

Exhibit P-134

Karonhia'no:ron, 10 August 2022

A Critique of the Arkeos Report

The Report, In and Of Itself

As stated by Arkeos, the purpose of their report is “to ensure the protection of the archaeological heritage still potentially present on its properties” and “to carry out a study of the archaeological potential of the site of the Royal Victoria Hospital.” (Arkeos 2016:1) In less convoluted terms, the archaeologists wanted to know if anyone left cultural remains in the archaeological record, and if so who did, where exactly, and when? The purpose being to identify any sites whose archaeological contexts might contain cultural artifacts, so that these areas might be protected from construction, or that the materials may be removed before construction begins. In particular, the following research questions were asked:

1. Did Amerindian populations inhabit “the entire space occupied by the Royal Victoria Hospital” (2016:1) during Paleoindian Periods, Archaic Periods or the Woodland Period?
2. What did settlement patterns look like in this same space during the historical period?

These two research questions establish a binaristic and linear way of viewing the past. Indigenous peoples and cultures are confined to the ancient past in this report by Arkeos, for they only focus on the significance of Indigenous presence during the prehistoric period. I note that the words “prehistoric” and “historic” are frequently exchanged for “Amerindian” and “Euro-Canadian” (e.g., see page 2). American archaeologist Stephen W. Silliman outlines this kind of thinking as embracing a narrative of the *short purée*. Here, colonization is seen as a defining moment that separates so-called authentic and altered Indigeneities. Such narratives, Silliman writes, “situate Indigenous histories within, rather than intersecting, colonialism, thereby shortening them. They discourage archaeological research on more recent Indigenous histories.” (2012:115) Such thinking also attempts to sever the connection between contemporary Indigenous peoples and our ancestors, as well as the territories we have lived on and taken care of since time immemorial. In this case, our ancestors are not “Amerindian” or “Paleoindian,” they are Kanien’kehá:ka, Algonquin, Nipissing and Wendat.

Additionally, by confining Indigenous peoples' to the *ancient* past, Arkeos does not address the fact that Indigenous peoples are concerned with events that occurred at the Royal Victoria site during the *recent* past. The Kanien'kehá:ka Kahnistensera of Kahnawa:ke are particularly concerned that unmarked graves will be disturbed by construction at the Royal Victoria Hospital, which is due to start in October 2022. They have reason to believe that Indigenous children were brought to one building at the hospital, the Allan Memorial Institute, and psychologically tortured by Dr. Ewen Cameron during the state-sponsored MK-Ultra experiments of the 1950s and 1960s (Fournier 2022). The code "MK-Ultra" does not appear once in the Arkeos report. Burials or graves are mentioned only in relation to the prehistoric context.

Another concern raised by the Kanien'kehá:ka Kahnistensera is that at no point were they consulted by McGill University, Arkeos or Decasult during the undertaking of this environmental assessment in 2016, nor were they consulted as it concerns the construction at the Royal Victoria site (O'Malley 2021). This is despite the fact that these projects are both occurring on their territory and that they, as elders and mothers, make up the traditional governance of the Kanien'kehá:ka. It is interesting to note that even the Mohawk Council of Kahnawake (MCK) was not cited as a contact within the Arkeos report given that band councils are typically recognized by the federal and provincial governments as valid Indigenous political entities. Additionally, the MCK has Kanien'kehá:ka archaeologists on hand and has been consulted about archaeological matters before (Rochette 2014; Amadore 2020; Paquette et al. 2021).

The Arkeos archaeologists' methodology was as following, they: 1) conducted a review of topographic maps of the region, 2) conducted a review of environmental change since the end of the last Ice Age, 3) undertook a survey of the land surrounding the buildings at the Royal Victoria site, 4) conducted a review of the Statement of Heritage Interest for the Royal Victoria Hospital Site, issued by the City of Montreal, 5) consulted the Inventory of Archaeological Sites in Quebec and 6) consulted various primary and secondary source publications concerning Mount Royal and its surroundings (2016:6). Nowhere is it stated that Arkeos established a partnership with any Indigenous person or community, nor is it stated anywhere that they valued the information that could be gained through endeavoring a collaborative survey. McGill University states that it contracted "Indigenous consulting firm" Acosys during the process of the Arkeos survey (McGill University 2020), but this is not listed under Acosys' portfolio on their website. Acosys' mission statement is quite vague, stating that their goal as a for-profit company is to "provide direction to our customers, through professional, timely and value-based consulting services in business solutions, technology integration, and talent management, while increasing the visibility of Indigenous business and consulting professionals." (Acosys 2022)

