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Introduction

DOCTOR FRANK ARTHUR CALDER was one of Canada's greatest Canadians. He was Nisga'a, born in 1915 in the remote Nass River Valley of northern British Columbia. His people, the Nisga'a, were passionate about their land and, from the 1880s, when they heard rumours that a reserve system was being contemplated, the nation had fought to keep possession of their traditional lands. They soon discovered that attaining legal title would demand enormous struggle and persistence. As attempt after attempt failed, they came to describe the process to be as difficult as "moving a mountain." As a young child Frank Calder showed promise, and at a great feast his chieftain father charged him with the task of moving the mountain to gain Nisga'a land title.

From his early years with all the disadvantages of living in a remote area with few opportunities, Frank rose to gain a university education and to serve as a member of the Legislature of British Columbia for twenty-six years. His path was never easy, but in spite of many difficulties his determination and dedication to the task with which he had been charged

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never wavered. He fought not only for the land claims of his people but also for justice on numerous issues that affected all his constituents who lived in northern Canada, Aboriginal and Caucasian alike. Educational opportunities, good jobs and government services in the north were often unequal to those in the south. His principles of fairness for all remained constant even when he faced strong opposition from his own political party and at times even from his own people.

The pinnacle of his career was his success in bringing the issue of Aboriginal land title to the opinion of the Canadian courts. Even though the question had never been brought to any court in any country, he believed there was precedent for it in English law. His efforts culminated in three court battles, but it was not until it reached the Supreme Court of Canada, where a split decision was handed down, that Parliament, in an all-party vote, was convinced to pass the law that recognized Aboriginal land title in Canada. The court's decision had not been a victory, but parliament made it one and changed the course of history, not only in Canada but also in many countries where Aboriginal peoples reside. The debate in the Supreme Court of Canada will ever be known as the "Calder Case."

Although this biographer never met Frank personally, after more than three years of research and interviews with his family and friends, she believes that she has come to know and understand him well. Her research into his life and work has filled her with the greatest admiration for him and his achievements (see appendix 1 for a list of his honours and awards). Throughout his life he always upheld the principles that he believed were right even if they harmed his career or offended fellow chiefs. The unfolding of his life story serves as an inspiration to all.

CHAPTER 1

The Early Years

ON AUGUST 3, 1915, in the Nass River Valley of northern British Columbia, Dr. Frank Arthur Calder was born. He was a Nisga'a, which means "people of the Nass." His family had lived there for generation upon generation and had been involved in the traditional tribal leadership of the nation. His family lineage is somewhat complicated and merits a brief discussion. His birth parents were Emily Leask Clark and Job Clark, who was the nephew of the Nisga'a chief, Arthur Calder, who bore the title Na-qua-oon, translated as Chief Long Arm. It was the traditional title of the chief of the Nisga'a who presided over the village of Greenville. Frank's mother's sister, Louisa Leask Calder, was married to Arthur Calder.

Frank Calder's birth was steeped in a mythical dream. Almost two years earlier, Louisa and Chief Arthur Calder had lost twin sons. One had died at birth and the other before reaching his first birthday. Louisa and Arthur were devastated. With no prospect of future pregnancies, Louisa lapsed into a lingering depression from which it seemed nothing

could rouse her. Then one day in Gingolx (Kincolith), a village near the mouth of the Nass River where it empties into the Pacific Ocean below the Alaskan border, an old woman from the Frog clan had a vivid dream. To her it was so real that she paddled all the way up the river to visit the chief and his wife in Greenville.

She met with Louisa and described her dream in vivid detail. She said it was so life-like that she believed it must be true. The dream, the woman said, foretold that Louisa's sister Emily would become pregnant and that the child would be a boy and would have the soul of Louisa's first twin and the spirit of chief Na-quaa-oon. The old woman insisted that Louisa and Arthur must adopt this child. The dream instilled hope in the childless couple. Upon hearing the news, they immediately related it to Emily and Job Clark. Soon afterwards, Emily did indeed become pregnant and the Clarks agreed that if Emily's child proved to be a son Louisa and Arthur Calder would adopt him.

That summer, Emily followed her husband Job along with other families to the river's mouth to work at Mill Bay. There, almost twenty-five years earlier in 1881, a cannery had been built by the British Columbia Fishing and Packing Company, which later became Canada Packers. The cannery provided good seasonal jobs that were well paid while the fishing lasted. It was here while she and her husband were working in Nass Harbour that Emily gave birth. The child was a boy — as the woman from Gingolx had predicted. True to their word, Emily and Job Clark gave the child over to the Calders in a traditional Nisga'a adoption ceremony. Before doing so, however, they bestowed the name Frank upon him — after Job's father. The Calders gave him the second name of Arthur, his adoptive father's name and also that of his adoptive grandfather.¹

Frank's adoption was possible within the Nisga'a because Emily and Louisa were sisters and had the same crest, that of the killer whale. The Nisga'a Nation has four clans or *wilps*, the Gisk'aast (Killer Whale), the Laxgibuu (Wolf), the Laxsgiik (Eagle) and the Kao'a or Skawah (Frog or Raven). At birth every baby receives the crest of his or her mother and keeps it for life. It is forbidden for any person to marry someone with the same crest. The preservation of the marriage prohibition is the reason no

child can be adopted by a mother with a different crest from the one with which he or she was born. Children always have the same crest as their mother so adoption to a mother with a different crest would change the crest of the child and interfere with the prohibition.

