned numerous reports aimed at delegitimizing Indigenous tobacco sovereignty and advocating for increased police enforcement. These reports use flawed data to portray the trade as criminal, link the trade to gangs and terrorism, and claim it harms children's health. The industry inflates these harms to lobby for policies protecting its profits, arguing that eliminating the Mohawk tobacco trade requires removing government protections like sin taxes, advertising restrictions, and flavour bans, which they claim sustain the trade.

There is no evidence that these lobbying efforts have changed public policy. Federal and provincial governments continue to uphold tobacco harm reduction initiatives. Tobacco tax rates last increased in Ontario in 2018 and in Quebec in 2023 (Canadian Cancer Society 2023). The federal government recently required the addition of health warnings on individual cigarettes alongside plain packaging (Haworth 2023). The sale of flavoured and menthol tobacco products remains banned. These measures have contributed to a decline in cigarette sales, with Ontario projecting $840 million in cigarette tax revenue in 2023, down from $1.1 billion in 2020-2021 (Westoll 2023). This decline is also attributed to the rise in cheaper vaping products, which are not subject to federal excise taxes. There is also no evidence to suggest that industry lobbying has resulted in increased colonial law enforcement on Mohawk territories. While it is possible that no direct harms have yet come from industry lobbying efforts, it is important to

acknowledge these efforts as part of a larger strategy of Indigenous subjugation and dispossession. A systematic analysis of lobbying efforts by the tobacco industry is recommended for future research.

This study does not refute the fact that tobacco (both licit and illicit) has negative consequences for the health and well-being of all Canadians, especially Indigenous communities who are shown to use tobacco at higher rates than the rest of the Canadian population (Orisatoki 2013). However, this study does refute tobacco industry framing of the Mohawk tobacco trade. As this study has demonstrated, the framing of Mohawk tobacco by industry actors as a problem of Indigenous sovereignty with negative health and safety impacts that exceed that of legal tobacco is problematic. This framing, along with the contention that more police enforcement is needed on Indigenous lands, works to obscure the responsibility of the tobacco industry in selling and promoting harmful tobacco products.

By exploring how the Mohawk tobacco trade is framed by the tobacco industry, this study contributes to an overall understanding of how settler colonialism operates in the contemporary era. Compared to previous eras when racism was more explicitly expressed, Bonilla-Silva (2003) characterizes contemporary racism as a set of subtle strategies that avoid the mention of race altogether. A critical strategy for maintaining white supremacy in our contemporary era is that of framing. The framing of the Mohawk tobacco trade by the mainstream Canadian tobacco industry is just one case in point. As this study demonstrates, the industry relies heavily upon the historically embedded trope of the “criminal Indian” to advance invalid arguments about the scope and impacts of the Mohawk tobacco trade.

To summarize the broader theoretical lessons from this chapter: it is important to take seriously not only the ways that the state works to criminalize Indigenous peoples, but also the

ways that companies and industries seek to meet the same goals. Much has been written about the criminalization of Indigenous peoples by the Canadian state, but less has been written about how capitalist industry has used the policies and stereotypes perpetuated by the state to advance its own interests. While this study has focused exclusively on the tobacco industry, it is likely that other industries at odds with Indigenous sovereignty also create content refuting Indigenous sovereignty and advocating for the criminalization of Indigenous communities. Industries that rely on the dispossession of Indigenous land, including land development, mining, and the oil industry, are all examples of industries at direct odds with Indigenous sovereignty. It is important to keep in mind that colonialism is inextricably linked with capitalism. Thus, the ideological strategies used to support one social structure can be presumed to support the other.

CONCLUSION

This dissertation has critically examined the role of Canadian drug laws in suppressing Indigenous sovereignty by highlighting the structural and enduring impacts of settler colonialism. By focusing on cannabis, liquor, and tobacco regulations, the research has demonstrated how these laws operate as mechanisms of control, eroding Indigenous self-determination and legitimizing the theft of Indigenous land and resources. Grounded in Settler Colonial Theory, Critical Race Theory, and Indigenous Criminology, this study reveals the multifaceted ways in which criminal legislation continues to marginalize Indigenous communities, advancing colonial objectives under the guise of drug prohibition. As my research has shown, these laws are not isolated measures but part of a broader colonial strategy to assert state authority while undermining Indigenous rights and economic opportunities.

Overarching Themes

Regulation of Indigenous Sovereignty through Criminal Legislation

Much existing research on drug laws and the criminalization of Indigenous peoples lacks an anti-colonial perspective. Without this focus, studies often overlook how drug prohibition and broader criminal legislation have historically and contemporarily served to regulate Indigenous communities. This research often attributes the overrepresentation of Indigenous peoples in the criminal justice system to the lingering effects of colonialism or historical trauma, such as increased vulnerability to substance use and heightened police surveillance. However, this dissertation demonstrates that the criminalization of Indigenous peoples extends beyond these factors. The criminalization of Indigenous peoples is a process deeply rooted in Canadian history and fundamental to the reproduction of colonialism (Simpson 2011; Harris and Leinberger 2002; Alfred 2009a). It is an *ongoing* process designed to extinguish Indigenous sovereignty and to legitimize the continued dispossession of lands and resources.

Chapter One illustrates the ongoing nature of colonialism by demonstrating a historical continuity of colonial control from Canada's initial cannabis criminalization law to its recent regulations on production and sale. Newspaper evidence reveals that Mohawk territories were raided by colonial police for growing cannabis as early as 1938 and continued to be overrepresented for cannabis drug raids until 2017 when most Mohawk communities developed their own cannabis regulatory frameworks. Limited data obtained by FOI requests demonstrates that Indigenous peoples were over-represented in arrests for cannabis possession prior to legalization (Owusu-Bempah and Luscombe 2021; Browne 2017). While the licensed sale of cannabis and the simple possession of cannabis (for those aged 19+) has become legal under the *Cannabis Act* (2018), there are criminal penalties for possession over the legal limit (up to 5 years in prison), unauthorized distribution of sale (up to 14 years in prison), producing beyond personal cultivation limits (up to 14 years in prison), giving or selling to youth (up to 14 years in prison) and the cross-border transport of cannabis (up to 14 years in prison). While it is unknown whether Indigenous peoples in Canada continue to be targeted by cannabis laws under *The Cannabis Act* (2018), a U.S.-based study by Owusu-Bempah and Luscombe (2020) shows that the rate of arrest for racialized groups increased following the legalization of cannabis in Colorado, Alaska, and Washington.

While modern drug laws do not explicitly target Indigenous peoples like past provisions criminalizing Indigenous people’s alcohol use did, they perpetuate colonial narratives that portray whiteness as superior and Indigeneity as criminal and undeserving. These narratives shape both our perception of reality and our sense of identity (Mills 1997:15). For example, Chapter Two examines the role of liquor provisions in shaping racial identities. Analyzing the operation of these laws reveals that white settlers and colonial authorities recognized that racial

identity was socially constructed rather than rooted in biology. In court proceedings to determine whether someone was "Indian" and therefore guilty of consuming liquor, "Indianness" was assessed based on criteria such as wearing moccasins, living an "Indian way of life," having good work references, marrying a white woman, or voting (*R. v. Mellon* [1990] Territories Law Reports, vol. V, 301-2.; see also *R. v. Hughes* (1906), B.C. reports, vol. XII, 290., as cited in Valverde 2003). Conversely, Indigenous individuals fluent in English and dressed like settlers were often deemed "white enough" in court, leading to the dismissal of charges against settlers who sold liquor to them. These cases highlight the socially and politically constructed nature of "Indian" and "white" races.

Similarly, liquor provisions that prohibited settlers from giving liquor to Indigenous people played a role in defining "whiteness" and the privileges associated with it. These laws constructed whiteness by charging settlers under the *Indian Act* for providing liquor to Indigenous people. Settlers whose drinking became problematic were placed on the "Indian List" and prohibited from drinking, akin to the restrictions placed on Indigenous people at the time. Whiteness was rescinded from settlers who failed to meet standards of white respectability, such as avoiding drunkenness, participating in the capitalist labour market, and fulfilling traditional gender roles by properly caring for their families. These liquor provisions illustrate that racial identities are socially constructed and fluid, shaped by a complex web of colonial, gender, and class relations. These provisions reveal that racial boundaries, once considered biological and fixed, are negotiable when they do not align with socially acceptable and state-sanctioned identities of the "good white settler" and the "criminal Indian." This intentional redefinition of boundaries serves to protect the perceived superiority of whiteness and reinforce the perceived inferiority of Indigeneity, which is essential for maintaining colonial power dynamics (Denis

2020). Colonial constructions of Indigenous peoples as violent alcoholics, produced in part by liquor laws, continue to justify government intervention into Indigenous families (De Leeuw et al. 2010) and have led to the criminalization of Indigenous pregnant women who use substances (Monture-Angus 1998). While all liquor provisions in the *Indian Act* were repealed in 1985, the ongoing nature of colonialism means these ideological constructions persist, reinforcing white supremacy.

Chapter Three emphasizes that colonialism is not a static historical event but an ongoing process. Similar to the chapter exploring cannabis policy, Chapter Three challenges the portrayal of Indigenous tobacco and cannabis sovereignty as "criminal." Indigenous peoples have the right to cultivate what they choose on their land and to engage in the economies they deem appropriate. For the Mohawk communities of Akwesasne and St. Regis, this right includes trading across the U.S./Canada border duty-free under the *Jay Treaty* (1794) (Simpson 2014). The mainstream tobacco industry relies upon historical tropes of Indigenous peoples as criminal to advocate for the elimination of government tariffs and public health policies shown to reduce tobacco use and limit industry profits. By advocating for increased police intervention in the Mohawk tobacco trade, the mainstream tobacco industry exploits centuries of governmental criminalization of Indigenous peoples for profit. Indeed, ceremonial tobacco use and ceremonial practices were illegal under the *Indian Act* (1885).[30] When the mainstream tobacco industry calls for the criminalization of Mohawk tobacco sovereignty, it reinforces the historical criminalization of Indigenous sovereignty. This action implies that only tobacco authorized by the colonial government is legitimate, perpetuating the notion that the colonial government is the

[30] Henderson et al. (2022:2) contends that commercial tobacco use was legal for Indians and was "introduced into ceremonial practices as a harmful and unsustainable replacement to sacred tobacco." This has resulted in a disproportionate amount of Indigenous tobacco users that has been compared to a "modern form of colonization" (Henderson et al. 2022:2).

sole sovereign authority. This chapter demonstrates that colonialism persists, often in unexpected ways that challenge a simplistic top-down view of colonial power as solely state-driven. The logics of colonialism continue to function within capitalism, showing that colonialism and capitalism remain deeply intertwined.

Colonialism and Capitalist Accumulation

Dene scholar Glen Coulthard extends Marx's theory of primitive accumulation to highlight the connection between capitalism and colonialism.[31] Colonialism set the stage for capitalism by forcing open previously collectively held territories and creating a class of labourers "by tearing Indigenous societies, peasants, and other small-scale, self-sufficient agricultural producers from the source of their livelihood—the land" (Coulthard 2014:11). Coulthard extends Marx's work by conceptualizing the violent dispossession of land under primitive accumulation as an ongoing process foundational for the reproduction of capitalism. Shifting focus from capital to colonial relations allows us to "account for the multifarious ways in which capitalism, patriarchy, white supremacy, and the totalizing character of state power interact with one another to form the constellation of power relations that sustain colonial patterns of behaviour, structures, and relationships" (Coulthard 2014:14). Capitalism and colonialism interlock and cannot be understood separate from one another. The relationship between the two is complex and mutually reinforcing: settler colonialism emerged chiefly through land dispossession, and, over time, the maintenance of land-based control. Economic power is an important component of political power: "without the authority to control the leasing, permitting, and licensing on their lands, Indigenous peoples face increasing land

[31] Other Indigenous scholars who focus on the intersection between colonialism and capitalism have included Métis theorist Howard Adams (1975), Sto:lo activist Lee Maracle (1975), and Mohawk academic Audra Simpson (2008; 2014).

alienation and loss of meaningful possibility for self-determination and independence" (Pasternak 2020:303). The Canadian settler-colonial state's paternalistic economic control over Indigenous peoples is exacerbated by systemic neglect in housing, healthcare, education, and clean water, which Palmater (2017) highlights as rooted in colonial governance and the mechanisms of corporate colonialism, directly causing preventable deaths.

A particularly useful colonial strategy discussed in this dissertation highlights the intertwined nature of colonialism and capitalism: the stereotypical notion that Indigenous peoples are incompetent, lazy, and unable to cultivate their land (Rotz 2017). This perspective has been used to justify the theft of Indigenous lands and the paternalistic control over Indigenous affairs. Both cannabis and tobacco legislation undermine the sovereignty of Indigenous communities by dictating what they can grow on their land and which economies they can engage in. Similar to the farming policies analyzed by Carter (1990), these regulations are designed in a way that sets Indigenous communities up for failure by prohibiting the sale of goods to settlers. Such policies foster a forced dependence of Indigenous communities on the state, thereby legitimizing ongoing colonial control over them.

Colonial logics have been essential for the emergence of capitalism but also for its contemporary reproduction. Pasternak (2020) argues that the economic rights of Indigenous peoples are an obstacle to the reproduction of capitalism. The theft of Indigenous lands and resources is important for restoring the decline of profitability that has been occurring since the late 1970s in Canada. This explains more recent efforts to criminalize Indigenous activist groups that impede on the efforts of extractive resource industries like oil, mining, and fishing by fighting for land sovereignty and environmental justice (Crosby and Monaghan 2018). These efforts are not unlike efforts by the tobacco industry to call for the criminalization of the

Mohawk tobacco industry. The economic and political rights of Indigenous peoples are at direct odds with the profits of land-based industries under capitalism, so it follows that colonial logics be deployed in service of protecting these profits. The ascendence of neoliberal policies and ideologies since the 1980s has only intensified the contemporary manifestation of historical colonial practices designed to force Indigenous peoples to either assimilate and become self-sufficient or to face removal through confinement on reserves, incarceration, or death (Di Castri 2023).

