

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

LOCATION/ENDROIT: Eskasoni
Prince Edward Island

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"for the record..."

STENOTRAN

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Aboriginal Peoples**

1

2

Eskasoni, Nova Scotia

3

--- Upon resuming on May 6, 1992

4

5

CHIEF, ESKASONI BAND: Welcome to

6

Eskasoni, First Nations Turf. You'll see the mountains

7

behind us and the Bras D'or Lakes in front of us. I'd

8

like to welcome the Royal Commission for being with us

9

today and part of tomorrow.

10

Unfortunately, I cannot be

11

here for today or tomorrow. I have other commitments.

12

I have to run around after we get our meeting underway

13

here.

14

First of all, I'd like to

15

call upon Grand Chief to have our opening prayer for us.

16

17

[Opening Prayer]

18

CHIEF, ESKASONI BAND: Thank you very

19

much, Grand Chief. I'd like to just have an introduction

20

of the Commissioners here. Most of you have known them

21

before, I guess. Former National Chief, Georges Erasmus

22

is with us today. Georges, could you raise your right

23

hand? Thank you very much, Georges. Also from the Native

24

Council, former Native Council President, Viola Robertson.

25

Thank you very much. Also another man that I never met

26

before, his name is Paul Chartrand.

StenoTran

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1 Thank you, Chief, for those short words of introduction
2 and have a good trip. I just would like to say a few words
3 just before we start just to help orientate everybody,
4 including myself, reminding me what community I'm in and
5 stuff like that.

6 The Royal Commission is now
7 beginning its hearing phase of its work. We began our
8 hearings about two weeks ago in Winnipeg and we intend
9 on holding hearings for about a year and a half or so.
10 We will be travelling all across the country. We will
11 be hearing people in small communities and in large cities.

12 We will be travelling north and south and east and west.

13 We want to hear from both aboriginal people and also from
14 the larger non-native community in Canada.

15 We have a very large
16 mandate. The mandate of the Royal Commission includes
17 items like self-government, treaties, a land base for
18 people, economic development, women's issues, elder's
19 issues, youth issues, Indian Affairs, the Indian Act,
20 justice, the constitution, and just about anything that
21 you might think of that affects aboriginal people. Our
22 mandate covers all aboriginal people in all parts of the
23 country.

24 In this part of the
25 hearings, we're listening to people on any of the subjects

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1 that they wish to talk to us about. We expect to hear
2 about many of the things that were done in the past and
3 perhaps that are still going on that shouldn't be
4 occurring. But the primary thing that we're hoping to
5 hear from people is how the problems should be resolved.

6 We'd like to hear the solutions to all of these issues
7 and we'd like to hear it firsthand from people themselves
8 as to how things should be done, how we should either have
9 a healing process or how there should be repayment for
10 things that have been in the past, a restoration of
11 wrongdoings, and so forth.

12 We expect our work to be
13 in total about three years. We might be a little longer,
14 we might be finished a little earlier than that, but that's
15 what we're working to. It's a target that we're shooting
16 to.

17 We will be returning to the
18 same region a number of times. Not necessarily to the
19 same community, but we will be, for instance, to Cape Breton
20 again in the next two or three years and if people wish
21 to present to us again at a later time, they can.

22 We expect that aboriginal
23 organizations will over time present to us on most of our
24 mandate. So we don't expect that in our first trip out
25 to places like Eskasoni that people will be ready to talk

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1 to us on all subjects, but we want to hear what people
2 are prepared to tell us today.

3 We know that there have
4 been many other inquiries and studies done by other people.

5 This effort, this Royal Commission is the first of its
6 type that covers all of the issues. Another unique part
7 of this Commission is that it has an aboriginal majority.

8 Out of seven Commissioners, four are aboriginal people.

9 And we have three women on this Commission. It is
10 co-chaired by myself and a judge from Quebec by the name
11 of Rene Doussaud.

12 We are fully aware that our
13 work is going to have to be both acceptable and understood
14 and supported by both aboriginal communities and by
15 Canadians at large. We know we have to have credibility
16 in both communities.

17 When we were created by the
18 government after they accepted the work of ex-Chief Justice
19 Brian Dickson on how the Commission should be mandated
20 and who should sit on the Commission, we were well supported
21 by all members in the House of Commons. The Conservatives,
22 the Liberals were unanimous with the New Democrats. The
23 three major parties in the House of Commons all agreed
24 to this Royal Commission. So we feel that we're working
25 in a fairly good environment.

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1 over the next two days.

2 This is our first
3 aboriginal community that we've gone to. We've held
4 hearings before, but they have been in Charlottetown and
5 in Winnipeg. So this is the first community of a First
6 Nations that we've actually begun our hearings in and we're
7 looking forward to this.

8 So with that, we'll begin.
9 We'll open the hearings and we have a list of people that
10 want to make presentations to us, but we were told that
11 there was not necessarily an order to them. So as you
12 may want to make presentations to us, if you could just
13 identify yourself to us, both for us here, but also we're
14 recording what's going on and we would like to know who
15 said what on what issue. So please bear with us and let
16 us know who you are as you're going to be making
17 presentations. I have a whole list of names here of people
18 that were interested in making presentations. Is there
19 anyone here in the room of any of those people? Please
20 come forth and just identify yourself and start.

21 **GREG JOHNSON:** I think
22 that perhaps some of those people, although they have put
23 in their names, I think that those people will come forward
24 and they will, in due time, that they will feel, when they
25 feel ready to make a presentation, I think that they will.

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1 And I think perhaps some are written presentations and
2 some are oral and I'd like to be put on somewhere this
3 morning to make an oral presentation.

4 **CO-CHAIR GEORGES ERASMUS:**

5 Why don't you start? There doesn't seem to be a lot of
6 people lining up there taking the mic from you.

7 **GREG JOHNSON:** I'm going
8 to be seeking help from my friend here.

9 **CO-CHAIR GEORGES ERASMUS:**
10 Could you start by introducing yourself.

11 **GREG JOHNSON:** My name is
12 Greg Johnson. I am a Micmac. I am what you call a social
13 worker and I have lived on this reserve for most of my
14 life. Some of the things that I don't know, probably that
15 you have already heard, but I'll start out with my
16 experience with centralization. Not the experience,
17 because there are so much things written on that. I'd
18 like to tell you sort of where I come from as an individual.