Frank Calder was born a Clark, but he retained his adoptive name of Frank Arthur Calder throughout his life. Yet he was not entirely separated from his birth parents, for, in the Nisga'a tradition, cousins whose mothers are sisters are raised almost as if they are brothers and sisters. Frank spent time in both households, and it was not until he was grown up that he learned he had been adopted. It was a large family group. Louisa and the chief adopted one other child, a girl named Bertha, and Frank's birth parents had eight children in all.

Upon Frank's adoptive father's death, his birth father Job Clark became Chief Long Arm. Nisga'a chieftainship passes to the eldest nephew. Job was the eldest nephew through his mother's side of the family.



The Nisga'a land into which Frank was born was a wilderness of extreme beauty, wild and free. The Nass, flowing from the mountains to the sea, is some 378 kilometres long and with its tributaries has a basin of nearly 13,000 square kilometres. The evergreen trees — Douglas fir, Sitka spruce, hemlock and red and yellow cedar — are huge, the ocean to the west vast and the people few. The region ranges from wide beaches to deep fjords to glaciers and snow-capped mountains. Even though it is situated in the far north of BC, the Nass valley has a surprisingly moderate climate, warmed by the Japanese current. The sea life is lavish and bountiful.

Over the years the Nisga'a people had built four villages along the Nass: Gingolx (Kincolith) near the mouth; Laxgalts'ap (Greenville), where Frank Calder grew up; New Aiyansh, where the totem poles are located; and farthest from the mouth, Gitwinkaihkw (Canyon City). Together they had developed their own culture and traditions. Their intricately carved totems told historical tales and depicted their deep

spiritual belief of being connected to the world around them.

Frank's people had lived along the Nass River with their own way of life intact for thousands of years, or "from time immemorial" as the Nisga'a elders described it. By the time Frank was born, however, there had been a period of over a hundred years during which European explorers and traders had begun to transform the Nisga'a culture. The first to arrive, somewhat farther north, were two Russian ships in 1745, led by Vitus Bering in the *St. Peter* and Alexei Chirikov in the *St. Paul*.² Chirikov landed on Prince of Wales Island, now part of Alaska, only a little over a hundred kilometres from the mouth of the Nass River. Bering died on Kayak Island, but survivors from his expedition reported sighting Mount St. Elias, now part of Canada's territory in the Yukon. More importantly for the future, they began trading with First Nations people, but exactly which nations they contacted remains unclear.

The furs with which the Russians returned were so highly prized that subsequently the Russians set up trading posts on what is now the Alaskan panhandle,³ close to the present towns of Ketchikan and Sitka.⁴ Eventually they had trading posts as far south as California. Along with the Russians, Spanish ships visited the West Coast, but none of the Spaniards ventured as far north as the Nass.

News of the abundance of furs to be found in the northwest region of America slowly filtered across Russia, throughout Europe and to Great Britain. In 1794 a British maritime trader, Charles Bishop, stopped at the mouth of the Nass River, and commented, "It is a doubt with us, wither these People had ever seen a Vessel before. They wore by far, the most savage wild appearance I have ever seen."⁵ Whether he considered them savage or not, Bishop liked their furs. He returned to Britain with a fortune in pelts, shared by his investors and crew members, and thereafter a lively if sporadic trade developed with the Nisga'a and surrounding nations.

In the 1830s, the Hudson's Bay Company, lured by accounts of the profitable trade to be had on the coast, decided to set up a regular route to service the region. The company was so convinced by reports of the region's riches that they ordered the building of a ship in Britain specifically for the purpose. Launched in 1835, it was christened the *Beaver* and

sailed to Fort Vancouver on the Columbia River. Thereafter it plied its trade up and down the coast of BC and made frequent stops at the mouth of the Nass. It conducted trade with the Nisga'a and their neighbouring First Nations — the Gitksan, the Kwakiutl and the Tsimshian as well as others. It was the first regular contact these nations had with Europeans.⁶

The *Beaver* was destined to play an important role in the history of Frank Calder's adoptive family. One of the *Beaver's* deck hands was a man named Arthur Calder. Over time, during numerous calls at the Nass, Calder met a Nisga'a princess nicknamed Queen Victoria. This was because in profile she was said to resemble the Queen. They were married and had several children, the first of whom was a boy named Arthur after his father. In due course the child became Chief Na-qua-oon.

Frank's birth father was the son of a Scot, Frank Roundy. Roundy was a colourful individual who arrived in the Nass River valley in the late 1890s with a fellow prospector. They had heard of a minor gold rush at American Creek and set off hoping to make their fortune. Roundy did not find gold in the Nass, but during his time there he met and married an Aboriginal woman from Hazelton, Ellen Wale, and fathered one son, Frank's birth father, Job. Discouraged at not finding gold, Roundy, shortly after his son's birth, left to search for the yellow metal even farther north — deserting his wife and his son.

After his father left, Job Roundy was adopted and raised in the community of Greenville by Anglican missionaries.⁷ Like many Nisga'a, Job was given the surname of the missionaries who adopted him, and even after he became chief was known as Job Clark. As a boy, the missionaries sent him to Alert Bay Indian Mission School for his education. When he became an adult he worked as a fisherman, and in 1912 he married Emily Leask in Port Simpson. Emily was only fifteen years old at the time, and she had been educated at the well-known Crosby girls' school there. She was married in Port Simpson because she wanted to be married in the chapel of the school she had attended. She could speak English well, and later in life became the radio operator for the area, advising fishing fleets and other small transport of weather conditions. Some years after her marriage, she gave birth to her third child, Frank, whom she gave up for adoption. Although both Frank's grandfathers were European, their