Framing, Identity, and Logics of Dispossession

This dissertation demonstrates how drug prohibition—and criminal law more broadly—supports colonialism by serving as a mechanism to construct frames and identities that uphold the system. These frames help to rationalize racial hierarchies and justify the existing racial status quo (Bonilla-Silva 2003:65). The establishment of dominant and subordinate racial identities is essential for justifying settler colonialism in Canada (Denis 2020). For instance, Chapter One examined the disproportionate number of police raids on cannabis grow-ops in Mohawk territory, which has perpetuated stereotypes associating Mohawk people with illegal cannabis production. Chapter Two explored how liquor laws have shaped white settler identities as superior and rightful stewards of the land, while simultaneously depicting Indigenous identity as inferior, immature, and bound for extinction. Chapter Three examined how the tobacco industry's portrayal of Indigenous sovereignty as criminal activity serves to justify colonial dominance over these communities. Although the laws and discourses surrounding cannabis, liquor, and tobacco vary, they all support the maintenance of the dominant racial structures essential to settler colonialism.

In the post civil-rights era, racism is often expressed subtly and systemically through social structures and institutions that seek to rationalize ongoing racial oppression (Bobo, Kluegel and Smith 1997). The oppressive frames and identities analyzed in this dissertation are one example of how social structures and institutions (the criminal justice system, the state, capitalist corporations) produce racial ideologies (frames and identities) in support of existing racial hierarchies. While the *Indian Act* historically targeted Indigenous peoples with specific criminal offences, such as liquor provisions that prohibited alcohol possession, contemporary drug legislation continues to disproportionately affect Indigenous communities without overtly singling them out. For instance, Chapter One showed that before its legalization in 2018, cannabis possession laws disproportionately targeted Indigenous peoples (Owusu-Bempah and Luscombe 2021). Even after legalization, racialized groups continue to face disproportionate targeting for other cannabis-related offences that remain criminalized (Owusu-Bempah and Luscombe 2020). In Chapter Two, individual settlers were also shown to be implicated in the reproduction of colonial power dynamics by using criminal law to negotiate racial identities to determine who deserves access to the group privileges of white settlers. Lastly, Chapter Three demonstrated how colonial relations are reproduced by private industry. The deeply intertwined nature of colonialism and capitalism means that capitalist corporations benefit from the existing colonial structures and are invested in defending the privileges they derive from these structures. In each chapter and in each of these cases, colonial relations are reproduced covertly through different social structures and institutions.

Policy Implications

Given the focus of this dissertation on the colonial roots of drug prohibition in Canada, it follows that simple policy changes are insufficient to address the deep-seated social and

historical forces disproportionately affecting racialized populations. Meaningful social justice for Indigenous peoples would entail decolonization, recognizing Nation-to-Nation relationships, and returning unceded territories. Implementing policies to mitigate the racial impacts of drug laws should be seen as a temporary fix to more extensive systemic issues. However, even slight improvements in addressing the racialized impacts of drug laws can improve the lives of countless people. Small steps, though incremental, pave the way toward the goal of abolishing drug criminalization and rectifying some of the racial injustices linked to it.

Academics and activists have long argued for an end to drug prohibition (Canadian Drug Policy Coalition 2013; Davis 1998; Le Dain Commission 1972). Even in cases where most aspects of the use and sale of a particular drug are legalized (as is the case with cannabis, liquor, and tobacco), aspects that remain criminalized may disproportionately affect Indigenous communities. For example, police-reported crime data from 2018 shows that for those living in an area where over half of residents identify as First Nations, Métis, or Inuit, or that lived on reserve, residents are six times more likely to be arrested for driving under the influence of alcohol (Statistics Canada 2018). Drunkenness is used as an excuse to explain the disproportionate number of deaths of Indigenous people in police custody as well as to justify police inaction in investigating cases of missing and murdered Indigenous women (Flores and Román Alfaro 2023; Razack 2015). While it has yet to be seen if Indigenous peoples continue to be disproportionately charged under the *Cannabis Act* (2018), we know that Black people in Colorado continue to be arrested at a rate four times higher than their white counterparts even after four years of legalization (Owusu-Bempah and Rehmatullah 2023). As for tobacco laws, it remains illegal for Mohawk people to engage in cross-border tobacco trade without paying excise taxes. A landmark ruling in 2023 defended Mohawk tobacco sovereignty by stating that

the government violated treaty rights when arresting two Kahnawá:ke men for cross-border tobacco smuggling (The Canadian Press 2023). This finding is currently being appealed by the Quebec government (Deer 2024).

I suggest we advance the call to end drug prohibition by also addressing the criminalization of Indigenous sovereignty under these laws. As demonstrated in this dissertation, drug prohibition has disproportionately affected Indigenous communities.[32] In addition to being overrepresented in arrests for crimes such as simple cannabis possession (Owusu-Bempah and Luscombe 2021), Indigenous peoples also have their sovereignty repressed and actions regulated. For example, cannabis and tobacco legislation has governed what crops Indigenous communities can grow and what economies they can participate in. Historically, liquor provisions have been used to control the movements of Indigenous peoples, pushing them towards confinement either on reserves or through incarceration (Mawani 2000). Current discussions on drug decriminalization frequently miss the colonial roots of drug prohibition and overlook the distinct impacts on Indigenous communities. Given that drug policy in Canada is deeply entwined with the regulation of racialized populations, any effective remedy to the consequences of drug prohibition must confront how these laws have been used to subordinate Indigenous peoples and deny their rights to sovereignty and self-determination.

In addition to fully decriminalizing drugs, acknowledging the colonial roots and implications of drug policy and respecting Indigenous sovereignty, there needs to be implementation of clear steps to achieve justice for those most affected by drug criminalization.

[32] It is important to note that this dissertation critiques the imposition of colonial laws on sovereign Indigenous communities, including drug prohibition. Indigenous communities are diverse and have varying opinions on drug prohibition, and a multitude of perspectives can exist within the same community. Despite these differences, there is a common agreement among Indigenous peoples that decisions about drug prohibition should be made by their sovereign governments, not by colonial authorities. For example, some Indigenous communities have chosen to be "dry" reserves, meaning they have opted to prohibit the use and distribution of alcohol and/or drugs within their jurisdiction.

In *Waiting to Inhale: Cannabis Legalization and the Fight for Racial Justice* (2023), Owusu-Bempah and Rehmatullah outline three necessary steps for achieving racial justice within the framework of cannabis legalization: expungement of criminal records, financial restitution for communities most affected by criminalization, and the implementation of affirmative action policies to ensure inclusion of those systematically excluded from the legal cannabis industry. These recommendations can be broadened and applied to additional areas of drug legislation.

A racial justice-focused remedial strategy must acknowledge that the systematic repression of Indigenous peoples under colonialism has resulted in high levels of drug use in many Indigenous communities (Lavalley et al. 2018). The implementation of harm reduction strategies, such as needle exchanges and safe consumption sites, prison diversion programs, access to quality healthcare services, safe access to drugs and supplies, as well as access to rehabilitative spaces and cessation drugs, is essential for keeping people who use substances safer (Bates et al. 2017). An Indigenized approach to harm reduction goes beyond a mainstream settler harm reduction approach by also seeking to undo the harms of colonialism responsible for placing Indigenous people at a higher risk of harmful substance use, including alienation from community culture and spirituality (First Nations Health Authority 2024). A genuinely anti-colonial path forward must not only prioritize Indigenous self-determination but also honour the enduring resilience of these communities, which have thrived despite centuries of systemic efforts to extinguish their cultures and rights.

Limitations and Directions for Future Research

The biggest limitation for these three studies is the difficulty accessing useful data. An overall lack of systematically collected police data (detailing arrests and stops) and federal government data (charging and incarceration) persists. In 2020, the murder of George Floyd by a

Minneapolis police officer drew widespread attention and inspired many racial justice initiatives, including a commitment by the federal government to seriously investigate systemic racism in Canada. That year the federal government announced initiatives to improve data collection on race to address racial disparities in policing and incarceration (Government of Canada 2020a) and announced an investment in a new Anti-Racism Action Program (Government of Canada 2020b). Statistics Canada promised to begin collecting more detailed data on race and ethnicity across different sectors (i.e., criminal justice, health, education, access to social supports, etc.) (Statistics Canada 2020). In Ontario, the *Police Services Act* was amended in 2020 to mandate the collection and reporting of race-based data on police interactions (traffic stops, carding, etc.). These efforts coincided with 2020 being the first year that police departments were mandated to collect and release race-based data under the *Anti-Racism Act* (2017).[33] This marked the release of race-based data from police departments, including those in Toronto, Ottawa, Peel, Durham, and York, on use-of-force incidents and traffic stops. While fruitful in revealing racial disparities in use-of-force incidents and traffic stops, these efforts have not resulted in any information on the racial impact of drug prohibition in Canada. No data has been released by police departments on the racial composition of those stopped or arrested for drug offences.

Academics, journalists, and activists with the time and financial backing to do so are urged to continue to submit Freedom of Information (FOI) requests to police departments and to the federal government for the release of race-based data. Because it is not public what race-based data is being collected by governments and police departments, aside from police use-of-force incidents and traffic stops, FOI requests are presently the only way to figure out what is

[33] The *Anti-Racism Act* (2017) does not specify exact categories of data police departments must collect, so there is presently no public evidence to suggest that police departments are collecting data on other types of police interactions.

being collected and to obtain race-based data on it. FOI studies present a fragmented picture of systemic racism in the Canadian criminal justice system, but they are better than nothing. Several studies and investigative reports have used FOI requests to gather race-based police data, especially from Toronto Police Services. These efforts revealed that Black people in Toronto are disproportionately stopped, subject to force, arrested, charged, injured, and killed by police (Browne 2017; Gillis 2019; Ontario Human Rights Commission 2018, 2020, 2024; Owusu-Bempah and Luscombe 2021; Rankin et al. 2013; Wortley and Owusu-Bempah 2011).

FOI requests are presently the only way to extract data on the racial disparities embedded within certain criminal offences, and more research using FOI requests is necessary to get a full picture of systemic racism in the criminal justice system. Given that existing studies mainly focus on the disproportionate policing of Black individuals, I recommend that future research specifically examine the impact of the criminal justice system on Indigenous peoples. FOI requests could provide valuable data on whether Indigenous peoples are being disproportionately targeted under the *Cannabis Act* (2018), for alcohol-related offences like public intoxication, tobacco smuggling, and other drug- and non-drug-related offences. Additionally, FOI requests could be used to gather race-based data on arrest records and policing practices in predominantly Indigenous areas, where Indigenous peoples make up the majority of those incarcerated.

Future research is essential to expose the ongoing racial impacts of the criminal justice system on Indigenous peoples in Canada. This study validates the perspectives of Indigenous activists and scholars who argue that Canadian criminal law historically aimed to regulate Indigenous peoples (Alfred 2005; Simpson 2017; Monture-Angus 2014). It shows that drug laws concerning cannabis, liquor, and tobacco are all deeply connected to colonial practices. New research is required to determine the extent to which the contemporary application of these laws

continues these practices. A lack of race-based data in the criminal justice system perpetuates the harmful belief that colonialism is merely a historical event that happened "in the past," and that Indigenous peoples struggle today due to their inability to adapt to modernity. Based on this dissertation research, there is strong reason to suspect that data on racial disparities in drug laws would demonstrate that colonialism is not just a past event but an ongoing process, revealing the persistent effects of colonial policies on Indigenous communities. Such data would likely highlight the continued targeting and regulation of Indigenous peoples through the criminal justice system.

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Appendix A: Cannabis-Related Raids on Mohawk Territories

Date of raid	Mohawk territory	Number of arrests	Number of police involved	Policing agency	Details	Link
1938-09-24	Kahnawá:ke	Unknown	Unknown	Department of Indian Affairs, RCMP	"Some 3,500 pounds of marijuana plants are being picked and burned every day under police supervision at Caughnawaga…"	Link
1988-10-14	Akwesasne	7	250	RCMP and US police	"Police said they seized more than $20,000 in illegal cigarettes, as well as restricted weapons and significant quantities of marijuana and cocaine"	Link
1990-05-07	Akwesasne (St. Regis, NY, USA)	21	100	OPP	"About 100 officers led by Ontario Provincial Police seized cocaine and marijuana from homes at Cornwall Island on the St. Regis Indian Reservation and in nearby Cornwall, Ontario, police spokesman Peter West said."	Link
	Kanesatake Resistance (1990-07-11)					
1995-07-28	Kanesatake	Unknown	50	SQ (Quebec)	— In their second raid in less than a week, the SQ yanked 3,500 marijuana plants from fields in and around Mohawk territory, completing an operation that began on July 28 when both the police and the Mohawks themselves collected and burned dozens of truckloads of pot. The cannabis fields are deep inside and around Mohawk land [and are considered to be a well-known "secret"]. The band council had to be aware of pot growth. There were media reports of fields growing in that area as early as March 1994	Link
1995-07-30	Kanesatake	Unknown	Unknown	SQ	— More than 50 SQ officers swept into Kanesatake unopposed yesterday, destroying seven marijuana fields — a day after Mohawk leaders insisted they had burned all the cannabis. The SQ drug squad moved into Kanesatake after Public Security Minister Serge Menard reached an agreement with Mohawk leaders that the raid would be carried out peacefully and that police would have the full cooperation of the community…We didn't want to relive the events of 1990. (Link) — About 5000 plants found a day after leaders claimed cannabis destroyed (link)	Link