The privileging of maps and historical accounts like those of colonizer Jacques Cartier (2016:38;43) and Jesuit priest Barthélémy Vimont (2016:43) contributes to the invisibilization of Indigenous peoples and the devaluing of Indigenous epistemologies. Indigenous Studies scholars Tsim D. Schneider and Katherine Hayes (2020:130-131) note in their critique of contemporary archaeology that Indigenous erasure is a consequence of archaeology situating itself as a pure science, as well as its privileging of European epistemological concepts like objectivity and empirical evidence. Archaeology has, and continues to be used as a tool of settler-colonialism: by

removing Indigenous peoples from the historical narrative, or confining us to the ancient past, it allows for settlers to take their place as rightful inhabitants. By not collaborating with Indigenous peoples' or engaging with alternative ways of knowing, the Arkeos survey marginalizes if not outright invisibilizes Indigenous presence in Tioh'tia:ke, and is an affront to Indigenous sovereignty.

The report concludes with the statement that six zones with archaeological potential from the *prehistoric* period have been identified: P-01 to P-06. They are areas that the Arkeos archaeologists identified as being the most consistent with prehistoric human occupation. It's noted, however, that it is entirely plausible that *prehistoric* burials may be uncovered outside of these six zones. They write that "unless they are located in or near occupied sites, burials are one-off phenomena that are not necessarily heralded by a scattering of artifacts. Their discovery, then, is a matter of chance." (2016:71) Four other zones, H-01 to H-04, are listed as likely containing historic archaeological artifacts. In both cases, it is recommended that an archaeological surveying technique be employed to gain a better understanding of the nature of these deposits. This is important to note. *Arkeos and Decasult did not do survey work on the ground. They are recommending that it be done at a later date.* This could be as simple of a process as a surface survey, where archaeologists walk along transects and map the plots, looking for artifacts or signs of inhabitation on the top layer of soil. It could also be more complex, employing aerial surveillance or ground-penetrating radar. Until then, what rests beneath the soil is highly vulnerable to being destroyed by the impending construction.

Archaeology in Quebec, as I Understand It

It is considered a norm in a province like British Columbia for both academic and cultural heritage management archaeologists to consult with Indigenous nations (albeit usually through band council chiefs) before even conceptualizing an archaeological project. However, in Quebec, the situation is very different. This is because cultural heritage management falls under the jurisdiction of the provinces, rather than the federal government, and each province has different legislation governing archaeology. In Quebec, all archaeology projects are subject to the *Cultural Heritage Act* (2011) which replaced the earlier *Cultural Property Act* (1972). Under the *Cultural Heritage Act*, archaeologists are required to consult with and report to the Minister of Culture and Communications.

Cultural heritage is conceptualized as belonging to the state, and almost 80% of funding for preservation comes from the province and its municipalities (Zorzin 2011:123). Cultural heritage "consists of deceased persons of historical importance, historic events and sites, heritage documents, immovables, objects and sites, heritage cultural landscapes and intangible heritage." (Government of Quebec 2011a:5) The issuing of an archaeological permit requires that the archaeologist gain the written consent of "the immovable's owner or of any other interested person." (Government of Quebec 2011b:2) However, there is no particular stipulation calling for a mandatory consultation or collaboration with Indigenous peoples. This is most likely due to the context of archaeology's institutionalization in Quebec during the 1960s and 1970s, with archaeologists Nicolas Zorzin and Christian Gates St-Pierre (2017:414) describing this as a time when politicians looked towards "history and archaeology to rebuild a threatened identity

focusing on the French regime.” They continue, stating that this resulted in “a slow penetration of the post-processual critical approach [and] a reluctance to acknowledge First Nations’ existence in the present.” (2017:415) To do so could potentially debase sovereigntist and separatist Quebecois claims to land.