19 One of the early things
20 that I remember was that growing up in Eskasoni, and I'm
21 sure that other people remember, was the sort of, I don't
22 know if you want to combine it with a kind of fear or a
23 kind of an overwhelming sense of powerlessness. To
24 demonstrate that, when I was about eight years old, maybe
25 nine. It was summertime and, at that time, that most of

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1 us were very poor and I remember going to the Indian Agent's
2 office with my grandfather and there were Indian Agents
3 here. There was a store here and I had shoes but remember
4 those type that nails used to come out and they used to
5 come out at the end, you know, like they would come out
6 and your toes would be sticking out. That's what I had
7 on and my grandfather and I and other people were standing
8 around outside the store and I had these shoes on which
9 were very uncomfortable and a little bit embarrassing.
10 My grandfather told me that these people are Indian Agents
11 and they can give you new shoes. Of course, I hadn't
12 thought about new shoes. I thought that I was just going
13 to wear these most of the summer. He says, "This is the
14 Chief," it was John--I don't know what his name was. I
15 know they called him "John Drum." I don't know, I think
16 his name was John Julian and he says, "Go with him and
17 he'll--go show your shoes to the Indian Agent and he'll
18 give you new shoes." And I was thinking as a little boy,
19 why should I? Why should I humiliate myself? Doesn't
20 this guy already believe me? He's a chief. Is that not
21 enough? It's embarrassing enough already to have my toes
22 sticking out of my shoes. And they weren't very clean,
23 too, because we didn't have bathtubs and all that stuff.
24 And I told--This man, he was trying to do good, he says,
25 "Come with me, we'll go show them." I told him, "Go to

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1 hell." I said, "Go to hell. I'm not going in there."
2 If I can't get shoes, you know, if I have to go show them
3 to this white person who is dressed up in a necktie and
4 a suit and he doesn't believe you as the Chief. I was
5 only nine years old. I went home and I think I wore the
6 shoes for the rest of the summer that I had. I think my
7 grandmother went selling baskets and other things and she
8 got me shoes somewhere, or I survived the summer barefoot.
9 I never got shoes.

10 But, anyway, this had a lot
11 to do with the shaping of the way I think, the way I am,
12 the way I believe. The quest that I have for knowledge,
13 knowing about my people, knowing what they are, knowing
14 my language, and knowing other cultures. I think this
15 sort of was the beginning of something, which sort of leads
16 me to what I am going to say next.

17 First of all, I would urge
18 the Commission to call for a complete dismantling and
19 abolishment of the Department of Indian Affairs because
20 Indian Affairs is an albatross, not only on the native
21 people but on the government as well. The Department of
22 Indian Affairs, and maybe perhaps the Indian Act, has its
23 legacy in racism, in prejudice, and in paternalism. And
24 it is something that cannot be repaired. It is something
25 that cannot be done over to make it work for native people.

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1 Because I think the time has come when there has to be
2 a new relationship. The department was established at
3 the time when the government thought, or maybe they still
4 do, or felt that non-native people, especially white
5 people, were superior to native people. And that is the
6 basis of the department still today.

7 I was talking to my very
8 good friend this morning, Joe, and he worked for the
9 department and he's known for the last--as long as he has
10 known me that I have felt this and I told him this morning
11 that it has nothing to do with you. And, personally,
12 because I believe you're my friend. I believe that you
13 are a good person. However, whether native or non-native,
14 anyone that works for the Department of Indian Affairs
15 doesn't really believe. They don't really believe that
16 the Indian people can handle their own affairs. I
17 have--you can debate with me for years and years but I
18 think that it's very difficult for me to believe that
19 because this is something that has existed because of its
20 sort of superior attitude to native people. And I think
21 it has to be abolished. You cannot fix it, at least in
22 my mind. It is not fixable. I think a new relationship
23 that is based on sovereignty of the native people. And
24 it's not sovereignty association or distinct society which
25 Quebec talks about. I think the kind of sovereignty is

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1 with the government based on equals, based on unity and
2 diversity, based on equality. Equality of the races,
3 equality of the sexes, and equality with children.

4 I believe that trying to
5 reorganize the department or even based on its legacy of
6 oppression will not work. I think during the Oka crisis
7 last year, I was so proud of our people. Not because they
8 brought guns and all that stuff. I wasn't proud of that.

9 But I was proud of them because the government for once
10 didn't know what to do with the concept. When native
11 people said we have to consult with our women, we have
12 to consult with our people, we are not the decision-makers.

13 Mr. Erasmus there and others said the same thing, that
14 we have to go back to our people. The government didn't
15 know what to do with that. And there is time, the native
16 people said. And the government again didn't know what
17 to do with that. Because they always want to give you
18 a "bum's rush" and that's the concept that the "bum's rush"
19 is something you have to sign this now or if we don't sign
20 this, something will happen. The consultative process
21 is left out.

22 And I think the direction
23 that this Commission must adopt is that I think it has
24 to first of all recommend to government that the native
25 societies existed long before they did. This is supposed

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1 And that's about all I want to say. Thank you very much,
2 Mr. Chairman.

3 **CO-CHAIR GEORGES ERASMUS:**

4 Thank you, Greg.

5 **BARBARA JOHNSON:** I am
6 Barbara Johnson. I live in Hants County. I live on Micmac
7 traditional land as a Micmac person.

8 Our territories not only
9 include Nova Scotia, as was mentioned by Greg. Because
10 of our old tradition, the history that's written about
11 Micmac people and a lot of the history that's written by
12 the Settler's Society, the majority of it is incorrect.

13

14 If you look at the
15 traditional lands as spelled out by the Settler's Society,
16 you will see that the Micmac territory went as far down
17 south as Florida and up north, up in the Arctic, and all
18 over. And I think to just restrict us to Nova Scotia.
19 Micmac people are, in effect, their traditional lands stem
20 from coast to coast from up north, down to the south and
21 probably went inward, too, in towards the land. So when
22 the Settler's Society report that Micmac people only
23 existed in Nova Scotia, and some of them are even saying
24 that they did not even exist in Cape Breton, you know,
25 that's really a violation of our rights, our traditional

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1 rights and everything else.

2 I have studied in the white
3 society. I am proud to say that I am a member of the Chapel
4 Island Band. I am proud to say that I have three degrees.

5 I have a Bachelor of Science in Home Economics from Acadia.

6 I have a Bachelor of Education from Mount Saint Vincent.

7 I have a Masters in Education from Saint Mary's. And,
8 currently, I'm at the final stage of completing my Masters
9 of Education at Saint Mary's University. All I have to
10 do is just do my final revision of my thesis. I've

11 completed all the course work. And I'm also proud to say
12 a lot of people that go and become educated such as I have,
13 we have always been told, "you've gone educated. You've
14 become a white person or a white man," that is erroneous
15 to blue blazes. I think because I have gone to university
16 and because I have more or less concentrated my studies
17 in regard to native culture. My courses in Home Economics
18 deal with the native family. If there is an expert on
19 native family, I think I am it. I don't think anybody
20 knows the ins and outs of native society as well as I do.

21 I have concentrated in education-wise regards to
22 education of native students. My thesis is based on the
23 psycho-education assessment of native students and it is
24 a native perspective.

25 We have been classified

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1 under education as right-brained, that we can only learn
2 with visual means, that we don't have no thought processes.

3 We have been told that we are culturally deprived. Yes,
4 we may be culturally deprived in a way, yes, but we are
5 deprived of our own culture. We have been deprived by
6 Indian Affairs, by the powers to be of our own system of
7 education that relates to native people.

8 So, in effect, the Indian
9 Act has got to go. It is nothing. Next to God, that's
10 got the power. It has the ability to create Indians or
11 it had the ability to create Indians, and it still does.

12 And it still discriminates against women, although the
13 Bill C-31 was passed, it still discriminates against native
14 women. It is sexist and for that primary reason, it has
15 to go. It has created situations of division within our
16 own families. And, again, I'll give myself as an example.

17 Look at me, I'm sitting right here between two of my
18 sisters. There's my sister, Sarah Denny, and my sister,
19 Cecilia, over there. Cecilia resides in Chapel Island
20 Reserve. Sarah here is in Eskasoni. A lot of times when
21 I mention that Sarah is my sister, even my own native
22 communities are taken with awe. They don't believe me
23 that Sarah Denny is my sister. In effect, Indian Affairs
24 have told me for over 20 years that I was non-existent.