2004-01-12	Kanesatake (population 1350)	16	67	SQ	On January 12th of 2004, Kanehsata:ke's Grand Chief James Gabriel incited a confrontation when he brought in 67 police officers from other Native communities to take over the Kanehsata:ke Mohawk Police (KMP) force and "crack down on crime". Community residents called it an invasion and responded with force. Earlier in the week, the news had gotten out that Gabriel had secretly signed a policing deal with the Canadian government in November of 2003, and community residents swarmed the Band Council office to reject the deal and the incoming police force. When James Gabriel's new cops arrived on January 12th, road blockades were immediately set up to prevent nearby Quebec Provincial Police (Surete Quebec – SQ) from also invading.	Link
2004-06-17	Akwesasne (population 12000)	12	70	RCMP and CBSA	Police laid charges against people on and off the reservation, which straddles the border. The leader of the ring allegedly brought in $4 million worth of drugs from Canada into the U.S. every year.	Link
2008-03-26	Kahnawake, Kanesatake and Akwesasne (total population of 21,350)	29	400	RCMP (“Operation Cancun”)	Police allege that a drug ring was producing and exporting marijuana on the reserves, to be distributed mostly to the U.S. Charges laid after the raid include, conspiracy, drug trafficking, weapon charges and gangsterism	Link
2008-08-28	Akwesasne	20	Unknown	OPP and RCMP (“Operation Scarecrow”)	Officers from the Ottawa police, OPP and RCMP simultaneously executed 20 search warrants Tuesday, dismantling what they described as an Asian organized crime network that allegedly moved hundred of kilograms of marijuana to upstate New York through the Akwesasne Mohawk Territory near Cornwall…RCMP Insp. Tim Mackin said police believe the group targeted the Akwesasne territory for its smuggling operation because of it’s “unique geography” and “multi jurisdictional situation”…Police said seven marijuana grow operations were dismantled in Ottawa over the course of the investigation, which resulted in the seizure of approximately 3000 marijuana plants.	Link

2009-05-19	Kanesatake	4	400	RCMP and SQ ("Project Cerro")	A total of 13 drug raids were carried out in the Kanesatake First Nation, seizing roughly 1200 plants…the SQ has been responsible for policing at Kanesatake since the police force there fell apart in 2004.	Link
2009-06-03	Kahnawake (Mohawks of Kahnawa:ke)	46	600	RCMP ("Project Machine")	Variety of charges stemming from the trafficking of various drugs	Link
2011-06-14	Kanesatake	55	500	RCMP ("Project Connectivity")	Police believe Kanesatake, near Montreal, is being used as an staging area to move marijuana and other illicit drugs into the U.S.A past investigation, which generated numerous arrests in May 2009, focused on people who were growing pot on farms in Kanesatake	Link
2014-10-08	Tyendinaga (population 4297)	7	Unknown	OPP Organized Crime Enforcement Bureau/DEU	Drug bust occurred at a private residence. Charges include possession and trafficking.	Link
2016-02-30	Kahnawake and Six Nations	60	Unknown	SQ (Quebec), RCMP, OPP ("Project Mygale")	"Project Mygale is the largest ever made to date in America on tobacco smuggling, but also on cross-border crime between Canada and the United States," said Capt. Frederick Gaudreau of the Surete du Quebec. Between August 2014 and March 2016, police seized 52,800 kg of tobacco, more than $ 1.5 million in cash from" illicit transactions in Canada," 836 kg of cocaine, 21 kg of meth, 100 g of fentanyl and 35 pounds of cannabis.	Link
2016-08-02	Wahta	3	Unknown	OPP	Medicinal Marijuana Dispensary Legacy 420	Link
2017-11-16	Six Nations	Unknown	Unknown	Six Nations Police	Mohawk Medicine Herbal Store	Link
2018-01-19	Six Nations	4	Unknown	Six Nations Police	$20,000 cash sized. Two dispensaries raided: Green Health for 6, other dispensary unnamed	Link
2019-02-04	Akwesasne	Unknown	Unknown	Akwesasne Mohawk Police	Police searched AK420 Dispensary and Wild Flower Cannabis Dispensary – seizing cannabis bud, shatter, cannabis accessories and cash.	Link

2019-02-22	Akwesasne	Unknown	Unknown	Akwesasne Mohawk Police	Wild Flower dispensary was raided for the second time, with both raids occurring within 24 hours. A protest at police quarters occurred afterwards. The dispensaries were operating without a licence from the Mohawk Council of Akwesasne (which is not recognized by traditionalists as a legitimate form of government as it was forced on them by a colonial government), opening with one issued by the Indian Way Longhouse, which does not recognize the Mohawk council's authority…(Store has since been raided 5 times)	Link
2019-08-13	Six Nations	2	Unknown	Six Nations Police	Georgia Peach dispensary. Raid occurred one week after the Provincial Joint Forces Cannabis Enforcement Team raided all four of Georgia Peach's dispensaries in Hamilton.	Link
2020-12-03	Akwesasne	2	Unknown	Akwesasne Mohawk Police	Two men face drug-related charges after members of the Akwesasne Mohawk Police Service stopped their vehicle late on Dec. 3 and a subsequent search revealed 96 kilograms of cannabis products estimated to be worth $600,000	Link
2021-02-17	Akwesasne (and St. Regis, USA)	7	Unknown	RCMP and CBSA ("Project Hammerhead")	The Canada Border Services Agency says it's taken down a cross border smuggling operation with the arrests of seven people.	Link
2021-03-07	Akwesasne	2	25	Akwesasne Mohawk Police and multiple other agencies ("Project Prelude")	Akwesasne police, aided by other police agencies, have seized over 200 kilograms of packaged marijuana.	Link
2021-05-28	Six Nations	2	Unknown	Six Nations Police	Police executed a Federal Cannabis Act warrant. Both men were charges under the Cannabis Act for: Distribution of illicit cannabis, possession for the purposes of distribution, possession for the purposes of selling.	Link

Appendix B: Newspaper Data on Liquor Infractions, Ontario, 1880-1920

Date	Newspaper	Quotes from the article and/or researcher notes	
9 April 1880	Brantford Daily Expositor	"Fifty dollars or three months was the penalty inflicted on John Todd last week for giving an Indian liquor"	Link
20 May 1880	The Hamilton Spectator	"Archibald McKinnon failed to pay the $25 which he was fined by the Police Magistrate for giving liquors to Indians, and has been committed to jail for one month in consequence"	Link
15 March 1881	Ottawa Daily Citizen	Pro-prohibition article: "In the great North-West, why did the people decide that there should be no intoxicating liquors, not even light wines of beer? My honorable friend says it is on account of the Indians; 20,000 odd people who went into that country were willing to deny themselves this indulgence to preserve the Indians from destruction; but in this country, where misery is brought to the domestic hearth, we refuse to remove the tempting glass from their sight and allow them to sink into drunken graves."	Link
26 July 1881	The Kingston Whig-Standard	"Michael Johnson, an Indian chief, and Mary Johnson, a squaw…were found last evening on the street much intoxicated. They were brought before the Court this morning and after a reprimand discharged, the Magistrate thinking it a hardship to send them to gaol at this season of the year. The police should ferret out, if possible, the persons who sell the Indians the liquor.	Link
17 March 1882	The Brantford Weekly Expositor	Pro-prohibition church article: "Emigrants who touch our shores are met at once by the universal glass. The Indian "savage," as we call him, is being exterminated by the fire-water of the White Christian!...For proof, look at the drunken Indians on your streets every Saturday; at the cases of crime committed by Indians, under the inspiration of whiskey, to be investigated at every session of your courts."	Link
9 September 1882	The Brantford Daily Expositor	Trial for man accused of giving liquor to an Indian	Link
23 November 1882	The Hamilton Spectator	"Mrs. Ketteridge has been fined $50 and costs for selling liquor to Indians"	Link
6 January 1883	The Brantford Daily Expositor	Convictions and dismissals for the year 1882. Giving liquor to Indians: 3 charges, 1 dismissal.	Link
21 January 1884	The Brantford Daily Expositor	Mr. J.B. Mackenzie fined $20 plus costs for giving liquor to Indians.	Link
7 March 1884	The Brantford Daily Expositor	Brantford gaol inspection (20 August, 1884). There were 12 prisoners, one under a sentence of 60 days for selling liquor to Indians"	Link
02 April 1885	The Hamilton Spectator	"J.A. Riley has been jailed under sentence for selling liquor to Indians" (in Brantford)	Link
8 December 1885	The Weekly British Whig (Kingston)	"Charles Black, a farmer of Prince Edward, was fined on Tuesday $50 and costs for selling intoxicating liquor to Indians"	Link
24 December 1885	The Hamilton Spectator	"Henry Finn, an Indian, got drunk and bruised himself all up. He was fined $2 and costs." "W. Sherry and G. Mount Pleasant, were fined $25 or jail for one month for selling liquor on the Indian reserve"	Link
24 June 1886	The Hamilton Spectator	"W.D. Cantillon, of the Robinson house, is before the court for selling liquor to Indians"	Link
20 August 1886	The Brantford Weekly Expositor	- One case of selling liquor to Indians against the bar tender at the Central Hotel.	Link
5 October 1886	The Ottawa Journal	"...Nations and tribes not addicted, in former days, to the consumption of liquor, either because the stuff was not accessible, or because climatic or other conditions did not foster the use of it, are invariably degraded when the sale of liquor is either permitted or encouraged amongst them. The deterioration of the Indian races of America cannot be wholly accounted for without considering that the traders who wickedly brought fire-water to the camp-fires supplied a destructive poison to the aborigines which has ever since been the bane of the race"	Link
15 October 1886	The Brantford Weekly Expositor	"Out again – Henry Gardiner, late bartender at the Central, who was recently fined $50 and costs for selling liquor to Indians, and who was arrested a day or two ago and locked up because of his inability to pay the fine, was released Saturday. The firemen and hotel men contributed."	Link

22 March 1887	Brantford Daily Expositor	"…Mr. Mackenzie…fined $50 and costs for selling liquor to Indians"	Link
23 May 1887	Brantford Daily Expositor	"Robert Atkins was charged with being drunk and disorderly, and with supplying liquor to Indian women on the Market on Saturday" (one of which was his wife)	Link
25 July 1887	Brantford Daily Expositor	- Unflattering description of white settler, "Boney," in trial for giving liquor to an Indian (see also link)	Link
12 October 1887	Brantford Daily Expositor	- Brantford county jail statistics for the total number of prisoners in custody for the year ending Sept. 30, 1887. (4 liquor to Indians) - 9 liquor cases in court this week	Link
15 November 1887	Brantford Daily Expositor	"Wm. Sherry, an Indian, charged with selling liquor to a brother Indian, was sentenced to four months at hard labor by Magistrate Grace today. This was his second offence.	Link
22 November 1887	The Brantford Weekly Expositor	Bradshaw charged with selling liquor to Indians.	Link
17 February 1888	The Brantford Weekly Expositor	"Police Magistrate Grace…committed Dixon Green for violation of the Indian Act in selling liquor to Indians, to jail for four months"	Link
27 April 1888	The Ottawa Journal	- Suggests that the "disreputable white men" who sell Indians liquor are themselves alcoholics. - "The penalty for supplying liquor to Indians is a fine of from $50 to $300 or imprisonment of a month to six months, or both"	Link
20 November 1888	Brantford Daily Expositor	- "P.M. Grace has an Indian liquor case before him tomorrow"	Link
29 November 1888	Brantford Daily Expositor	"Charles Cleaver, charged by Chief Vaughan with supplying liquor to Indians, is the young man who works for the man Boyle, of Whiskey Hollow, and who acts as bartender when the latter is away…"	Link
21 December 1881	Brantford Daily Expositor	Description of company in Alaska "immorally" providing liquor to Indians.	Link
28 August 1889	Brantford Daily Expositor	"Hotelkeeper Fearman of Onondaga, was before P.M. Grace today charged with giving liquor to an Indian"	Link
21 September 1889	Brantford Daily Expositor	"Miss Jane Davison, of the White brick, was up last week on a charge of selling liquor to Indians. The charge was proved, and a fine of $50 was imposed."	Link
17 October 1889	The Weekly British Whig (Kingston)	"George Howard, a youth of fourteen years, for furnishing Indians with liquor, was put in the lock-up for two or three days and then dismissed with a warning that if caught again he would be sent to the reformatory"	Link
28 December 1889	The Brantford Daily Expositor	"Joe John, an Indian, was sent up yesterday, for one month by P.M. Grace, for selling liquor to Indians. As this was his first offence, the sentence was light"	Link
25 February 1890	The Brantford Daily Expositor	"Mr. Wm. Cantillon has been summoned to appear in the morning for selling liquor to Indians" "The evidence went to show that two Indians…both received rye whiskey…" (26 February 1890, Link) "The Magistrate thought the evidence against him yesterday convincing and fined him $50 and costs" (27 February 1890, Link)	Link
7 May 1890	The Brantford Daily Expositor	"Augustus Johnston, the Indian charged with selling liquor to Indians, was up before James Grace, J.P., yesterday afternoon"	Link
18 July 1890	The Brantford Expositor	"A report of the convictions for the past nine months in the Brant country gaol, beginning on October 1st and ending on June 30…there were 271 commitments,…selling and giving liquor to Indians, 10"	Link
9 January 1891	The Weekly British Whig	"James McIntyre, of Madawaska, was fined $50 and costs…for selling liquor to Indians"	Link
7 July 1891	Ottawa Daily Citizen	Charges against E. Robitaille dropped because "when the liquor was sold to the Indians they were living as white men"	Link
12 May 1894	The Kingston Daily News	Indian Department issues warning that the law relating to the giving or sale of liquors to Indians will now be rigidly enforced, especially in this district.	Link
10 August 1894	Ottawa Daily Citizen	Indian murders man in Vancouver. Claims to have been drunk when he committed the crime.	Link
16 August 1894	The Weekly British Whig (Kingston)	"Eleazar Maracle, of the Indian reserve, was convicted for selling intoxicating liquor to Indians from his grocery on the reserve"	Link
13 October 1894	Ottawa Daily Citizen	"A Brantford hotel keeper has been fined $75 and costs for selling liquor to Indians"	Link
20 December 1894	The Weekly British Whig (Kingston)	Inspector charged two people for selling liquor to Indians, but charges could not be proved.	Link