In contrast to this understanding of archaeology as a public or governmental endeavor, Zorzin and Gates St-Pierre state that over 70% of the approximately 250 archaeologists active in Quebec as of 2016 worked in the private sector; more than 90% of these same archaeologists were white francophones. Between 2010 and 2016, the province actually lost roughly 45 archaeologists, most of whom were employed by the province. The Ministry of Culture and Communications in fact no longer employs any of its own archaeologists and contracts out work (2017:418). Additionally, Zorzin and Gates St-Pierre note that the current system is one where “the practice of archaeology is increasingly intrusted to private firms, but where provincial and federal powers are supposed to be exerting regulations and control over it.” (2017:415) Archaeology, then, is becoming an increasingly private practice. One where the ultimate goals are efficiency and profit- paving the way for salvage operations that allow for development to occur regardless of a site’s “archaeological potential.” And unlike other provinces, archaeological sites and artifacts can remain in private hands in Quebec. So long as the sites and artifacts in question were legally acquired under provincial or federal law, the “owner” can do with them whatever they please (2017:419).

A non-legally binding document, *Le code d'éthique et des normes professionnelles*, published by the Association des archéologues professionnels du Québec (AAQ) in 2021, outlines different obligations. The AAQ states their approval and implementation of the United Nations Declaration on the Rights of Indigenous Peoples, as well as the relevant calls to action from the Truth and Reconciliation Commission (2015). Section 2.1.3 states that the archaeologist must ensure that they present themselves directly to representatives of an Indigenous community (not necessarily a band council chief) to outline the archaeological project *before they start working*. Additionally, Section 2.1.5 states that “the will of the communities directly concerned must take precedence over that of other stakeholders, in compliance with the laws that are in force.” (AAQ 2021) The final section I want to note, Section 2.1.7, highlights the importance of incorporating Indigenous peoples and perspectives into the process of doing archaeological work. However, because this is not a legally binding or enforceable document, conformity is a difficult thing to expect or gauge. It is also possible that academics may be more likely to adopt this code of ethics as opposed to corporations like Arkeos and Decasult.

This is not to say that all archaeology being conducted in the province is in such a dismal state of affairs. While lagging behind other provinces in terms of advancing towards more ethical archaeological practices at a broader, more systemic level, there is nonetheless work being done in Quebec that engages with Indigenous peoples as equals, as well as acknowledges and affirms Indigenous sovereignties. Richard et al. (2018) is an excellent example of this. Jean-François Richard and Louis Lesage are Wendat and work for the band council of Wendake at their Nionwentsio office, which is concerned with cultural resource management and archaeology. Nionwentsio has worked in collaboration with the University of Laval since 2013, when they

signed a knowledge exchange agreement, and since 2016 the two have co-led an archaeological field school in the summer months on the land in and around Wendake. The Wendat see archaeology as a useful tool for reconnecting with their traditional territory, learning how to care for the land, as well as revitalizing their ancestor's lifeways. Here, archaeology works *for* the Wendat. The mutual benefit is that archaeologists at the University of Laval get to be a part of a knowledge exchange, develop meaningful and long-lasting relationships with the Wendat at Wendake, and of course, gain archaeological field experience.

One of course, can still critique this arrangement. An archaeologist should know that establishing a relationship with and addressing the concerns of a band council may not be the same as working with an Indigenous nation's traditional government. Neither of these will necessarily address the broader concerns of community members. It is typically difficult to satisfy every Indigenous party involved, let alone be within the guidelines listed by the municipal, provincial or federal governments. It is, nonetheless, a worthy endeavor to engage with such a process meaningfully. Richard et al. (2018) stands in contrast to the Arkeos report, wherein Indigenous peoples' are not mentioned once outside of the ancient past, let alone topics of consultation and collaboration. It is evident through Arkeos' methodology that this firm operates through a largely corporate, uninspired and uncritical gaze. And this is who McGill thought would be perfect for conducting this preliminary, non-destructive survey.