25

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1 children. To me, that's disgraceful and disgusting. The
2 Indian Act is not God. It's only a federal statute of
3 legislation and I think it's high time that it was removed.

4 In terms of the equality
5 clause that come in, native women are still denied in
6 regards to economic opportunities, employment
7 opportunities. We are, in effect, a lot of times stopped
8 or dangled with a carrot on a stick. And a carrot on a
9 stick always dangles, it never changes. And I'll give
10 you an example. I put in an excellent proposal to do
11 something about the prescription drugs in the Province
12 of Nova Scotia. I met head-on, crunch-on, whatever,
13 against native men. They didn't want the study to go
14 through.

15 First of all, they stated
16 it was going to lose prescription rights or other medical
17 service rights, which was far from truth. The onus or
18 impetus of my study was based from what our former grand
19 chief, now deceased, Donald Marshall said to me. He says,
20 "Barbara, we have to do something about the drug
21 situation." And he said, "I would like you," he said,
22 "You're educated," he said, "I would like you to start
23 a study of drugs." This was in 1982. I started working
24 on that drug project almost pretty well right away. In
25 1985, I finally made a full submission to National Health

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1 and Welfare. It met road blocks everywhere, every turn
2 I went. The alcoholic people with native council, the
3 Native Alcohol and Drug Association, tried to put a stop
4 to it. A chief made a call to Indian Affairs to try and
5 stop me from attaining or obtaining lists of band members
6 so that we can input everything into the computer for proper
7 data analysis. We have people on the Board of the
8 Directors of the Friendship Centre who were the sponsors
9 of this program that were against it.

10 I pursued and I kept on
11 going and it finally got approved. And even when it got
12 approved, I wasn't the first one to know. Rumours come
13 down through the "Moccasin Telegraph" that Barbara Johnson
14 got over \$100,000 drug awarded a drug project study. And
15 all they saw, just like Scrooge McDuck, they saw dollar
16 signs coming to their eyes and they did everything to try
17 and stop it.

18 Fortunately, I had the
19 regional office of National Health and Welfare fully behind
20 me. They knew that everything was going to be satisfied
21 in terms of the Privacy Act, that there was going to be
22 no breach of confidentiality, the whole gamut. Everything
23 was in place. We couldn't even get complete authorization
24 because, again, native men within the confines of National
25 Health and Welfare in Ottawa, plus the Alcohol and Drug

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1 That didn't include the other prescriptions for ordinary,
2 like antibiotics and stuff. This was only mood altering
3 drugs.

4 So the state we were in and
5 the suicides that were occurring at the reserves, the
6 native people, the chiefs themselves saw that as a problem,
7 but they were the first ones to down it.

8 Another example, there was
9 a study of a woman in PEI. I don't know if it was Lennox
10 Island, but I think it was Lennox Island. She received
11 a grant from Industry, Trade & Technology for \$75,000.
12 The band tried to take that away from that woman. It was
13 her work, it was her impetus that achieved that \$75,000
14 grant to employ people making baskets. And the native
15 men, again, wanted to get hold of the money. Again, they
16 acts like Scrooge McDuck and all they saw were dollar signs.
17 So that's only one of the examples.

18 In terms of the Charter of
19 Rights, native people don't have any mobility rights.
20 According to the Indian Act, you're only an Indian or a
21 native person if you live on a reserve and you only get
22 those entitlements if you live on a reserve. So, in
23 effect, you're an Indian as long as you live within this
24 little confine that's got these invisible borders around
25 it. When you get out of these invisible borders, you in

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1 don't fall under any form of special education. The only
2 special way that we fall into is we are the first peoples
3 of this land and, hopefully, that we are all allowed, both
4 men and women, are allowed to participate in the
5 constitution and exercise our rights. And I think that's
6 where it has to start.

7 I know I have been strong
8 but I felt that I needed to be strong because I've had
9 "my mind blown to pieces," you know, just from all the
10 writings and hearing people talk about native women's
11 issues and native rights. It's high time that we all get
12 treated equally. After all, native people are an
13 egalitarian in society. They have been, before the
14 equality clause came through, as egalitarian in society.

15 Everybody was equal, nobody was termed any different.
16 And we also had matriarchal societies. The Micmac community
17 or the Micmac people traditionally were matriarchal.

18 So, again, I don't think
19 I can understate or overstate any of the comments that
20 I made earlier. Thank you.

21 **CO-CHAIR GEORGES ERASMUS:**

22 Do any of the Commissioners want to ask questions of either
23 of the presenters?

24 **COMMISSIONER PAUL**

25 **CHARTRAND:** Thank you for your presentation. I'd just

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1 like to ask a couple of things to invite you to make a
2 couple of points clearer to me, if you don't mind. You
3 referred towards the end of your presentation to an
4 organization, a women's organization. What was that
5 organization?

6 **BARBARA JOHNSON:** The
7 Native Women's Association of Canada.

8 **COMMISSIONER PAUL**
9 **CHARTRAND:** The Native Women's Association of Canada,
10 okay.

11 **BARBARA JOHNSON:** They
12 have been for a number of months trying to get funding
13 to be on the constitutional table and they have been denied.

14 **COMMISSIONER PAUL**
15 **CHARTRAND:** I thought you were saying they did not
16 represent, this particular organization was not
17 representative of your interests.

18 **BARBARA JOHNSON:** Yes,
19 they are. The ones that are not representative of our
20 interest--

21 **COMMISSIONER PAUL**
22 **CHARTRAND:** They are?

23 **BARBARA JOHNSON:** No, the
24 ones that are not representative of our interests is the
25 Status of Women.

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1 COMMISSIONER

2 PAULCHARTRAND: Yes, that's the one.

3 BARBARA JOHNSON: The
4 Status of Women do not represent native women.

5 COMMISSIONER PAUL

6 CHARTRAND: That's a national group?

7 BARBARA JOHNSON: That's
8 the national group, or even the regional groups of the
9 Status of Women do not represent native women.

10 COMMISSIONER PAUL

11 CHARTRAND: Sandra Dellarond is not on that national
12 group. Is she the one you're referring to?13 BARBARA JOHNSON: I don't
14 know. I'm not really into politics as such. I'm an
15 educator.

16 COMMISSIONER PAUL

17 CHARTRAND: The other point, if I may, relates to your
18 comments about the Indian Act. You've expressed a number
19 of times opposition to the existence of the Indian Act
20 system. Would you elaborate a bit on your views on how
21 the Indian Act system might be eliminated, because it seems
22 that while you're expressing this opposition to the Indian
23 Act system, you nevertheless appear on what you're saying
24 to want to retain some aspects of it.

25 BARBARA JOHNSON: No, I

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1 don't think that the Indian Act should be retained in any
2 aspect in any shape or form. After all, under the
3 Constitution, we are supposed to have our treaties to be
4 recognized and there is not supposed to be any law that
5 delegates our treaty rights. And laws do still exist that
6 delegate our treaty rights. Our treaty rights, if you
7 look at--and I'm sure Viola would provide you a copy of
8 the 1752 treaty, in paragraph 4, especially in paragraph
9 4, we are supposed to be able to provide any types of sale
10 of goods, whether they be abstract, concrete, or whatever,
11 to our best advantage. The Income Tax Act denies us that
12 right. We shouldn't have to pay any income tax on any
13 monies that we earn, whether they be off reserve, on
14 reserve, in China, or in Europe. We are Micmac people.