21 September 1895	Ottawa Daily Citizen	"The anti-prohibitionists said that the laws prohibiting liquor in the country were made for a time when there were ten Indians to every white man, but now that state of affairs was reversed. Why, they said, should the white population be saddled with a law that was meant for Indians, who were not in a minority"	Link
10 October 1895	Ottawa Daily Citizen	"At Port Arthur John De Bakanong, a young mission Indian, was found dead this morning on the railroad track, having been run over by a train during the night. It was supposed he was under the influence of liquor"	Link
18 November 1895	Ottawa Daily Citizen	Bartender charged with selling liquor to an Indian.	Link
3 December 1895	The Evening Star (Toronto)	Conviction for selling liquor to Indian disposed of because summons was not provided	Link
8 February 1896	The Kingston Daily News	"Sold Fire Water to Indians: An Owen Sound Hotelkeeper Heavily Fined on Two Charges"	Link
01 May 1896	The Expositor (Brantford)	"An Indian named Joseph Powles was fined $1 and costs for being drunk"	Link
10 October 1896	The Ottawa Journal	"Now that Lord Aberdeen has become an Indian by adoption, he can ride half-fare on the railways, but as an off set to this, the Governor-General cannot buy drinks unless the barkeeper is prepared to dare the penalties of the law against selling liquor to Indians"	Link
9 November 1896	The Kingston Daily News	"Brantford, Nov 8. – George Maloney was fined $50 at the Police Court for taking liquor to the Indian reserve, and was also charged with giving liquor to Indians" He skipped court.	Link
1 March 1897	The Expositor (Brantford)	"Eph. McCoy, a drunk, was fined $3 or thirty days" "Abe Spencer, an Indian, was drunk on Saturday. He got his liquor 'from a white man across the bridge,' and was fined $3.	Link
10 March 1897	The Expositor (Brantford)	Annual report of the police department as prepared by Chief Vaughan. There were 790 charges tried in the police court in 1876. Selling liquor to Indians was 2.	Link
30 July 1897	The Ottawa Journal	Man charged with selling liquor to Indians was fined $50 by Indian Agent	Link
25 November 1897	The Advance (Kemptville)	Man fined $100 for selling liquor to Indians.	Link
5 August 1898	The Kingston Whig-Standard	Man charged $50 or jail for 2 months for supplying an Indian with liquor.	Link
18 November 1898	The Toronto Star	Indian falls from balcony of Queens Hotel. "We are further of the opinion that the law prohibiting the selling of liquor to Indians is practically a dead letter"	Link
19 November 1898	The Hamilton Spectator	Indian dies after falling from balcony, coroner laments the lack of enforcement preventing the sale of liquor to Indians	Link
16 February 1899	The Twice A Week Standard (St. Catharines)	"John Simpson…has been fined $400 for selling liquor to Indians"	Link
1 May 1899	The Ottawa Journal	- Article about how Indians turn violent when drunk: "Fire in Liquid Form: Thirst Quenchers that the Red Man is Fond of"	Link
10 May 1899	The Windsor Star	Man found guilty of supplying liquor to Indians, sentenced to one month in jail without the option of a fine.	Link
23 June 1899	The Kingston Whig-Standard	- Article discusses death of one Indian and the injury of an Indian policeman in Vancouver, B.C., "One Redskin Stabs Another – A Powder Explosion". - In another article, "The B.C. Indian Murder Stated that Liquor Caused Him to Commit the Crime" (Link)	Link
10 August 1899	The Merrickville Star	- One of many adventure stories glorifying RCMP activity in the North-West for their work in prosecuting liquor offences (which reached its height in the 1880s)	Link
21 April 1900	The Ottawa Citizen	"The charge of selling liquor to Indians, which was laid against Julius Jolette in Hull, was dismissed…"	Link
11 May 1900	The Toronto Star	"Red Man Lost His Case: But He Will Appeal Once More Against His Sentence for Selling Liquor"	Link
29 June 1900	The Brantford Expositor	- "A Hamilton Man Fined" for supplying liquor to Indians on the CPR track in Regina. Sentenced to three months' hard labour and a fine of $50. - In Toronto, Murdock was convicted of selling liquor on the Brantford Indian reserve and was sentenced to six months' imprisonment.	Link

4 July 1900	The Hamilton Spectator	Jas Flynn convicted of supplying bottles of liquor to Indians and sentenced him to three months' hard labour, a fine of $50 and in default another three months.	Link
17 August 1900	Aurora Banner	"David Soules and Frank Vansickle, alias Frank Radnor, who were arrested last week on Georgine Island for supplying liquor to Indians, were fined $10 and costs"	Link
20 October 1900	The Hamilton Spectator	"Prosecution Unable to Prove That the Defendant Sold Liquor to Peter Hills, an Indian"	Link
28 September 1901	The Hamilton Spectator	"Fear Starvation: The Indians at Cape Nome Are In Bad Shape" - Article describes how one Indian community are trading all their resources to the point of starvation to white whiskey peddlers Also reported by Toronto Star (Link)	Link
18 November 1901	The Windsor Star	"Fines to the extent of $225 have been imposed upon liquor dealers in the northeast part of Simcoe County for illegal selling of liquor to Indians" Also reported by Toronto Star (Link)	Link
27 November 1901	The Toronto Star	"The Tables Turned: On the Squaw Who Made Threats When She Couldn't Borrow Money"	Link
17 January 1902	The Toronto Star	"Evils Among the Indians – Liquor Sold in Form of Essences and Painkiller: Desertion of Wife or Husband and Child Marriage Are Also Prevalent"	Link
8 March 1902	The Toronto Star	"Sold Liquor to Indians: Dutton, Ont., March 8. – The village council has offered a reward for the apprehension of the party or parties who habitually supply liquor to Indians that frequently visit Dutton"	Link
8 March 1902	The Toronto Star	"Sold Liquor to Redskins. New Westminister, March 8. – George Williams was found guilty at Mission City of selling liquor to the Indians. He was fined $100 on each of two charges and given six months' imprisonment in addition"	Link
23 April 1902	The Windsor Star	"Prosecute Alleged Perjurers – A special dispatch from Selkirk announces the arrest of a man who is alleged to have been guilty, not only of supplying Indians with liquor but also inducing treaty Indians to vote against the Liquor Act. No fewer than twelve informations had been sworn out" "West Selkirk, Man., April 24. – F. Goodman was heavily fined yesterday for selling liquor to Indians on the day of the Liquor Act referendum." (Link)	Link
6 May 1902	The Kingston Whig-Standard	"At West Selkirk, a man named Goodman who sold liquor to Indians on April 2, was fined $100 and costs, or six months in jail"	Link
19 February 1903	The Brantford Weekly Expositor	"Indian Charged With Selling Liquor At A Pagan Feast"	Link
26 February 1903	The Brantford Weekly Expositor	"Indian Punished for Selling Liquor…imposed a fine on the accused of $25 and costs, or 10 days in jail. Having no money, Joshua Miller decided to go to jail"	Link
29 September 1903	The Windsor Star	"Chewed His Arm: Dave Hotwell, Windsor Sailor, Attacked by Drunken Indian"	Link
06 November 1903	The Windsor Star	Local hotelkeepers charged with serving liquor to Indians "Essex County Indians: Magistrate Bartlet's Decision Hard on Many Local Men – As is well known, many of the older families of this district are descendants from the Indians who once lived along the frontier. Some of the most prominent men of this city have Indian blood in their veins. A decision handed down by Police Magistrate Bartlet in the police court yesterday afternoon debarred these men from drinking intoxicating liquors in hotels. This remarkable fact came to light yesterday in the trial of three Sandwich Eat hotelkeepers who have been before the court a number of times recently charged with selling liquor to Indians. J.W. Hanna, who defended the hotel men, attempted to show that the men were not full-blooded Indians, but rather half-breeds of distant Indian extraction. The magistrate argued that that fact did not have a bearing on the defendants' case. He maintained that every man who has Indian blood in his veins is liable under the fact. The hotel men were fined $50 and costs each, amounting to about $59 in each case." (Link)	Link
11 November 1903	The Kingston Whig-Standard	"'Those Indians will never get a cent of my money,' said one of the four Essex hotelkeepers who were fined fifty dollars for selling liquor to Indians. 'I'll go to jail for a month first.' The law touching the sale of liquor to Indians entitled the Indian informants to half the fine inflicted on the hotel men…"	Link

19 November 1903	The Toronto Star	"Will Serve Terms: Hotelmen Will Not Allow Indians To Get Fines. Windsor, Nov. 19. – Louis Ferrari, Joseph Menard, Emilie Lappan and Joseph Nantais, hotelmen of Sandwich East, were fined by Magistrate Bartlet for selling liquor to three Indians, and refused to pay because the Indians who caused the trouble are entitled to share in the fines. The hotelmen have agreed to serve time rather than pay the fine"	Link
9 December 1903	The Kingston Whig-Standard	- "Some Probations Receive Membership Certificates – The Prohibition at Least Prevents Loafing Around Bars. It is known that some persons whose names are inscribed on that roll commonly known as "the Indian list" get liquor quite readily…the hotel employees are to be commended for their successful endeavors in keeping the "Indians" at bay…it is not easy to keep in mind a list of perhaps seventy-five or eighty persons, who, by law, are prohibited from receiving liquor…"	Link
12 February 1904	The Kingston Whig-Standard	"Novel Defence of Three Lachine Saloon Keepers…they claim that the Indians, so-called, are not in reality Indians any longer, but that they are Canadian within the meaning of the law and as such are entitled to the privileges of other people" "Is an Indian always an Indian? Can a man be an Indian one day and a white man the next? Does dress make him either one or the other, just as he chooses? Has a name anything to do with it?" (Link) Also reported by Toronto Star (Link)	Link
5 March 1904	The Windsor Star	A.F. Janisse jailed for non-payment of a fine for selling liquor to Indians	Link
22 March 1904	The Brantford Daily Expositor	George Cooley charged with selling liquor to Indian	Link
14 April 1904	The Brantford Daily Expositor	Indian liquor case results in $50 fine, no name mentioned	Link
27 June 1904	The Toronto Star	"Protect Indians from Liquor"	Link
14 February 1905	The Brantford Daily Expositor	"Superintendent Cameron of the local Indian department will investigate the charge against John Johnson of Caledonia of selling liquor to Indians"	Link
22 March 1905	The Ottawa Journal	"The crimes report shows…there were…61 [convictions] for supplying liquor to Indians"	Link
30 May 1905	The Toronto Star	"Defence Caused Conviction: And Now Appeals in Vain Against the Fine Imposed"	Link
22 June 1905	The Windsor Star	"Supplies Liquor to Indians. Orillia, June 22"	Link
12 July 1905	The Hamilton Spectator	"Indian Woman Choked to Death On Reservation" (by drunk Indian)	Link
5 October 1905	The Toronto Star	"Disgraceful Pow Wow: The Supplying of Liquor to Indians Will Be Investigated by Licence Authorities"	Link
6 October 1905	The Ottawa Citizen	"A clergyman writing from Wheatley, Ont. To a morning paper states that on Wednesday, Sept. 27, he witnessed an Indian pow-wow in the woods near Renwick, when 200 Indians were gathered from the southern portions of Ontario. He did not see one man or woman who was not drunk and immorality was openly practiced…"	Link
11 October 1905	St. Catharines Standard	"A case of supplying liquor to Indians was to have been heard at the police court this morning…"	Link
21 October 1905	The Hamilton Spectator	"Leamington, Ont. Oct. 25 – …alleged drunken carousal held by a band of Indians at Renwick, a small village on the border line between Essex and Kent counties…plenty of whisky was in evidence. White people were frightened away from the vicinity…"	Link
21 October 1905	The Windsor Star	"Sold Liquor to Indians. St. Catharines, Oct. 21 – Jas. Flack was fined yesterday in the Police Court the sum of $50 for supplying liquor to the Indians employed in the Queenston brand of the Canadian Consolidated Canners' plant in this city"	Link
24 November 1905	The Brantford Expositor	"Gave Friends Liquor: Indian is Charged with Breach of Act and Case Comes Up: Powless Maracle, an Indian, had to face a charge of supplying whiskey to his red brethren." Maracle later "disappeared" after a warrant was issued (Link)	Link
14 December 1905	The Brantford Weekly Expositor	"David Henderson of the Parkdale hotel, William Campbell of Cainsville and Seth Claus of the reserve were each charged before Squires Howell and Leitch this morning with selling liquor to Indians."	Link
10 January 1906	The Brantford Daily Expositor	"New developments are now pending in the Indian shooting tragedy of last month in which John Hill, crazed by drink, shot and killed another Indian,	Link