Conclusions

There needs to be a critical recognition, keeping with the positions asserted by archaeologists like Sonya Atalay, Randall McGuire and George P. Nicholas (to name a few) that archaeology exists as a discipline *because* of settler-colonialism (Atalay 2006; McGuire 1992; Nicholas and Andrews 1997). And additionally, that settler-colonialism has and continues to be supported by archaeological projects. This is evident through the very contemporary and very real processes of invisibilization and marginalization that emerge as a result of Indigenous peoples' not being included in archaeological projects- like the survey commissioned by McGill through Arkeos. "The notion of the vanishing Native American," writes McGuire (1997:827), "affects the way we do archaeology today. The image allows archaeologists to glorify their object, the [Indigenous] past, and yet detach it from the descendents of this past, living [Indigenous] people." This, arguably, is the most glaring issue with the way McGill and Arkeos have decided to go forward with doing archaeological work. Onkwehonwe, and in this context, Kanien'kehá:ka, are sovereign peoples with a connection to our ancestors and the land. The concerns of our community members, especially our elders and leadership, *need* to be addressed. Kanien'kehá:ka were not consulted, nor did they give their consent, prior to the undertaking of the archaeological survey nor the approaching construction project at the Royal Victoria Hospital site. The Kanien'kehá:ka Kanistensera are particularly concerned about the presence and potential destruction of unmarked graves of Indigenous children at the Allan Memorial Institute, and this should be investigated *to their satisfaction*.

There is an option for Kanien'kehá:ka archaeologists to undertake the responsibility of this investigation, though this would most likely have to be done through the Mohawk Council of Kahnawake. The MCK's portfolio release for the 2021-2024 term lists Ross Kakwirakeron Montour as the head of the Indigenous Rights and Research Portfolio, alongside Barton Skaroniati Goodleaf, John Asenase Rice, Jessica Teiotsistohkwáthe Lazare and Michael Ahrihrhon Delisle Jr (MCK 2021). As stated before, the Council has worked with the City of Montreal on archaeological projects previously. However, if the Kanien'kehá:ka Kanistensera do not want to enlist the help of the band council, this should be respected. The band council represents a colonially-imposed governance system, implemented through the Indian Act and contradicts the authority of traditional Kanien'kehá:ka, Rotinonshonni governance. It is equally as valid of a route to have the Kanien'kehá:ka Kanistensera, other elders and knowledge keepers, as well as community members more broadly, on site to ensure that Kanien'kehá:ka, as well the land and potentially, their ancestors, are being respected. There are many different forms that this project could take. The one that McGill chose to embark upon is one that only adds to the legacy of mistrust between Indigenous peoples, institutions and archaeologists.

On the website for the Royal Victoria Hospital renovation project, called "The New Vic," McGill University outlines seven guiding principles (McGill 2022):

1. Deliver a project for Montreal, Quebec and Canada
2. Embrace the challenges of sustainability through research, policy development and collaboration
3. Build an idea factory that attracts, connects and inspires
4. Balance nature, heritage, functionality and sustainable architecture
5. Recognize and honor the Indigenous history of the site
6. Exemplify sustainable mobility and urban integration and,
7. Enhance views and access to Mount Royal, and Olmstead's landscape vision for Montreal

Principle #5, if it is similar to Arkeos' research questions, does not aim to address questions about missing children and unmarked graves. Rather, Principle #5 is most likely referring to the so-called "ancient" Indigenous past. One can speculate if this "recognition" and "honor" could manifest as an informative plaque with a land acknowledgement. What do these concepts look like to the members of McGill's governing bodies? The New Vic project has been under consideration and in the works for years, but it is only in January 2021 that McGill's administration states that they began collaborating with "internal and external Indigenous communities" (McGill 2022) through their Indigenous Initiatives department and with the help of Acosys. Why are the members of these communities unnamed? Who are they? Who are their kin, and who do they claim to represent? The Kanien'kehá:ka Kanistensera feel that whoever these parties are, they do not represent them nor the people of Kahnawa:ke. That, I think, is the profound issue here. McGill

is not willing to listen to and learn from Indigenous peoples, as much as they state this is the case. *Listening* requires listening even when someone does not agree with you, or when someone is hurt by things that you did. *Listening* requires listening to all persons implicated in archaeological research. If someone says that you did not give them a seat at the table when they deserve one, then you should pull up a chair and apologize. McGill University has not done any of this- it has not even taken the first step towards meaningful and ethical partnerships with Indigenous peoples. The words of the university administration ring hollow.

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