15

COMMISSIONER PAUL

16 **CHARTRAND:** A point that I'd invite you to clarify for
17 me, if you would, is that I thought that you were opposed
18 to the fact that under the 1985 amendments that you referred
19 to as the Bill C-31 amendments that the Act would not--

20

BARBARA JOHNSON: No, it

21 still discriminates against native women and their
22 children and their grandchildren, but--And I can give you
23 an example. You can correct me if I'm wrong, but I believe
24 that a lot of the men that are in here are married to white
25 women, okay? They can confer status to their children.

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1 They can also confer status to their grandchildren. A
2 native woman does not have that same right. They can only
3 go back one generation.

4 **COMMISSIONER PAUL**

5 **CHARTRAND:** I thought you were speaking in favour of
6 bestowing status upon your children.

7 **BARBARA JOHNSON:** The
8 reason I stated that is because they told me that the only
9 way that I could get status for myself or my children is
10 to put an application form and I said no way. I am a Micmac
11 before any application gets put forward. You can, in
12 effect, say that I don't exist. You can, in effect, say
13 that I have been resurrected or reincarnated, which is
14 what's happened. I have been reincarnated by the Indian
15 Act. I was nonexistent before. I was told that my mother
16 and father are not my mother and father. I was told my
17 brothers and sisters are not my brothers and sisters.
18 I was conferred by a great god of the Indian Act that they
19 state it. It's like the Lord God Almighty. It conferred
20 white status on me and I am a Micmac person. So, in effect,
21 it was telling me that I was a white person, that it
22 reincarnated me. Before I married a white man, my band
23 number for Chapel Island was Band No. 51. Indian Affairs
24 is now stating that my band number, in effect, is 194.
25 It is telling me that I am reincarnated. My status, and

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1 I still maintain that my band number is 51, and I will
2 always use Band No. 51. I will not use Band No. 194.

3 **COMMISSIONER PAUL**

4 **CHARTRAND:** I want to thank you for your responses. It
5 is important to recognize the fact that the Indian Act
6 establishes its own legal definition of the regime, that
7 it does not provide recognition of anybody as a Micmac
8 or an Ojibway, or a Cree. Thank you.

9 **CO-CHAIR GEORGES ERASMUS:**

10 Viola, did you want to ask any questions or make any
11 comments?

12 **COMMISSIONER VIOLA**

13 **ROBINSON:** I don't think I would like to ask any questions,
14 but I would like to thank the two presenters that have
15 presented, Barbara and the presenter before. I think that
16 your message is very clear and concise and I think with
17 the Commission, we need to hear the solution-oriented ideas
18 that you might have and I think we're getting that pretty
19 clear here today. So I don't have any questions but I
20 just want to thank you for your thorough presentations.

21 **CO-CHAIR GEORGES ERASMUS:**

22 Likewise I'd like to thank you for your presentations.
23 It was very powerful and very strong and very clear.

24 **PAULINE LEWIS:** My name is
25 Pauline Lewis and what I'm here--what I did last night

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1 was I went over the information that was given to me by
2 Katherine Sorbey and I did up a little written
3 presentation, but I'd like to relate it in my own words.

4 The terms of reference,
5 like I'm not going to name them, but under the terms of
6 reference that I'm referring to and covering in my
7 presentation are Item 6, Item 8, Item 13, and Item 16.

8 My name is Pauline Lewis
9 and I'm originally a registered Indian from the Eskasoni
10 Band. Through a previous marriage, I transferred to
11 another band, Millbrook, on the mainland of Nova Scotia.

12 In 1991, I reapplied to the Eskasoni Band for membership,
13 which was gratefully approved. In order to be officially
14 considered for membership, I had to sign an affidavit
15 stating that I would not apply for housing for a period
16 of five years. I will, therefore, not be eligible for
17 housing until 1996.

18 Due to the housing shortage
19 on this band, I've had to seek residence outside of this
20 reserve, which is in Sydney where I reside now. I am a
21 single parent with three children, two of which are
22 registered in Millbrook and one who is registered here
23 in Eskasoni as per the new Indian Act commonly, and I think
24 wrongly referred to as Bill C-31. Like it's the Indian
25 Act. We are not Bill C-31 people, we are Indian people.

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1 I am making this
2 presentation to this Commission as an aboriginal person,
3 and perhaps more significantly, an aboriginal woman. The
4 opinions I share are my own and are not representative
5 of any organization I may be affiliated with. So the
6 things that I'm bringing up are my own personal grievances
7 and my own personal experiences.

8 Personally, I have had to
9 endure many battles over these past several years. Being
10 native and residing off reserve for a large part of this
11 time, I personally feel I have been discriminated against,
12 not only by the native people, the non-native people, but
13 by my own band as well. The benefits I received while
14 I resided on reserve when not employed exceeded the amount
15 I have had to survive on outside of the reserve, namely
16 in the City of Sydney. I know I'm not alone. The portion
17 I would have spent on the reserve for necessities for my
18 children now largely go to rent, heat and lights, as well
19 as household items such as beds, tables and chairs, washer
20 and dryer. Items which I would have been entitled to had
21 I been residing on the reserve.

22 Life for the registered
23 Indian off reserve is, therefore, not easy. We're on a
24 tightly-knit budget based on municipal or provincial
25 guidelines. The funding that they give is next to nothing.

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1 Employment opportunities are not equal for native people
2 residing off reserve. And, again, this is both at the
3 native and the non-native community levels.

4 I feel that because I am
5 residing off reserve, yet registered as a status Indian,
6 my applications, and I've applied several times in this
7 community for employment, but as a status Indian, my
8 applications for employment on reserve are overlooked
9 because I am not residing here. Though I stated earlier,
10 this is not by choice. It is because there is no housing
11 here for me.

12 The majority of service
13 agencies in Sydney, and I've done a survey in 1989, and
14 this was one of the things that brought into effect the
15 changes that have been occurring in Sydney, but these
16 service agencies do not employ native people. The
17 majority of them do not, although our people use these
18 services on a regular basis. That includes the banks,
19 that includes the grocery stores, that includes all the
20 shopping centres, and the hospitals, and several others
21 that I don't have to go into.

22 The majority of natives
23 residing off reserve are women, many of whom are single
24 parents. The point I want to make is that these women
25 are native. These women are native and the majority of

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1 them are registered status Indians. The ones living in
2 Sydney I can state for a fact they are.

3 My personal feeling is that
4 these women, if not employed, should be treated equally
5 as native people. They should be entitled to the same
6 benefits as those registered women who reside on reserve,
7 as should their children.

8 If as rumours have it, and
9 this is something that I've been hearing going around,
10 like I'm really not sure exactly where it stands, but it's
11 my understanding that the Indian Act is going to be
12 abolished in the near future, which I hope will happen.

13 But I hope that these concerns will be dealt with by
14 whatever native agency takes over where the Department
15 of Indian Affairs have failed. I'm 100% behind Barbara
16 and I'm 100% behind Gregory Johnson when they stated that
17 the Indian Act does need to be abolished.