		Alexander Green, at Fairfield Plains. The authorities are on the trail of the person who supplied liquor to the Indians…"	
18 January 1906	The Brantford Weekly Expositor	Article describing recent events in Brant county that demonstrate Indians become violent when intoxicated. "The sale of intoxicating liquor to Indians in Brant county should be stopped at once" Similar piece published 10 days earlier on 8 January 1906 (Link)	Link
18 January 1906	Brantford Weekly Expositor	"The Brantford Expositor calls loudly for the enforcement of the law against selling liquor to Indians. A short time ago one Indian was hanged for a murder that was directly traceable to whiskey. Another Indian is now in jail awaiting trial for killing a man in a drunken brawl. The law expressly forbids the sale of liquor to Indians, yet, according to The Expositor, the law is flagrantly violated in Brant county."	Link
25 January 1906	The Brantford Weekly Expositor	Article describing how Indians become violent when intoxicated	Link
30 March 1906	The Ottawa Citizen	"A bill was introduced by Mr. Monk to amend the Indian Act. He explained that on the Caughnawaga reservation there are a number of men who are classed as Indians under the law but who cannot be distinguished from white men. These men sometimes purchase intoxicants and it is considered unfair that the present penalties for selling liquor to Indians should be enforced in such cases"	Link
24 May 1906	The Brantford Weekly Expositor	Article describing how bad settlers sell liquor to Indians	Link
13 June 1906	The Ottawa Journal	"Mrs. Pierre Lariviere, of Maniwaki, was placed in Hull jail yesterday by Constable Nauld, having been sentenced to three months in prison for selling liquor to Indians at Maniwaki. She has a baby thirteen months old and brought it to Hull with her"	Link
27 February 1907	The Hamilton Spectator	"Fire destroys an Indian tepee at Middlechurch, Man…the three victims are Indians from the Brokenhead reserve, and were cremated as they lay stupefied from the effects of liquor in a miserable tepee constructed of bark, saplings and mud…As it is a criminal offsense to supply an Indian with liquor an effort will be made to locate those who supplied the victims with whiskey, which was the cause of the triple fatality…"	Link
21 May 1907	The Toronto Star	"For giving liquor to Indians, Alex Shapcott and V. Balmer were fined $50 and $100 and costs respectively at Portage la Prairie"	Link
31 May 1907	Aurora Banner	"Alex Shapscott and V. Balmer were fined $50 and $100 and costs respectively at Portage la Prairie for giving liquor to Indians"	Link
6 April 1907	The Ottawa Citizen	"Sold to Indian: First Liquor Case in History of Ottawa. For the first time in the history of the Ottawa police court a man for up for selling liquor to an Indian."	Link
24 April 1907	The Ottawa Journal	"Brantford, Ont. April 24 – High County Counstable Kerr raided a gathering on the Indian reserve and found liquor flowing freely. Esekiah Burnham, an Indian, will be charged with having liquor on the reserve contrary to the Indian Act"	Link
19 July 1907	The Ottawa Citizen	"A Calgary man was fined $50 and costs for selling liquor to Indians" Interesting how since the offender lives out of town, he is not named. Underscores how the newspaper is being used as a tool of public shaming in local communities.	Link
14 August 1907	The Kingston Whig-Standard	"Indian Secured Liquor: A Case Which Will Be Enquired Into"	Link
19 August 1907	The Ottawa Citizen	"Liquor-Crazed Indians: Toronto, Aug. 17 – The provincial licence department is going to make a thorough investigation into the reports that on August 13 a part of about two dozen Indians obtained liquor in the riding of East Peterboro, and then boarded the steamer Esturion, terrifying all the passengers" - W.H. Darcy, hotelkeeper, Burleigh Falls, was later fined $50 (Link)	Link
21 August 1907	The Toronto Star	"Will Prosecute Them" - Hotelkeeper will be prosecuted near Peterboro for selling liquor to Indians.	Link
4 September 1907	The Hamilton Spectator	"Liquor Was Indian's Undoing" - Indian is said to have drowned after drinking and boating	Link
5 September 1907	The Brantford Weekly Expositor	Three Brantfordites accused of breaking the Indian Liquor Act	Link

19 September 1907	The Kingston Whig-Standard	"Fined for Asking: Wanted Liquor Though on the 'Indian List'"	Link
21 September 1906	Owen Sound Sun	"Licence Inspector M.C. Beckett charged Arch. McCorkindale on Tuesday with selling liquor to Indians"	Link
24 September 1907	The Ottawa Citizen	"Hop Lee, a leader in the Chinese colony at Agassiz, B.C., has been brought down to serve six months in gaol in default of paying a fine of $100 on conviction of supplying liquor to Indians"	Link
3 October 1907	The Brantford Weekly Expositor	Frank E. Martin fined $85.50 for infractions of the Indian liquor Act.	Link
21 October 1907	The Brantford Daily Expositor	"Liquor Case: Charges Laid Against Woodbine for Alleged Sale to Indians: Information was this morning laid at the police court against Proprietor Charles Benwell of the Woodbine Hotel for selling liquor to Indians on Saturday last"	Link
23 October 1907	The Ottawa Citizen	"The situation in regard to sales of liquors to the Cree and Ojibway Indians, and to the Eskimos, [Rev. G. Holmes, Bishop of Moosonee] said, had grown steadily worse in the past two or three years. The white men engaged in the work not only make big profits on the sale of the liquor, but got money out of the Indians in other ways when the latter were intoxicated"	Link
29 October 1907	The Toronto Star	"Indian Squealed on Man Who Gave Liquor: Reason Was That White Man Kept Last Money Given Him – Fined Ten Dollars and Costs"	Link
31 October 1907	The Brantford Weekly Expositor	"The management of the Woodbine hotel were fined $50 and costs for selling liquor to Indians"	Link
5 November 1907	The Toronto Star	"Sold Liquor to an Indian…London, Nov. 5. – Tim Sullivan of this city was given give months in Central Prison this morning by Magistrate Love on the charge of selling liquor to an Indian."	Link
3 December 1907	The Toronto Star	"Defendant Appeals…Spittal was fined $50 for selling liquor to an Indian at Brandford last August"	Link
28 December 1907	The Brantford Daily Expositor	"Constables make big raid on Indian reserve and seize liquor"	Link
31 December 1907	The Brantford Daily Expositor	"Illegal Liquor Selling. Informtion has been laid before Mr. Nelson Howell, JP.P against Levi Jamieson, Isaac Dixon, Frank Davis and John Hill, all residents of the Reserve, for supplying liquor to an Indian named Eli Hill"	Link
14 January 1908	The Ottawa Citizen	Two Indians found guilty of supplying themselves with liquor	Link
19 February 1908	The Ottawa Journal	- Newspaper advertisement for the RCMP - "Whether Dealing with Bloodthirsty Indians or Disorderly and Desperate Whites They Seldom Fail to Preserve Order and Punish the Guilty" - "One of the primary troubles which the force had to contend with was the sale of liquor to Indians by white men and half breeds, which kept the Indians in a chronic state of deviltry and was the cause of many murders and other violations of the law"	Link
18 March 1908	The Hamilton Spectator	"H. Merracle, an Indian, who appeared before Police Magistrate Livingstone this morning, was assessed $3 for being drunk. 'While a white man has the right to get drunk if he wishes to, the same privilege is not given to an Indian,' said the magistrate as he imposed the fine"	Link
28 March 1908	The Brantford Daily Expositor	"A charge of selling liquor to Indians has been laid against the proprietor of the Parkdale Hotel…"	Link
3 April 1908	The Kingston Whig-Standard	"At Brantford, W.H. Loft, an Indian, accused of handling liquor illegally, said he had not had a drink in a month. Mayor Bowlby said his nose did not indicate it. Then came pandemonium as Loft tried to smash Bowlby's nose. Loft got a fine of $25 and costs"	Link
11 April 1908	The Kingston Whig-Standard	"Sold Liquor to 'Indian'. St. Catharines, Ont. April 11. – William Reid, bartender at the St. Catharines House, was fined $10 for selling liquor to a man named Robert Davis, whose name is on the 'Indian list'" Also reported by Toronto Star (Link)	Link
16 April 1908	The Weekly British Whig (Kingston)	"St. Thomas, Ont., April 14 – Wilbur G. Slaughter, found guilty on a charge of keeping a disorderly house, was sentenced to one year in Central prison, and found guilty on the charge of supplying liquor to Indians and sentence deferred. In suspending sentence, however, on the second charge, Magistrate Glenn informed Slaughter that when he was freed from Central prison at the end of the year, if he returned to St. Thomas, he would be re-arrested and sentenced to six months and probably fined $300, which is the maximum penalty for supplying liquor to Indians"	Link

24 April 1908	The Ottawa Citizen	"A hotelkeeper at Shannonville, near Belleville, was fined $100 for selling liquor to Indians on the complaint of the Indian agent" (Link)	Link
4 May 1908	The Toronto Star	"Another novel point in a liquor appeal: Dominion and provincial acts said to clash in sale of booze to Indians"	Link
7 May 1908	Times (Owen Sound)	Two Indians found drunk, investigation for settler who gave them liquor ensues	Link
21 May 1908	The Brantford Weekly Expositor	"It has been reported from the reserve that a charge has been laid against Constable Garlow for unlawfully supplying liquor to Indians"	Link
18 June 1908	The Brantford Weekly Expositor	"Isaac Buckingham charged with letting an Indian girl have some liquor, got remand"	Link
19 June 1908	The Ottawa Citizen	Man unlawfully sold liquor to an Indian	Link
20 June 1908	The Kingston Whig-Standard	Man pays heavy fine for giving liquor to man on "Indian list" (not actually Indian). "This is the first case of the kind that has been brought before the court, and the magistrate explained that the penalty had been made very severe in such cases so as the members who had been placed on the 'Indian list' could be safeguarded"	Link
26 June 1908	The Brantford Daily Expositor	"She is an Indian: Important Decision in Liquor-Selling Case by Ottawa Magistrate. The magistrate, in a police court case against a local hotel man for selling liquor to an Indian, ruled that an Indian, in the eyes of the law, was any one of Indian blood, either partially or wholly, or who had accepted the Government treaty or reserve regulations"	Link
6 July 1908	The Toronto Star	"Indian Woman Secured Liquor"	Link
26 September 1908	The Kingston Whig-Standard	"'Indians' In Trouble: Secured Liquor on Order From a Physician"	Link
6 October 1908	The Brantford Daily Expositor	"…the authorities have laid information against Proprietor Scott of Langford for illegally supplying liquor to Indians"	Link
15 October 1908	The Brantford Weekly Expositor	"Jas. VanDusen is the complainant in a case against Martin Dennis of Oakland for supplying Wesley Peters, an Indian, with liquor…" "George Gromms pleaded guilty to supplying Peter Hentry, an Indian, with liquor. The magistrate promptly imposed a fine of $50 on the defendant or one month in jail" (Link)	Link
21 October 1908	The Windsor Star	"A detective employed by the government to secure convictions against certain parties suspected of selling liquor to Indians was yesterday found guilty himself of carrying liquor on an Ondien Indian reserve and fined $150" (Link)	Link
22 October 1908	The Brantford Daily Expositor	"Interest money was handed out to the Six Nations Indians on Monday, Tuesday and Wednesday of this week. The police will be especially watchful for the illegal sale of liquor to Indians in the immediate future." - Second warning sent out by same newspaper on 29 October 1908 (Link)	Link
10 November 1908	The Kingston-Whig Standard	B.C. Magistrate rules that lemon extract and Worchestershire sauce count as liquor in the case of selling liquor to Indians	Link
18 November 1908	The Brantford Daily Expositor	Provincial detective in London sentences for supplying Indians with liquor (although was later remitted by order of the Governor General)	Link
1 December 1908	The Kingston-Whig Standard	"Magistrate Currie heard two 'Indian list' cases, in police court, yesterday afternoon. William Phalen, employed at French's livery, was fined for having liquor in his possession"	Link
25 February 1909	The Brantford Weekly Expositor	Alleged breach of the Indian Liquor Act in Hagersville	Link
5 March 1909	The Kingston Whig-Standard	"A Place of Debauchery. Sault Ste. Marie, Ont. March 5. – Wholesale violations of the liquor laws are alleged by Canadian and Michigan officials, who have investigated conditions at Sugar Island, on the Michigan side. The investigation resulted in the arrest of two men charged with selling liquor to Indians"	Link
6 April 1909	The Windsor Star	"Honor and Wealth Forsook This Man: Walter Herod, Once Prosperous, is Now Confined in Chatham Jail. Once an honored and respected citizen of Norwich, Ont., reputed to be worth $20,000 at one time, Walter Herod, poor and penniless, without friends or comfort, now languishes in Kent county jail, awaiting his removal to Central prison, where he will serve a six months' term for supplying liquor to an Indian. Herod sold fifty cents' worth of whisky to the red man for sixty cents, thereby making the insignificant sum of ten cents by the transaction."	Link
12 April 1909	North Bay Nugget	Man charged with supplying an Indian liquor	Link
12 April 1909	The Berlin News Record (Kitchener)	"Detectives Buy Liquor for Indians in Cornwall"	Link

		"A Cornwall hotelkeeper was fined $150 and costs on two charges of selling liquor to Indians"…it was later revealed that it was Indian Agents who had purchased liquor for the Indians. (Link)	
4 May 1909	The Kingston Whig-Standard	Article describing how it is difficult to enforce the prohibition list in a large city like Hamilton. Refers to settlers on the prohibition list as "Indians"	Link
6 May 1909	The Brantford Weekly Expositor	An Indian Liquor case against Jake Lewis was dismissed by Mr. Howell.	Link
5 June 1909	The Ottawa Citizen	H.C. Barker charged with selling liquor to an Indian	Link
30 June 1909	The Ottawa Journal	"Sold Liquor to an Indian: Proprietor of Perron Hotel Heavily Fined"	Link
6 July 1909	The Windsor Star	"Sold Liquor to Indians. London, Ont. July 6 – Isaac Groat was sentenced to two months in prison at hard labor and Willis Moxley to one month for selling liquor containing a very large percentage of wood alcohol to Indians"	Link
13 July 1909	The Brantford Daily Expositor	"George Grooms pleaded guilty to supplying Peter Henry, an Indian with liquor. The magistrate promptly imposed a fine of $50 on the defendant or one month in jail. The penalty staggered the defendant, who took it speechlessly. Peter Henry, the redskin in question, was fined $25 for having the liquor, or one month in jail.	Link
6 August 1909	The Ottawa Citizen	Bill Buffalo, an Indian, on trial for selling liquor without a licence	Link
7 August 1909	The Kingston Whig-Standard	"Gananoque 'Indians' Bought Their Liquor By Five Gallon Lots in Kingston" - Two white men on the Indian list, G. Robbins and L. Williams, are both charged for robbing a couple on the street.	Link
10 August 1909	The Ottawa Journal	"Sold Liquor to Indians. Fred Ladoceur was brought to the Hull jail this morning to serve one month of selling liquor to Indians at Maniwaki on August 5th"	Link
14 August 1909	The Ottawa Journal	Two people sentenced to serve one month each for selling liquor to Indians.	Link
16 August 1909	The Kingston Whig-Standard	"James Wellington, New Wellington House, Port Dalhousie, was fined $50 and costs for selling liquor to an Indian berrypicker"	Link
18 August 1909	The Brantford Daily Expositor	"Private detectives are at work securing evidence against hotelkeepers in the neighborhood of Caledonia and Hagersville who have been making a practice of selling liquor to Indians. Already one conviction has been secured…"	Link
28 August 1909	The Windsor Star	"Sold Liquor to Indians. Brockville, Aug. 28 – The police arrested three Indians filled with firewater. They were fined $9 each, and J. Cronin, who supplied them with the liquor, was sentenced to three months' imprisonment in default of a fine of $50"	Link
1 September 1909	The Kingston Whig-Standard	"Will Punish Anyone Who Gives Liquor to Indians: Police Magistrate Farrell Deals With Several Cases and Levies Heavy Fines – One Man Was Fined $100" - Description of several infractions - One description of a married couple is particularly interesting in the way that it demonstrates the ways in which the enforcement of the "Indian liquor act" is gendered. Judge addressed the wife and chastised her for prioritizing liquor over her children. Her husband was not addressed, despite also being found guilty.	Link
21 September 1909	The Windsor Star	"Brantford, Sept. 21 – Alfred Patterson, bartender at the Kerby House, was fined $25 and costs for supplying W.P. Cook, an "Indian lister," with liquor. The latter was fined $10. Patterson pleaded ignorance"	Link
30 September 1909	The Toronto Star	"Sold Liquor to "Indian" – Imprisonment of a Wingham Man for This Offense"	Link
19 October 1909	The Brantford Daily Expositor	"Licence Inspector McCann stated this morning that there were 50 locals on the prohibition or Indian liquor list"	Link
23 October 1909	The Ottawa Citizen	"Gave Liquor to Indian. (Special to the Evening Citizen.) Port Arthur, Oct. 23 – Peterson's liberality with whiskey cost him fifty dollars. He was eating a meal in a restaurant when an Indian woman came in and he gave her a drink from his bottle"	Link
4 November 1909	The Brantford Weekly Expositor	"Constable Shoots Indian at a Dance on Reserve. Alleged That Whiskey Flowed Freely During Celebration at Longhouse Near Ohsweken Saturday Night"	Link
5 November 1909	Times and Guide	"Indians are Unruly: Redskins in Rainy River District Secure Whiskey…women and children along the route are in apprehension of being attacked"	Link
18 November 1909	The Toronto Star	"…Two harvesters from the east were arrested on a charge of giving liquor to Indians. They were John Smith and Thomas Cook, and were both convicted and fined $50 and costs…"	Link

19 November 1909	Aurora Banner	"The Ontario Licence Department is taking more active measures to enforce the law regarding men on the Indian list. In future it will be the duty of county constables to keep an eye on these men, who if found with symptoms of drinking, are to be summoned before a magistrate and made tell where they procured the liquor. The 'Indian' is also liable to be fined as well as the seller"	Link
24 November 1909	The Ottawa Journal	"Where did Indian Secure Liquor? Louis Montour, an Indian, was remanded on a charge of drunkenness…was fined $2 and $2 costs…He was picked up on Canal street yesterday in a helpless condition. Magistrate O'Keefe wishes inquiry made as to where Montour secured the liquor"	Link
13 December 1909	The Kingston Whig-Standard	"Had to Pay a Fine: Asked for Liquor When on 'Indian' List"	Link
23 December 1909	The Ottawa Citizen	"Seventeen more Syracuse liquor dealers and bartenders were arraigned in the U.S. court, indicted with selling liquor to Indians"	Link
7 January 1910	The Toronto Star	"Windsor, Ont., Jan. 7 - …George Smith, proprietor of the Walker House, is charged with selling liquor to an Indian named Lister…"	Link
18 January 1910	The Ottawa Citizen	"Thompson, the Indian, who was sentenced for four months for stabbing two others, was under the influence of liquor when he used the knife"	Link
28 January 1910	St. Catharines Standard	"Manford Niles, a 'Liquor Act' 'Indian' was fined in Police Court this (Friday) morning $20 for procuring intoxicants"	Link
4 February 1910	The Brantford Daily Expositor	Man charged with supplying liquor to an Indian	Link
15 February 1910	The Windsor Star	"Hotel Keepers Fined: Found Guilty of Selling Liquor to an 'Indian Lister'"	Link
2 March 1910	The Kingston Whig	"The keepers of three Chatham hotels were fined $12.75 each for supplying liquor to Indian listers"	Link
8 March 1910	The Windsor Star	"Who Will Be Next? As an outcome of the many complaints that have been made against hotels for selling liquor to Indian listers…"	Link
11 March 1910	The Brantford Daily Expositor	Ras Clouse charged for supplying liquor to Julia Good, an Indian woman.	Link
14 April 1910	North Bag Nugget	"Frank Merrill, of Belleville, and Dominic Commanda, of Beaucago, visited the Indian reserve with a liberal supply of whiskey…Merrill paid $50 and costs for supplying liquor to Indians, and Commanda was assessed $25 and costs.	Link
20 April 1910	The Lanark Era (Lanark, Ont)	"A vigorous campaign against the sale of liquor to Indians in the neighborhood of Port Arthur has been inaugurated by the Federal Government. Inspector Ransdem, of the Indian branch of the Department of the Department of the Interior, has been investigating and ten convictions have been secured through his efforts"	Link
6 May 1910	St. Catharines Standard	"George Nesbitt, a liquor law Indian, $10 for being drunk"	Link
10 May 1910	The Ottawa Journal	"Sold Liquor to Indian. St. Catharines, Ont. May 14. – A $100 fine was imposed yesterday afternoon upon Patrick Donnelly, a former licensed hotel-keeper, for selling whiskey to an Indian on Sunday without a licence."	Link
14 May 1910	The Ottawa Citizen	"Sold Liquor to Indian…Patrick Donnelly…"	Link
3 June 1910	North Bay Nugget	"It cost Louis Marion $54 to furnish an Indian, Pete Commando, with liquor…"	Link
10 June 1910	The Windsor Star	"'Indian' Got Liquor – James Benson, who is on the 'Indian' list, obtained liquor by some hook or crook…" Interesting how settler "Indian listers" are depicted as untrustworthy thieves.	Link
22 June 1910	North Bay Nugget	"Five Indians were caught with a case of whiskey and a charge was laid against Lapointe & Co. of selling liquor to Indians"	Link
7 July 1910	The Toronto Star	"A Squaw Got Liquor"	Link
9 August 1910	The Brantford Daily Expositor	"Opium Fiend's Suicide: Chinaman Hanged Himself in Vancouver Prison Cell…charged with selling liquor to Indians, A.H. Tong, a Chinaman, tore a strip of canvas from his mattress, tied one end to the window bars, and, fastening the other end around his neck, jumped from his bunk and hanged himself, Jailer Pittenbrigh was a few feet distant, but heard nothing. Tong was an opium fiend"	Link
9 August 1910	The Toronto Star	"Chew's Council Pleaded Guilty: Admitted That Manley Chew, M.P., Supplied Liquor to Indians on an Island. Was It Intoxicating? Counsel Says Not, and Court Was Adjourned to Make Investigation"	Link

25 August 1910	The Ottawa Journal	"Orilla, Ont. – The charges against Mr. Manley Chew, M.P., of supplying liquor to Indians on Christian Island Reserve, Georgian Bay, have been dismissed"	Link
14 September 1910	The Brantford Weekly Expositor	"Albert Woodard had his name entered on the police court records this morning as one of those who supply liquor to Indian listers. He was fined $25 and costs…"	Link
15 September 1910	The Brantford Weekly Expositor	"Major Smith, of the Indian office, will attend court at Pt. Credit tomorrow where a fruit grower is charged with selling liquor to Indians"	Link
22 September 1910	The Brantford Weekly Expositor	"…Wm. Bowbeer, a fruit grower, for supplying liquor to Indians, The defendant was fined $50 and costs…"	Link
8 October 1910	St. Catharines Standard	"Annual Report of the Lincoln Jail…giving liquor to an Indian 1…"	Link
15 November 1910	The Brantford Daily Expositor	"Superintendent Smith Looking Into Source of Indian Liquor Supplies"	Link
16 November 1910	The Brantford Daily Expositor	Hotel man sells Indian liquor	Link
19 November 1910	North Bay Nugget	"Fined for Selling Liquor to Indians. North Bay, Nov. 18 – Philbert Paget, hotel keeper of Sturgeon Falls, was fined $175 and costs for selling liquor to Indians"	Link
24 November 1910	The Brantford Weekly Expositor	"…several summons being issued against local hotelkeepers for selling liquor to Indians…" "Jas. Blake, proprietor of the Arlington hotel was to have appeared before his worship to answer to a charge of selling liquor to Indians" (Link)	Link
13 July 1911	The Brantford Daily Expositor	"Selling to Indians. A Hamilton hotel man is on the carpet today for selling liquor to Indians from the Brant Reserve"	Link
29 July 1911	The Brantford Daily Expositor	"Selling to Indians. No less than three cases of selling liquor to Indians in Paris are pending at the present time"	Link
29 July 1911	The Toronto Star	"Left Liquor In Bench, Indian Listed Got It: And the man who was so careless with the stuff was fined in court"	Link
14 August 1911	North Bay Nugget	"A young man paid $100 and costs for supplying liquor to Indians"	Link
25 September 1911	The Windsor Star	"Indian Lister Had Liquor"	Link
2 November 1911	St. Catharines Standard	"Liquor Dealer Fined. Welland, Nov. 1…James McMahon, who is on the Indian list [was caught] drinking liquor" Bartender fined $40 for selling him liquor	Link
2 December 1911	The Brantford Daily Expositor	"Henry Howe, who is a white-haired veteran, appeared next, charged with supplying an Indian with liquor"	Link
24 February 1912	Star Weekly (Toronto)	"Gave Indian Liquor. And the Red Man Threatened to Kill a Beautiful Young Woman"	Link
20 March 1912	The Brantford Daily Expositor	"It is an awful thing to be an Indian when possessed with a thirst for the hard stuff. The swastika mark shines out bright and strong, and canny folk refuse to play the part of supply-agent. But all the world isn't canny, which is the silver lining. Joseph Doxtater, himself from the Reserve, was accused this morning of having supplied a man named Garlow, an Indian, with liquor" Compares selling liquor to Indians to Nazism?	Link
25 March 1912	The Brantford Daily Expositor	"Truman Benedict, who was charged with breaking the Indian Act by giving liquor to an Indian, did not appear, but as the witnesses were there the case was taken up and a fine of $50 and costs was imposed"	Link
15 April 1912	St. Catharines Standard	"Fined $100 for Selling Liquor: Garnet Dawson Admits a Sale to an Indian and is Assessed the Minimum Penalty Provided in the Act"	Link
8 June 1912	The Sault Star	"…Mudford one month in jail by Magistrate Gleen on charges of selling liquor to Indians"	Link
10 June 1912	St. Catharines Standard	"Fined $200 For Selling Liquor: Stewart Nelson of Merritton Admits Sales to Indians on the Last Day He Occupied Union Hotel"	Link
18 July 1912	The Brantford Weekly Expositor	Woman beaten to death by "infuriated Indian" said to be drunk and involved in the liquor trade	Link
22 July 1912	The Ottawa Citizen	"Sold Liquor to Indians. London, Ont. July 20 – Somewhat of a sensation has been caused among Middlesex county constables through a conviction being registered against Constable Leonard Paisley, of Ilderton, who was assessed $75 by Squire Janes of Selaware, for supplying liquor to the Indians of Oneida reservation"	Link
30 July 1912	The Ottawa Citizen	"Liquor to Indians: Its Evil Shown in a B.C. Murder Case. The evil of selling liquor to Indians is emphasized in a capital case just disposed of by the	Link

		government. It is that of Albert McDougall, or British Columbia, a half-breed who got hold of liquor, became greatly intoxicated and when in that condition killed his cousin and friend. They had always lived on the best of terms and there was no motive for murder. Under the circumstances, the sentence has been commuted to life imprisonment"	
7 August 1912	The Brantford Daily Expositor	"Charge against John Lottridge of supplying an Indian woman with liquor"	Link
19 August 1912	The Sault Star	"Large Fines Imposed on Blind Piggers Who Dealt With Indians"	Link
20 September 1912	The Brantford Daily Expositor	"John Knight, bartender at the Kerby House pleaded guilty to serving Elijah General, an Indian, with liquor"	Link
24 October 1912	The Brantford Daily Expositor	"The charge against George Easterbrooke of supplying an Indian with liquor…"	Link
5 November 1912	The Brantford Daily Expositor	"Pat Foley, a billed man, on a charge of supplying an Indian with liquor was let go but he was also charged with being drunk himself" Interesting because offender's names are posted in the newspaper regardless of whether or not the conviction is secured. This is unlike other crimes that are reported in the newspaper.	Link
20 November 1912	The Berlin News Record (Kitchener)	"Indian Lister in Police Court"	Link
23 November 1912	The Brantford Daily Expositor	"Not Same Man. William Hunter, who was fined in the police court this week on an Indian liquor charge, was not of this city but belonged to Hartford, just off the reserve boundary" This article demonstrates the public shaming power of newspapers. In this case it was important that the newspaper identify the correct guilty party in order to avoid shaming an innocent man who shares the same name.	Link
28 November 1912	North Bay Nugget	"Two local men pleaded guilty to supplying Indians with liquor, complaint having been laid by Indian Agent Cockburn. Both were fined $50 and costs with the alternative of three months in jail, and it looks as if one of the accused would have to do the time"	Link
16 December 1912	St. Catharines Standard	"Charles Dugas was charged with trying to obtain liquor at the Imperial Hotel, while on the prohibited list"	Link
20 January 1913	North Bay Nugget	"Supplied Indian Woman With Drink. North Bay, Jan. 18 – Dan Cunningham, the colored man who conducts the shoe-shining parlors on Main street, pleaded guilty before Magistrate Weegar of supplying Mrs. Commando, an Indian, with liquor. Cunningham said he had known the woman a long time and was friendly with the Indians who has been kind to him in presents of fish, etc. Mrs. Commando asked him to get her a bottle of highwines as her husband was sick. He knew it was against the law, but took a chance on account of friendship and the supposed illness of the male Commando. He was fined the minimum penalty of fifty dollars and costs"	Link
31 January 1913	Times and Guide (Weston)	"Adam Abraham, for supplying liquor to Indians at Prince Rupert, was fined $300 or six months in jail…At Hope, James Kaunnesky was given three months in jail with hard labour for supplying Indians with liquor"	Link
4 February 1913	Owen Sound Sun	"Two Walkerton men were each fined $25 and costs for supplying an 'Indian lister' with liquor"	Link
5 February 1914	The Brantford Weekly Expositor	"Fined Ten and Costs. Indian Who Informed on Hamilton Liquor Dealers Was Himself Caught"	Link
22 February 1913	St. Catharines Standard	"Street Fight Ends in Arrests: Leslie Cooper Admits to Supplying Liquor to 'Indian'"	Link
24 February 1913	The Brantford Daily Expositor	"Mr. Rastus Clouse was charged with supplying an Indian with liquor"	Link
12 March 1913	The Brantford Daily Expositor	"Gave Liquor to Indian. Ras Clouse was assessed $27.85 last week for supplying an Indian with liquor"	Link
11 April 1913	The Brantford Daily Expositor	"On a charge of supplying an Indian with liquor, William has was allowed to go. His parents testified…"	Link
26 April 1913	Star Weekly (Toronto)	"Five Hundred Men and Women On the Indian List – In Toronto – Range From Some of Wealthiest Business Men to the Lowest Toughs. Hard Law to Enforce Because It Is Impossible for All City Bartenders to Know Every Inebriate" "…when a man is put on the "Indian List" we do not notify every hotelkeeper in the city; we only notify those hotels which he is known to frequent. Even	Link