18 Most recently, I've spoken
19 along with a group of other concerned individuals to the
20 Attorney General Joel Matheson. I disclosed some
21 information that I hope this Commission, too, will address.

22 Again, this is a personal grievance, although there may
23 be others who have encountered the same problems. The
24 reason I'm bringing up these issues, these personal issues
25 is because I feel, as a Commission, not only I'm releasing

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1 my anger, I'm releasing my pain, and I feel it has to be
2 shared. I tried to get it out through the media, through
3 the paper. I couldn't do it. And now that you're here
4 today, you know, like I don't even mind sharing this with
5 the people that are present in this building.

6 Most recently, my
7 ex-husband was acquitted of an assault charge against me
8 because his lawyer used the provincial Property Act as
9 the basis for their argument. I think, and I stated this
10 to the Honourable Joel Matheson, that the judges and
11 lawyers must be educated on the laws that apply and those
12 that do not apply on reserve.

13 The Property Act is a
14 provincial act. It does not apply on reserve. There are
15 women who are being beaten in their own homes and if they
16 are in my situation where I was no longer on that reserve,
17 I had moved, gone back into his home and that's where the
18 assault took place. And under the Property Act, he could
19 use whatever force was deemed necessary to remove me.
20 That was their argument.

21 So when I mentioned this
22 to Joel Matheson that the judges and lawyers should be
23 more educated on the laws, his response was that there
24 are on-going relations to deal with the issue. That they
25 are having workshops with the judges and lawyers. And,

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1 to this day, I'm not sure exactly what is going on.

2 I do not claim to be
3 knowledgeable in the area of law, but because of the
4 personal battles that I have encountered in these past
5 few years, I have learned when I am right, and they are
6 wrong, I know.

7 Again, most recently, I've
8 had to use my limited knowledge of the Indian Act to bring
9 semi-justice to my daughter and protection to other
10 children. I had to take it upon myself to remove an
11 unfavourable non-native from my former native community
12 of Millbrook. I could not get the courts, the police,
13 or Family and Children's Services to respond to my request
14 to have a court order keeping this person away from my
15 children. I had to request to the Millbrook Band through
16 my lawyer that the Chief-in-Council pass a resolution to
17 lawfully under the Indian Act remove this person, which
18 they did, to my relief. And, again, in the meantime I'm
19 saying that, yes, we have to do away with the Indian Act,
20 but at the same time I'm sort of--I'm in a bind where I
21 have to know what the Indian Act states and there's some
22 things in there that I would like, you know, to protect
23 our children and to protect our women.

24 All I have endured and all
25 I continue to endure will be easier to live with if I have

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1 was really, really nice. But one of the things that we
2 did was we were a group from all across Canada and it was
3 wonderful and one of the things that we came up with, the
4 little part that we did, we entitled it "Three Voices,
5 Three Nations, One People," and that's what we are. We
6 all come from different nations but we are one people.
7 We are all aboriginal people and I'm never just going to
8 give up on believing what I believe and standing up for
9 those who can't or who feel that they cannot.

10 I would just like to thank
11 you again and welcome you to my community. This is my
12 community, whether I'm living here or whether I'm not.
13 Whether people accept it or whether they don't, this is
14 my community and I love Eskasoni. So I'd like to thank
15 you.

16 **CO-CHAIR GEORGES ERASMUS:**
17 Thank you for your presentation and feel rest assured that
18 we are paying attention to the presenters and we have a
19 special mandate to listen to women, elders, and youth.
20 So we are taking the extra attention necessary to make
21 sure that we have a good foundation from aboriginal women
22 across the country so that when we make our
23 recommendations, we have a good foundation.

24 Do our Commissioners have
25 any questions or comments? If not, thank you for a very

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1 clear presentation and I presume we're going to have your
2 written presentation, too?

3 **PAULINE LEWIS:** I'll have
4 it typed up. I just did a rough draft last night and I
5 have to go back to work soon, so I'll send it in to
6 Katherine.

7 **CO-CHAIR GEORGES ERASMUS:**
8 Thank you.

9 **RITA JOE:** My name is Rita
10 Joe and I'm the author of three books and a film concerning
11 our education.

12 I would like to quote
13 Eleanor Johnson's words first before I do my own. They
14 say that history is each person's reality or each person's
15 perception of experience and we have our own reality of
16 who we are and somewhere along the way, I would like to
17 see that develop.

18 You know, this is Eleanor's
19 words and I've been on the road for 14 years across Canada
20 and the United States talking about the culture. I have
21 found out that there are still misconceptions in the
22 education system and each time I go to a school anywhere
23 in Canada, before I go I usually ask the teachers to have
24 children have prepared writings or whatever they want to
25 know about native people and the questions are still that

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1 lack of knowledge about native people. So I wrote
2 something now.

3 I just have just finished
4 a three-day book festival week tour of school in Prince
5 Edward Island from April 28th to 30th and as I told the
6 teachers and the people in education, I'm going home and
7 write a paper on the failure of our education system to
8 provide knowledge to the schools of the Maritime provinces
9 concerning the Micmac. The lack of knowledge is evident
10 in all the schools since I've been on the road for 14 years.

11 I feel bad when I ask a non-native child what they know
12 about the First Nations of the land. Their knowledge
13 consists of old historical write-up by different
14 historians who were biased in the first place. There is
15 a need in our schools for a 1992 write-up of today's
16 standards. Not a grade five or a grade six write-up which
17 starts up with this - "once upon a time the Micmacs roamed
18 the land." Or good and bad things about the Micmac. And
19 another one is in the wintertime, they built their shelter,
20 then the men got into a fight. If this is what is being
21 taught in the schools about Micmac people, I am a little
22 sad about the whole affair. Where is the story about the
23 noble aborigine. The word Indian is not even a correct
24 label. I would prefer that we use the name of own nation.
25 In my case, Ul'nu, meaning a person, or Ul'nu, many people.

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1 are talking about, the bearing of soul. I should know
2 because I have been on the road for 14 years and I'm telling
3 you, I am ashamed of my country right now for letting us
4 down again.

5 I commend the teachers in
6 our schools who are trying to teach about native life with
7 the old material they are working with. The native
8 curriculum content is nonexistent. I always ask the
9 students what do they know about the First Nations and
10 the answer is not much. I know it is partly our fault.

11 I had a hard time getting my work published and each time
12 I wrote a different book, I was worried. Ragweed Press
13 in P.E.I. is most understanding concerning the lack of
14 native write-up so have published two of my books. I and
15 other native women are working on an anthology about
16 different aspects on native life with Mount Saint Vincent
17 right now for the study of women. I hope other individuals
18 who are concerned about the native input in all aspects
19 in our society go ahead and not wait and produce native
20 material immediately.

21 When I wonder about the
22 work force curriculum content in our schools or the unequal
23 justice we experience, I always think back to the lawyer,
24 Clayton Ruby's words, "The absence of minority in the work
25 force in any area of Canada" and I visualize on my mind

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1 the walk he took along the street in a little town and
2 saw for himself the lack of minorities working. I want
3 to thank the man. Today on May 5 or
4 whatever date it is today I write this, I say I will gladly
5 give the Order of Canada medal I received in 1990 back
6 to my country. That's how concerned I am about the native
7 curriculum content I long to see in our schools. The merit
8 is not fully earned and the satisfaction on my part not
9 fully realized yet. I say place the learning seed of
10 happiness between us. My children need it, so do yours.