		if we did notify every hotel in the city, it would be out of the question for every bartender to know everybody who is on the list"	
2 May 1913	The St. Catharines Standard	"C. Lawson, Cobourg, sentenced to six months in jail without option of a fine for supplying an Indian with liquor"	Link
5 June 1913	North Bay Nugget	"…a charge of selling liquor to Indians has been laid against the man who cruelly treated his child and in this manner it came to the attention of the local Children's Aid Society"	Link
2 October 1913	The Brantford Daily Expositor	"Annual Brantford County Jail Records…giving liquor to Indians 9"	Link
4 October 1913	North Bay Nugget	"Fined for Selling Liquor to Indian…Indian agent G.P. Cockburn imposed a fine of fifty dollars and costs upon Peter Ead at Dien Riviere for selling liquor to an Indian"	Link
18 November 1913	The Ottawa Journal	"Gave Liquor to Indians: Cornwall Man Sentenced to Six Months for Offence" Also reported by The Toronto Star (Link)	Link
28 November 1913	Owen Sound Sun	"Charged with furnishing Indians with liquor, a man named John Allard was sentenced at Cornwall to six months in jail without the option of a fine"	Link
15 December 1913	The Brantford Daily Expositor	"The case of Hugh White, charged with supplying Augustus Hill, an Indian with liquor…"	Link
23 January 1914	The Brantford Daily Expositor	"Sold Liquor to Indians. Major Gordon J. Smith, Indian agent, has in hand four cases of selling liquor to Indians in Hamilton"	Link
29 January 1914	The Brantford Weekly Expositor	"Major Gordan J. Smith, Indian agent has in hand four cases of selling liquor to Indians in Hamilton. These cases will be heard on Tuesday next." (see also Link) "Major Smith is charging the proprietors of three liquor stores and one hotel with supplying four Indians from the Brantford reserve with liquor" (Link) "Magistrate…Acquitted Hamilton Liquor Dealers Charged by Brantford Constable With Supplying Liquor to Indians From Reserve" Magistrate acquitted the accused because he thought a "trap had been laid to convict these men." "While I do not approve of informers at any time, I think that in this instance Indians who do not look like ordinary members of the tribe were selected to try and secure a conviction" said Magistrate Jeifs. (Link)	Link
16 February 1914	The Brantford Daily Expositor	"The 'white Indian' liquor cases, as they have been called were tried by Judge Snider at Hamilton Saturday…"	Link
24 February 1914	The Berlin News Record (Kitchener)	"Annual Report upon the Police Department for the year 1913…selling liquor to Indians 2…	Link
8 April 1914	The Windsor Star	Man charged with supplying an Indian with liquor and for being drunk and disorderly	Link
24 April 1914	Owen Sound Sun	"One of the important changes is that giving a Magistrate power to put any person on the "Indian list" who sells liquor to or procures it for any person already on the list"	Link
6 May 1914	The Ottawa Citizen	"Gave Liquor to Indians. Cornwall, Ont., May 5 – Joseph Lafave of Martin town, for supplying liquor to Indians in contravention to the Indian Act, was today fined $50 and costs or three months in jail.	Link
7 May 1914	The Ottawa Citizen	"Cornwall, Ont., May 5 – Joseph Lafave of Martin town, for supplying liquor to Indians, in contravention to the Indian Act, was today fined $50 and costs or three months in jail"	Link
13 May 1914	The Brantford Daily Expositor	"Camping on Their Trail: Police Are After Men Who Procure Liquor For Indian"	Link
8 July 1914	The Brantford Daily Expositor	"A man from Mt. Pleasant was assessed $25 and costs for supplying an Indian with liquor"	Link
24 August 1914	The Brantford Daily Expositor	Man fined $100 or three months for supplying liquor to an Indian.	Link
21 September 1914	The Brantford Daily Expositor	"Charles King, for supplying liquor to an Indian, was fined $47.85…"	Link
3 October 1914	The Brantford Daily Expositor	"Bartender Was Heavily Fined"	Link
17 October 1914	The Ottawa Citizen	"Sold Liquor to Indians. Chatham, Ont., Oct. 16…arrested sixteen persons, chiefly farmers, all of whom were heavily fined for selling liquor to Indians on the grounds"	Link

26 October 1914	The Kingston Whig-Standard	"Indian Got Liquor, Said Three Friends Treated Him on Street: Young Man Who Is On the 'Prohibited List' Pleaded Guilty to Attempting to Secure Liquor and Was Fined $10"	Link
2 November 1914	The Sault Star	"Police Commission to Hear Dismore Case Wednesday. Sergeant Must Explain Allegation that He Gave Liquor to Indian Lister"	Link
2 November 1914	The Brantford Daily Expositor	"Four prisoners were taken to the Central prison, Toronto, on Saturday, they being Charles King, for selling liquor to Indians"	Link
28 January 1915	The Brantford Daily Expositor	"Heavy penalties were handed out by Magistrate Livingston at the police court in connection with the procuring of liquor locally by men from the Indian reserve. Harry Bragg, for procuring liquor to Indians, was fined $50 and costs, or three months in jail. As he had not the necessary coin he, for the interval at least, took the jail sentence"	Link
28 January 1915	The Brantford Daily Expositor	"In the police court yesterday William Howe was charged with supplying an Indian with liquor. He was fined $50 and costs or three months"	Link
14 May 1915	The Kingston Whig-Standard	"Will Punish Liquor Men Who Sell to Indians: Licence Board's Decision Following Report That Indians Get Much Drink"	Link
10 June 1915	North Bay Nugget	"Supplied Liquor to the Indians is Fined $100. Teamster Paid Dear for Infraction of Liquor Law at Elk Lake"	Link
29 June 1915	The Kingston Whig-Standard	"Musn't Sell to Indians. The Ontario Licence Board will not tolerate the supply of liquor to Indians. This determination was expressed in a resolution passed recently as the result of a protest received by Mr. Duncan Campbell Scott, Deputy Superintendent-General in charge of Indian Affairs." 14 May 1915: "Warning to Hotelmen: If Caught Selling Liquor to Indians They Will Probably Lose Their Licence" (Link)	Link
17 September 1915	St. Catharines Standard	"J. Welsh, an Indian, charged with selling liquor to soldiers…"	Link
4 October 1915	The Brantford Daily Expositor	"The majority of prisoners were committed for being drunk and disorderly, while a large number was on trial for larceny, vagrancy and supplying liquor to Indians"	Link
12 November 1915	The Brantford Daily Expositor	"Mr. Littlefield, manager of the Kerby House, then asked permission to address the board…to the trouble which the local hotelmen get into from the sale of liquor to Indians, so many of whom were almost indistinguishable from whites. There were a great many Indians from the reserve, whom it was difficult for the bartenders to identify and it was thought some slight consideration might be made for the local liquor men, who had no desire to willfully break the law"	Link
10 January 1916	The Brantford Daily Expositor	"Indian found with liquor on his premises on the reserve was fined $10 and costs"	Link
5 April 1916	The Brantford Daily Expositor	"Liquor to Indians. For the some time past considerable liquor has been distributed from some unknown source among the Indian soldiers stationed at Ohsweken, and following a raid last evening by the officers several arrests were made. The men were brought to the city this afternoon by County Constable Taylor and will have to stand trial on charges of selling liquor to the Indians"	Link
8 April 1916	The Brantford Daily Expositor	"Liquor Selling Indians Arrested"	Link
10 April 1916	The Berlin News (Kitchener)	"Caleb Thompson, an Indian, charged with supplying liquor to another Indian, was fined $25 and $6.50 costs in the police court at Sarnia before Magistrate Gorman"	Link
11 April 1916	The Brantford Daily Expositor	Indian, Chas Davis, charged with selling liquor to Indians, fined $100 (Link) Also reported by Toronto Star (Link)	Link
29 May 1917	The Brantford Daily Expositor	"Percy Walsh, charged with having supplied an Indian…"	Link
14 June 1916	The Brantford Daily Expositor	Indian charged with selling liquor to Indians on the reserve	Link
3 July 1916	The Toronto Star	"Four liquor cases are listed to be heard by the Ontario Licence Board on Wednesday next. Two are for the sale of liquor to Indians"	Link
6 July 1916	The Kingston Whig-Standard	"Sold Liquor to Indians: Deseronto Hotel Licence was Suspended for Two Weeks"	Link
10 July 1916	The Weekly British Whig (Kingston)	"Sold Liquor to Indians. Hotelman Has Licence Suspended for Two Weeks"	Link

24 July 1916	The Sault Star	"In the Police Court on Monday, Magistrate Price handed out the following judgments: Two charges of selling liquor to Indians at Kagawong"	Link
31 August 1916	The Brantford Daily Expositor	"William Loft, an Indian, on a charge of having liquor on the reserve….and on a charge of supplying liquor to Indians on the reserve"	Link
9 September 1916	The Toronto Star	"Indians' Right to Liquor: Hamilton Magistrate Springs Surprise on Campaign of Government Officials. Hamilton, Sept. 9. – Twenty-five hotelmen were in Police Court charged with breaking the law by selling liquor to Indians. The complainants were Government officials under the Indian Department. Police Magistrate Jeifs heard their evidence against J.P. Mallens of the Terminal Hotel and acquitted the hotelmen, and declined to hear the charges against the others. He asked the liquor detectives if they thought it honorable to tempt men to break the law. He thought the Indian law ought to be changed, for it was designed to protect the Indian when he was not the man he was today. Now the Indian was educated, fit for fight for his country, and it was ridiculous to deny him the right to buy liquor when a white man could buy all he wished"	Link
12 September 1916	The Brantford Daily Expositor	One charge for supplying liquor to Indians on a reserve in relation to a garden party. James Powless was killed at this party and alcohol is said to be the motivating factor for his murder. (Link)	Link
3 October 1916	The Brantford Daily Expositor	"[Brantford County] Goal Statistics for the Past Year…giving liquor to Indians 4"	Link
31 May 1917	The Brantford Daily Expositor	"At police court recently Percy Walsh, charged with supplying an Indian liquor, was completely exonerated, it being found that the Indian secured the liquor from a relative"	Link
20 July 1917	The Brantford Daily Expositor	"Counsel for Layman Martin, an Indian, now serving a term of three months of hard labour for an infringement of the Ontario liquor law…"	Link
9 October 1917	The Ottawa Citizen	"Charge of Selling Liquor to Indians" Liquor merchants charged with selling liquor to Mohawks	Link
16 October 1917	North Bay Nugget	"On two charges of supplying liquor to Indians, Charles Levierre, alias Cross, of Steulston, was sentenced on each charge to three months in prison"	Link
29 June 1918	The Ottawa Citizen	"Indian Had Liquor. Cornwall, Ont., June 25 – An Indian named Angus Thompson of St. Regis Island was fined $200 and costs or three months in jail by Police Magistrate Denis today on a charge of having liquor in a place other than his private residence. Not having the two hundred dollars, Thompson went down for the ninety days"	Link
24 February 1919	The Kingston Whig-Standard	"Fined $200 and Costs. Brockville, Feb. 24 – Michael Bawlf, Lombardy, was fined $200 and costs in the police court on charge of giving liquor to Indians"	Link
3 December 2020	The Sault Star	"Harry Harvey and Lorne Graves, two St. Thomas lads, were fined $100 each for selling liquor to Indians"	Link

Appendix C: Tobacco Industry-Linked Reports

Industry-linked entity	Date	Type	URL	Notes
Canadian Taxpayers Federation	No date	Sponsored newspaper article (cited as Gaudet, n.d.)	Link	Cites unfounded statistics from other industry-linked research entities: "The return of high taxes has seen a return of the illegal tobacco trade. A 2009 study by the Convenience Stores Association revealed that illegal cigarettes used by teens in Ontario schools had grown to 30 per cent and as high as 45 per cent in Quebec. Their research estimates contraband cigarettes could be up to 40 per cent of the total tobacco market." The article cites a statistic often used in support of raising tobacco taxes: "a 10 per cent increase in the price of tobacco products can reduce lawful cigarette sales by about three to ten per cent." However, the article uses this statistic without context in order to advance their unfounded argument that any reduction in the sale of legal tobacco automatically results in an increase in the sale of contraband tobacco. "Much of the illegal tobacco can be traced back to Native reserves in Canada and the United States. Some of it is even sold at smoke shacks on reserves."
Ontario Convenience Stores Association	May 3, 2022	Press release	Link	Identifies a need for governments to address the issue of illicit tobacco with First Nations, recommends "expanding enforcement partnerships with interested provincial, local and First Nations police"
Ontario Convenience Stores Association	April 29, 2020	Press release	Link	Article contends that "with stay-at-home measures in place across the country, c-stores are experiencing an unprecedented spike in tobacco sales, in part because First Nations reserves (and their popular smoke shacks) are largely closed to outside visitors" Dave Bryans, CEO of the OCSA, "estimates that the legal tobacco business is on track to grow by 20-25% while the reserves stay closed" Contends that taxes make up 70% of the price of a carton of cigarettes and that pricing differentials result in illicit tobacco on reserves CEO points to uncited studies that show "contraband accounts for 30-35% of all tobacco sales, in areas closer to reserves, that number spikes as high as 65%"
Canadian Taxpayers Federation	December 2012	Press release	Link	"364 to 539 million contraband allocation cigarettes were sold from Ontario reserves in 2011 and between 1.6 to 2.5 billion cigarettes over the last five years. At its high end that is 22 million packs in 2011 and nearly 100 million packs total in the last five years" *Note: To arrive to this statistic, CTF claims to have used a Freedom of Information Request to gain information through the Ontario government on the sale of tax-free allocation tobacco to Indigenous reserves. The CTF claims to use this data to estimate the amount of allocation tobacco sold from reserves to those who are not Status Indians. They compare this data with a rough estimate of the amount of Indigenous smokers in Ontario to estimate how much allocated tobacco is "legally" consumed by Status Indians. This study assumes that any allocation tobacco above the average amount of tobacco consumed by Status Indians who smoke is automatically contraband.* "Last year between 53% and 79% of all reported sales of tax-exempt allocation tobacco on Ontario aboriginal reserves was made illegally to people who are not Status Indians. This has created an estimated tax hole of between $219 million and $331 million over the last five years, averaging $43 to $66 million per year. This has increased every year since 2008, spiking at $48 million to $72 million in 2011. "If all recorded allocation tobacco sold on Ontario reserves was for personal, legal use, Status Indians who are smokers would need to consume an estimated equivalent of 32 to 70 cigarettes a day. At its high end, that is 466% of what the reported smoking rate is for aboriginals and just under three packs a day." "An estimated 303 to 448 million grams of tax-exempt allocation tobacco were sold illegally from Ontario aboriginal reserves in 2011. Allocation contraband tobacco sales have increased every year since 2008, adding up to between 1.4 and 2.1 billion grams in just the last five years."

				Note: An update to the report made in 2016 states that a major source of illicit tobacco in Canada is the allocation system for tobacco used on Indigenous reserves. While Status Indians peoples are exempt from paying provincial sales tax on tobacco products purchased on-reserve, the Canadian government restricts the amount of tobacco that can be sold on-reserve based on an equation that considers the reserve population and any special events that may be occurring. The report argues that "one of the simplest steps to fight contraband tobacco is to reduce the number of allocation cigarettes…[by reducing] the allocation amount by half" (Van Geyn 2016)
Macdonald-Laurier Institute	March 2016	Report (cited as Leuprecht 2018)	Link	*Note: Article directly rebukes Indigenous peoples' inherent right to engage in traditional economies and to trade across the border duty-free (the Jay Treaty):* "So, for First Nations to stake a monopoly claim on tobacco as a cultural heritage is a weak argument. Tobacco is as much a part of the British North American and Canadian cultural heritage as of the Aboriginal one" (p.19) Contends that "Native-grown tobacco" in Akwesasne can be traced back to rising domestic excises in Canada that were introduced in the late 1980s. "In 2007 and 2008 alone, there were at least 480 seizures in the Akwesasne-Valleyfield region, netting 443 vehicles and firearms that included AK-47s and M-16 machine guns" (Marsden 2009) "Between 2008 and 2010, the RCMP (2012b) disrupted over 56 organized crime groups, laid over 2350 charges under the Excise Act (2001), and seized over 3.2 million cartons/unmarked bags of contraband cigarettes…"
Ontario Convenience Stores Association	Nov 15, 2017	Newspaper article (cited as CBC News 2011)	Link	Article cites butt study and contends that contraband cigarettes are up 25% in Hamilton from last year. The CEO of the OSCA argues that "the proximity to Six Nations of the Grand River reserve is one explanation for the proportion of Contraband cigarettes being smoked in Brantford" and that "he'd also like to see the province invest in more officers for the OPP's task force on contraband."
Fraser Institute	July 2010	Report (cited as Gabler and Katz 2010)	Link	Argues that increases in the illicit tobacco trade is the result of Indigenous efforts towards sovereignty: "Although seizures of contraband tobacco in Canada are at record levels, efforts to curtail the market are hampered by long-standing territorial disputes between the federal and provincial governments and some Aboriginal communities, where substantial contraband trafficking takes place"
Fraser Institute	Dec 2011	Report (cited as Gabler 2011)	Link	Claims that illicit tobacco rates have become "noticeably worse over the past decade." Argues that Aboriginal governments should partner with Canadian tax authorities in implementing jurisdictional taxes to eliminate the price differential in licit versus illicit tobacco products. These arguments are framed in such a way as to appear beneficial to Indigenous communities. The report, for example, contends that taxes could be collected by Indigenous communities and directed towards community initiatives. However, this proposed solution denies Indigenous communities the sovereignty to propose their own solutions to the so-called problem of illicit tobacco.
Canadian Convenience Stores Association	Jan 29, 2011	Newspaper article (cited Thomson 2011)	Link	"Studies commissioned by the Canadian Convenience Stores Association say 30 per cent of Ontario's teen smokers choose native cigarettes"
C.D. Howe Institute	May 2012	Report (cited as Irvine and Sims 2012)	Link	This report advances the tobacco industry's interests by arguing that modest tax reductions on tobacco products would not lead to increased tobacco use. The report also contends that that illicit tobacco can be combatted by enacting tougher enforcement, which in turn would raise the costs associated with illicit tobacco.
National Coalition Against Contraband Tobacco	Sept 2019	Report (cited as Grant 2019)	Link	Argues that a significant barrier to combatting illicit tobacco is "tension between Canadian law enforcement with Indigenous authorities" and states that "Canadian law enforcement is effectively powerless to enforce tax obligations on First Nations territory because of Indigenous territorial autonomy and Charter rights." (cites Gabler and Katz 2010, a report from the Fraser Institute) The report argues that "millions of cigarettes a day are handed over [from First Nations land] to criminal organizations for national distribution, and recent statistics have identified at least 50 illegal factories on Canadian First Nations land." This statistic is pulled from a newspaper article written by the author himself (Gary Grant, a paid spokesperson for the National Coalition Against Contraband Tobacco and 39-year

				veteran of the Toronto Police Service) for the Postmedia Network in 2019, in which there is no data provided to support these claims. This statistic is repeated in various reports and newspaper articles connected to the NCACT, including in lobbying efforts (see Written Submission for the Pre-Budget Consultations in Advance of the 2020 Budget, cited as NCACT 2019a; Conservative Party of Canada Platform Recommendation, cited as NCACT 2019b; Submission to the Standing Senate Committee on Social Affairs, Science and Technology, Comments on Bill S-5, cited as NCACT 2017)
GfK	Oct 2016; Dec 2016; Mar 2017; June 2017; Aug 2018;	Report (cited as GfK 2018)	Link	Butt study uses biased methods which overestimates the amount of illicit tobacco (Smith et al. 2019). Concludes that the vast majority of butts collected from various sample areas are from First Nations reserves and calls for more enforcement on-reserve.
KMPG	2015	Report (cited as *Project Frost* 2015)	Link	Claims that there are 16 factories on reservations in Ontario "with a total estimated production capacity of 17 to 20 billion cigarettes annually" (no citation/data) Claims that "Grand River Enterprises (GRE)…[is] the largest source of illicit cigarettes in Canada, with an estimated production capacity of 15 billion cigarettes per annum" (cites an unpublished article from another industry-linked research entity, Philip Morris International)
National Coalition Against Contraband Tobacco	2017	Newspaper article (cited as McQuigge 2017)	Link	"The National Coalition Against Contraband Tobacco commissioned research that tracked the cigarette-buying habits of people in Ontario…The study found 32 per cent of respondents purchased contraband cigarettes, a figure that the coalition says is the highest in the country."
National Coalition Against Contraband Tobacco	2015	Sponsored article in Toronto Life Magazine (cited as NCACT 2015)	Link	In a four-part series sponsored by the NCACT, Christian Leuprecht (a professor of political science at the Royal Military College of Canada and a known spokesperson for the NCACT), Leuprecht contends that contraband tobacco profits from Indigenous reserves are being used to fund terrorism. Leuprecht attempts to feign sympathy for Indigenous peoples, stating: "Often the contraband is blamed on Aboriginal people, but the challenge is that Aboriginals are often an instrument used by organized crime." This is a paternalistic viewpoint in line with the historical treatment of Indigenous peoples throughout Canadian history.
National Coalition Against Contraband Tobacco	2016	Ottawa Sun newspaper article (cited as Bonokoski 2016)	Link	Cites a study from the NCACT that "claimed 30% of cigarette butts found outside 110 Ontario schools were smokes that had originated on reserves" and estimated that "in Ontario alone, the loss in federal and provincial tax revenues due to contraband cigarettes amounted to more than $1.1 billion a year"
National Coalition Against Contraband Tobacco	2018	Newspaper article (cited as London Free Press 2018)	Link	The article states that "NCACT claims 'illegal cigarettes fund the activities of more than 175 criminal gangs." Note: This statistic quoted by the NCACT multiple times across various reports, committee transcripts and newspaper articles. The NCACT claims that this statistic was provided by the RCMP, yet it does not appear anywhere else aside from NCACT-connected articles and research.
Convenience Industry Council of Canada	2020	Report	Link	Report claims that the COVID-19 shutdown "revealed the extent of the illegal cigarette market in Canada - and the price provinces are paying in foregone tax revenue. As documented in this report, the First Nations closures lasted from late March to early- to mid-June 2020. As these sources of contraband cigarettes dried up, a gradual but sustained uptick in legal sales of cigarettes is observable across several data sets, followed by a decline to normal baseline levels immediately following the re- opening of on-reserve cigarette factories and "smoke shops." The report concludes by arguing that provincial tobacco tax revenues will increase if contraband tobacco enforcement on reserves is increased.
C.D. Howe Institute	2017	Report	Link	"Provinces should fight contraband cigarettes with better policing, and reforming government allocation of cigarettes to Aboriginal reserves, rather than impose higher taxes, according to new report released by the C.D. Howe Institute."
National Coalition Against Contraband Tobacco	2015	Report	Link	In the report titled "Taking the oxygen out of organized crime: Three-quarters of Ontarians want tougher penalties for illegal tobacco traffickers," the NCACT contends that there is a need for "greater awareness and action" around contraband tobacco. In the study, the NCACT provided survey recipients with questionable statistics from other studies (i.e., that the RCMP states that illegal tobacco is fueling gang activity and helps to move drugs and weapons, that 1 in 3 cigarettes in Ontario is illegal). They concluded that "after discussing these facts, "more than three-quarters (77 per cent)

				were in support of investing more public funds and police resources to combat organized crime's trafficking of illegal tobacco and 75 per cent support tougher penalties for traffickers”
GfK	2007	Report (cited as Canadian Press, 2007)	Link	“The study, released on Thursday, says the trade has cost federal and provincial governments $1.6 billion per year in lost revenues. The majority of the illegal cigarettes are concentrated in Quebec and Ontario. Ontario accounts for 53.8 per cent of the volume and Quebec for 41.1 per cent.”
Macdonald-Laurier Institute	2015	Newspaper press release (cited as Leuprecht 2015)	Link	A press release written by Macdonald-Laurier Institute Senior Fellow Cristian Leuprecht argues that “it’s time the government of Ontario gives First Nations the power to tax cigarettes.” *Note: While this press release appears to have a more progressive stance in support Indigenous sovereignty (contradicting other writing by Leuprecht himself), the conclusions of the report ultimately reinforce the same frames shared by other industry-linked research.* The press release contends that the contraband market can be curbed by “allowing” Indigenous communities to receive a portion of the taxes levied on legal tobacco products. The report notes that “some First Nations people refuse to collect the provincial tax, while others believe that the federal excise tax infringes on treaties.” It suggests that “a solution for A solution for First Nations and other levels of government is a new taxation strategy that strikes a better balance between the interests of First Nations looking to maintain their cultural and economic ties to tobacco, and the interests of public health, non-Native cigarette manufacturers, and government revenue. It’s time to give First Nations control of taxation on cigarettes and let them use the funds to support their own communities. There is precedent for this, although some First Nations prefer to collect “fees” rather than taxes.” *Note: This “solution” sidesteps the issue of Indigenous sovereignty entirely and suggests that the government should strike down portions of the Indian Act and force Indigenous peoples to pay tax to a colonial government.*
Macdonald-Laurier Institute	2013	Report (cited as Daudelin, Soiffer and Willows 2013)	Link	“The small town of Cornwall in eastern Ontario can be considered the contraband capital of Canada, thanks to the high volume of cross-border smuggling and illicit trade in the area. The problem has two sources; the unique local geography combined with practical, legal, and political problems that make it easy to bypass border controls; and the tolerance of Canadian and US law enforcement toward the illicit manufacture and sale of tobacco products on the Mohawk territory that straddles the Canada-US border between Ontario, Quebec, and New York State. Much of the local problem revolves around tobacco; however, significant amounts of illegal drugs, weapons, and humans have been trafficked through the area, all of these accounting for a chain of collateral crime in the surrounding region. The gross value of these illegal practices reaches into the hundreds of millions of dollars” This report is directly rebuked by Mohawk Council Association Grand Chief Mike Kanentakeron Mitchell. He argues that “there is no evidence that tobacco smuggling in this area contributes in any form to terrorism or mafia crime.” He notes that “the MLI study was completed without any contact with Akwesasne leadership until plans were underway to release it. Researchers failed to meet with Akwesasne community members or any officials who have knowledge of the historical aspect of the tobacco trade, the political relationship between First Nations and Canada, or Akwesasne’s own police statistics. Researchers relied on Internet articles published by the Canadian media, but did not use any Akwesasne media sources or publications as reference. All of this contributes to a one-sided report that is meant to scare the federal government into taking extreme measures to fight a non-extreme political and economic issue.” (Link)
National Coalition Against Contraband Tobacco	2009	Press release	Link	“Ontario study shows highest incidences of youth access to contraband tobacco in York Region”