11 Then the eyes of the Canadian children will shine brightly
12 like they did at the school in PEI when I asked how many
13 had gone to Lennox Island to see for themselves how native
14 people live. All hands were raised with smiling faces,
15 and that said it all. Children want to learn and know
16 about us. I ask Canada let them know about us. I am very
17 concerned about that part, curriculum content. I know
18 it's partly our fault.

19 I ask the native people to
20 write their stories and I try to give encouragement here
21 in the community and everywhere I go. I don't want stuff
22 written by other people. I want the native people to write
23 their own stories.

24 Then I'd like to quote
25 Marlena Marshall's words. You know, whoever reads our

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1 material, what we write about, it will be known to the
2 reader that we are a group of people bound together by
3 our common heritage whose love for a nation that will never
4 cease.

5 I hope this conference
6 thinks about this much more than the past 500 years. I
7 hope our young people learn what we are talking about today
8 and put that into their minds and receive the highest
9 education they can possibly get so they can write about
10 what is felt in their hearts. And that's exactly what
11 I have said again and again, a write-up of our life needs
12 to be told. The beautiful part. I have been at war with
13 the media since I've been on the road. I tell them, you
14 have so damn much bad stuff shown on newspapers,
15 television, radio. If we do something bad, we're paraded
16 up and down. That's the bad stuff. But the good stuff
17 is never shown and I see that when I go to the schools
18 across Canada. I see that lack of knowledge, but they
19 want to know. These little wee ones I talk to right up
20 through university, they want to know about these people,
21 these native people. Anywhere across Canada, they want
22 to know about them. They want to know what the good--where
23 we sleep, how we live, how we eat, everything, and they
24 don't know. They don't know.

25 That's all I have to say.

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1 Thank you.

2 **CO-CHAIR GEORGES ERASMUS:**

3 Thank you, Rita Joe. That was very inspiring. Are you
4 working on your fourth book?

5 **RITA JOE:** This anthology
6 of different things, expertise in different aspects of
7 native life and, hopefully--We were told that it's going
8 to be a textbook in the school. But my concern is for
9 the small children, the smaller, the lower grades, they
10 have nothing. Dr. Marie Battiste has tried to get this
11 published. Micnaquananin, which means come visit us, she
12 couldn't even get the funding for that. And that tells
13 about the basic part of native life and that's for the
14 lower grades. Even a teacher's guide with it. And she
15 has a problem with that. And the other book, Bahdahdit,
16 which means Source of Light, that's in the stores now but
17 I'm hoping.

18 When I made a declaration,
19 I want to give back my Order of Canada Medal, that's how
20 concerned I am about the curriculum content. I am
21 concerned and I have been concerned since my children were
22 in their teens, since my children were small and I began
23 to bring their homework home and I didn't like what was
24 in the books. That's when I began writing and it was to
25 make the child feel good about himself. That was the idea

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1 at first, to make the Indian child feel good about himself.

2 But as I worked in the schools, I began to see the need
3 of all children to feel good about themselves, all children
4 in our country. If we can teach them something, if we
5 can teach them, even the injustice or any aspect at all.

6 Even the concern of what happened in the United States.

7 If we are uncomfortable about something that we don't
8 like that is happening, we try to voice it. We do not
9 hurt and try not to hurt other people. But voicing, like
10 in Oka or in other areas of Canada, voicing the concern,
11 but not to harm other people. And if we can do it this
12 way, I would like to go anywhere in Canada and United States
13 and be a P.R. person and tell that side of it.

14 **CO-CHAIR GEORGES ERASMUS:**

15 I wonder, Rita, could you tell me, what do the First
16 Nations communities use in their schools as curriculum
17 material? You're concerned about the Canadian
18 governments, the provinces not doing enough. I know that
19 there's not a lot of dollars around for First Nations
20 schools, but what--

21 **RITA JOE:** The Maritime
22 area, my concern is the Maritime area, Maritime provinces
23 right now. But I know, you know, in other areas of Canada,
24 the same problem, eh? But my concern is the Province of
25 Nova Scotia has lack of material about native people

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1 means Source of Light. I think it's a good description
2 because a source of light has to come from the native
3 individual and I commend those students that did that.
4 I read their work thoroughly and I was so proud of it and
5 I said to myself, I'm going to push their book every which
6 way I can. Dr. Marie's booklet, of course, I will push
7 that, too, and any work that, if anybody wants help from
8 me, I will show them how it's done. I started to do it
9 back in 1974, back in 1969 for the newspaper, and then
10 '74. And my work was published in '78, '79, '89, and '81
11 and I received a medal for that. But I want to give back
12 the medal because my concern is for the written material.

13 **CO-CHAIR GEORGES ERASMUS:**

14 I'll see if the Commissioners have any questions.

15 **COMMISSIONER PAUL**

16 **CHARTRAND:** Thank you. I want to begin by thanking you
17 for your excellent presentation. First, I'd like to make
18 this point, that I agree entirely with you about
19 practically all the points you've made, but I want to
20 emphasize the one about the need for public positive image
21 about aboriginal peoples and I believe that that is an
22 important function of this Commission as well. We have
23 begun doing things to deal with that. We visited a
24 Children of the Earth Aboriginal School in Winnipeg while
25 we were there, and I'm saying this into the microphone

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1 right there. Employment for people.

2 **COMMISSIONER PAUL**

3 **CHARTRAND:** But the system, you said it is partly our
4 fault. At the same time, I wonder out loud to what extent
5 the system is created in such a way that it does not permit
6 those materials to get into the hands of the teachers and
7 the children in the classrooms. I know, for example,
8 elsewhere, I don't know about the situation here, and I'm
9 going to invite you to tell me about it, but there is a
10 curriculum branch which decides on what gets into the
11 classrooms. So even if you have materials, you can't get
12 it into the classrooms. What's the situation here?

13 **RITA JOE:** You guys. The
14 non-Indian concept of--Just like Dr. Marie told me, who
15 will buy it? Who will purchase the book? That's the
16 non-native concept of Indian. What the Indian writes is
17 not relevant to our society. That's like your answer right
18 there. It's not--If somebody else can help me in this,
19 they know what I'm thinking about. What I was trying to
20 put into the minds of my people was for them to write and
21 I saw--I'm seeing a need and I want my people to write
22 about--I don't care what they write about but if there's
23 enough material written by native people and enough
24 publicity created about that work, it will get out. And
25 I imagine the public will respond. That's what I'm trying

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1 advertisement is being put forth about that film and
2 there's something in the air now, National Film Board.
3 Brian Gunn put forth a proposal. I am in it. I am in
4 that film and I asked him to show the native people as
5 they are today to schools and what we do from the time
6 we get up, what we do throughout the day, I want that shown
7 on a film. And that's where, you know, the small children
8 right up to university. We have seen that native people
9 are not just lazy in bed and fooling around or on drugs
10 or drink. They will show them as they are. So that's
11 what I'm trying to put across.

12 **COMMISSIONER PAUL**

13 **CHARTRAND:** Thank you very much for your elaboration.

14 **COMMISSIONER VIOLA**

15 **ROBINSON:** I just want to thank you, Rita, for your
16 inspiring presentation and I think I believe that with
17 the mandate of the Commission, and it's a very important
18 mandate and one that is addressing creating a better
19 relationship between aboriginal people and the rest of
20 Canada, is an important one and I think that there is no
21 better place to start than what you have been talking about.

22 I think there has to be a change in the historical facts
23 of curriculum that is being used in Canada with respect
24 to aboriginal people. The truth has to be--that has to
25 be corrected and I think with people like yourself and

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1 a lot more who have the ability to contribute so much to
2 the education stem of Canada cannot be ignored and I
3 personally think and feel that there are some issues that
4 don't have to wait three years or two and a half years
5 or until this Commission concludes its work. There are
6 certain things, and, to me, education is one that can be
7 addressed very clearly now. I don't know why we should,
8 you know, anyone should hesitate to support a
9 recommendation that deals with education. Our people from
10 one end of this country to the other have all the
11 resolution, solution to address educational issues like
12 yourself and I think, you know, it may well be that this
13 Commission can maybe prioritize some of these things and
14 there are some things, like I say, that can be addressed
15 much quicker and we don't have to wait a year or two years
16 or whatever. So I want to encourage you, give you some
17 hope that something will be done. So, thank you.

18 **CO-CHAIR GEORGES ERASMUS:**

19 I just want to make a closing thank you to Rita for her
20 time and her thoughts. They were very useful.

21 **BLAIR PAUL:** My name is
22 Blair and I'm from the Membertou Reserve in Sydney, Nova
23 Scotia. My presentation today is going to talk a bit about
24 a report, a research report I done at the college and it
25 was accepted in the second edition of Bahdahdit, what Rita

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1 was talking about earlier.

2 **CO-CHAIR GEORGES ERASMUS:**

3 Excuse me, could I ask you to say your name again, please?

4 **BLAIR PAUL:** My name is

5 Blair Paul from the Membertou Reserve in Sydney.

6 I want, first of all, to
7 talk about my experiences growing up in Sydney. I grew
8 up in Sydney. I went to a non-native school outside my
9 reserve and I ran into--When I got there, I started grade
10 two off my learning the French language in school and right
11 from there, I got turned off the school system of Sydney.

12 You know, I didn't refuse to learn French language, but
13 I just learned enough to get a 50 so I wouldn't fail the
14 year. But it brought down all my other marks. I was about
15 a 80 or 90 student in the elementary years, but probably
16 could have been a lot higher if it wasn't for that French
17 course I was required to take.

18 You know, if I had a choice,
19 I would rather take Micmac. I don't know. I didn't like
20 the school system in Sydney until I started going to
21 university two years ago where they had Micmac courses
22 in their curriculum. Then I sort of like felt that we
23 were part of the school system and we weren't left in the
24 dark or the door wasn't shut on us.

25 Growing up in Sydney wasn't

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1 an easy experience either. You know, from the Donald
2 Marshall era of the seventies, it was a tough place to
3 grow up if you've a native. So you had sort of like two
4 strokes against you when you're going to the school system
5 in Sydney. I don't know what it was, but I just couldn't
6 believe the things that happened in Sydney in the
7 seventies. Life sort of stopped for me, I guess, when
8 we knew the things that were happening already and the
9 injustices that were going on, and racism and stuff like
10 that. We just couldn't believe it. It was oppression
11 and it made a lot of people--created a lot of wounds.
12 And I remember growing up in Sydney and a kid on the
13 Membertou Reserve and I said to myself, seen the people
14 drinking around me, I seen some people using drugs and
15 I said to myself, I'll never ever use drugs or never drink.
16 But it turned out in later years that I did, very heavily.
17 And until my recovery started, my alcohol and drug
18 recovery started when Donald Marshall was acquitted in
19 1982 and then--he's a cousin of mine, and then my life
20 started to move forward instead of backwards. And I guess
21 more so with a lot of other people in Membertou. But I
22 can't speak for anybody else. I can only speak for myself.
23
24 I think Micmacs are
25 individuals and they've got their own opinions and they've

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1 last one I want to mention is, this is from a resident
2 of Grassy Narrows Reserve in Ontario. "The only thing
3 I know about alcohol abuse is that alcohol is a strong
4 power than the love of children and we are a broken people."

5
6 But not only those
7 statistics, but I'm talking about the overall Canadian
8 statistics I want to mention. We have the highest
9 teen-aged pregnancy rate, the highest suicide rate, the
10 highest alcohol and drug abuse rate. I always wonder why,
11 why. It's not in our culture. It's not in our history,
12 alcohol and drug addiction, but why are we so affected?

13 So that leads me to this
14 report that I wrote. Today's native people and native
15 people in the last hundred years or maybe ever more so
16 are dying from these policies, are dying from government
17 policies, federal and provincial, made by the Canadian
18 government for native people. They've decided on how you
19 should live, where you should live, and this is how your
20 life is going to be. We'll centralize you on reserves
21 and this is what's going to happen.

22 We have these social
23 problems on reserves because I found out later because
24 they're from policies made from the Canadian government.
25 I found, anyway, in my research. Native people today

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1 do not, I believe, anyway, native people today, including
2 myself, feel that anything that's run by the Canadian
3 government, a hospital, an institution, a detox, anything,
4 a school system, that has no native people working in there,
5 has no native people involved in the policy making or
6 decision making for that school, or even making the rules,
7 is discriminating against native people. When a person
8 goes to that hospital or whatever, institution, you know,
9 and there's not a native person up there coming over to
10 shake his hand saying hello, you know. They may believe
11 that the whole system is not working for them. And today
12 I believe the system is not working. Every native, and
13 by the way, I forgot to mention, I'm a student at university
14 and I'm a counsellor at the detox in Sydney, but I'm pretty
15 glad that they hired me. So that I'm the only native
16 working there and I'm pretty glad that they made a first
17 move in one of the few organizations in Sydney to make
18 a move to hire a native. I think that native people when
19 they come in detox or when they come in institutions or
20 hospitals or schools, you know, they have a belief or a
21 general mistrust of the systems where based on a history
22 of things that happened in the past, you know. They
23 believe that the whole system is not working for them or
24 not working with them rather than against them.

25

Native people heard

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1 stories from their grandfather, their great-grandfather,
2 their parents of injustices happening in the Canadian past
3 towards native people. The first one I'd like to mention
4 is the centralization policy in the forties and fifties.

5 That was a federal policy by the Canadian government to
6 introduce, to centralize all native people in order to
7 save money for the federal government into reserves. Like
8 I'll give you an example, like in Nova Scotia, for example,
9 they wanted, the Canadian government wanted to save money
10 to centralize everybody in Eskasoni and then on the
11 mainland they wanted to centralize everybody in
12 Shubenacadie. Some reserves refused to do so and that's
13 why we have some smaller reserves on the outskirts and
14 one main large reserve in each part of Cape Breton and
15 the mainland.

16 I was definitely not around
17 in the forties and fifties, but I sort of can imagine or
18 sort of put myself in their shoes and I would not like
19 to be forced out of my house, or be forced out of my prime
20 land or my prime hunting land or my prime fishing land
21 or my prime real estate land. You know, good land. I
22 would just not like that and I believe that people have
23 this engrained in their minds that this is how they're
24 being treated. There's always mistrust of that system.
25 That was just one of them, the centralization policy,

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1 Especially in areas like Winnipeg and other areas, big
2 cities.

3 So when a native person is
4 walking in a system that's not native, they have a general
5 mistrust of the whole system based on their past. Today
6 if we go to a hospital that doesn't have native workers
7 in there or doesn't have no native policies, language
8 policies like the French hospitals do, or doesn't have
9 any native people even involved in the policy making for
10 that institution or hospital, they're discriminating
11 against the native people.

12 That'll bring me to the
13 next one. You know, there are so many cultural obstacles
14 and language barriers today, it's unbelievable.

15 Then I go to the next one.
16 There's racism alive and well today, as stated in the
17 Marshal Inquiry. Today it's happening everyday for a
18 native like myself, racism--Okay, in a dictionary, racism
19 would mean one term. But as a native growing up in a past
20 society, racism to me is a bunch of terms. Racism is
21 discrimination. Racism is an assimilation. Racism is
22 centralization. Racism is telling the person where to
23 live, what language you have to speak, and this is how
24 you're going to live. Native people, I believe today that
25 they have a general mistrust in today's society.

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1 the native person would believe inside their mind that
2 the whole system is racist, that the whole system is unjust
3 to the native people.

4 So right now some healing
5 has to be done to right these injustices. Some healing
6 has to be done to say, yeah, you know, someone has to admit
7 to taking the land, someone has to admit to making these
8 policies that practically killed native people and their
9 culture. Someone today has to do that to make the healing.

10 If it's not, we're going to have these statistics again
11 go higher and higher and higher because if a person doesn't
12 want to be in hospital because they feel it's against him,
13 he's going to get out of there before treatment is
14 completed. The same with alcohol and drug addiction. If
15 a person continually distrusts the program and thinks it's
16 against him, he's not going to recover. They're not going
17 to recover from their addiction and it could kill them.

18 And more so than the other problems, too, like the fires
19 in houses, the car accidents, the suicides. The slow
20 suicides, stringing yourself to death. Using drugs until
21 you burn out. There's going to have to be some kind of
22 healing going on right now by the Canadian government.
23 They have the unity thing going on right now but I think
24 it's not enough. There's going to have to be more policies
25 today, I believe anyway.

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1 right now going to happen in self-government. But I have
2 a fear for self-government also and I have a fear that
3 the rich may get richer and the poor may stay poor. But
4 in spite of this, we still need self government because
5 we need the employment desperately and we have to.

6 We need self-government
7 because there's just too many people today affected by
8 these past policies and have to change your mentality or
9 change your thinking. I was just overwhelmed by the things
10 I learned in college, even about my own history. I say
11 is that how it happened? That's not how I was learned
12 in school. We were labelled different words in school
13 and in my history books. You know, savages, and heathens,
14 and you know, your religion is no good and your language
15 is no good. That's totally wrong and I knew it was wrong.

16

17 Today I wrote this research
18 report and it's going to be in the second edition of
19 Bahdahdit, which is going to come out next year, hopefully,
20 if everything goes well. From this report, I wrote a
21 couple of recommendations and I'll probably hand in the
22 whole report, written presentation to the Royal Commission
23 probably tomorrow after I get a photocopy.

24 As a result of this
25 research project, I'd like to see more native people

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1 involved in the policy decision making so that a new native
2 perspective is included and it is sensitized to about the
3 native person and all others affected. I'd like to see
4 more native people hired in federal and other civil service
5 positions. They can monitor any injustice done to native
6 people and they can get a fair chance at these government
7 positions, as do Canada's French people. As a result of
8 this research, I hope to see more native programs and
9 workshops held both for native people, especially for
10 non-native people, the Canadian public. These
11 non-natives will be given an opportunity to view our
12 culture, our people, and our languages. I think there
13 should be more policies added like the native language
14 being instilled in our school systems and being open for
15 society to participate in. I'd like to see more respect
16 by non-natives directed toward First Nations Peoples and
17 their customs, traditions, beliefs, lands, languages, and
18 cultures I'd like to see an admittance to these
19 injustices, racism, and atrocities towards native people
20 and more responsibility taken for these actions. As a
21 result of this research, I'd like to see more judicial
22 and public inquiries into the miscarriages of justices
23 toward native peoples and compensation for these
24 atrocities in regard to lost lands, cultures, and native
25 lives. I think that this research is only the tip of the

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1 iceberg and more research is definitely needed into these
2 sensitive and alarming issues. A longer study is
3 desperately needed, more time and money spent. There are
4 uncountable human rights violations, racism, and
5 injustices towards Canada's First Nations people. Only
6 God knows how many Donald Marshalls are caught in or have
7 died from these racist policies, laws, and systems. Today
8 racism is still alive and well in Canada. Therefore, more
9 research is needed to write these injustices and strive
10 for a truly equal Canada. More specifically, writing
11 these injustices would lead to appropriate alcohol
12 treatment for native people to eliminate this dreaded
13 disease as a cultural legacy. And, as I say, the cultural
14 legacy is the healing that we need in order to bridge that
15 gap and change our thinking that systems may be fair.
16 But like I said earlier, we're going to need our inherent
17 right to self government. There's no other way I believe.
18 It's just impossible because the last 100 years the
19 policies for Micmacs or natives, First Nations across the
20 country have not been working and we need our own systems
21 and I believe today, as Bill Wilson from B.C. stated, that
22 our institutions are just as good as theirs. They're no
23 better than us and we're no better than them. That's what
24 Bill Wilson said and that sort of prompted me to write
25 this report last year. I think my own recovery and the

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1 recovery of other people, these injustices have to be
2 righted and there's a lot of other things that have to
3 be done, I think, and I don't think there's enough time
4 to state them all. I'd just like to thank everyone for
5 listening.

6 **CO-CHAIR GEORGES ERASMUS:**

7 Thank you, Blair. That was a very good presentation and
8 on very appropriate subjects. I presume you're going to
9 give us copies of your document.

10 **BLAIR PAUL:** For sure, and
11 there will be more copies in the Bahdahdit, if anybody
12 wants to buy it.

13 **CO-CHAIR GEORGES ERASMUS:**

14 I think we'll break for lunch and we'll resume at
15 one-thirty. We have a lot of people in the room and a
16 lot of people will want to present. So please come back
17 on time and we'll start right at one-thirty.

18 [LUNCH BREAK]

19 **CO-CHAIR GEORGES ERASMUS:**

20 We're going to begin again. We seem to have some
21 translation now, so if we could take our seats and we'll
22 go with the next presenter.

23 **WILL BASQUE:** My name is
24 Will Basque from Eskasoni right here. I'm the smoganist
25 of the Micmac Grand Council. Smoganist means soldier

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1 veteran. I represent all of the combat veterans of the
2 Micmac nation.

3 As a combat veteran who
4 fought in the Dominican Republic and twice in Vietnam,
5 I've seen a lot of injustice, democracies that call
6 themselves democracies that were corrupt. Being a Vietnam
7 veteran especially, I understand very much what Rita Joe
8 had to say when she talked about turning in her Order of
9 Canada Medal. I myself remember that pain and how I had
10 to fight myself when I threw away my silver stars, bronze
11 stars, et cetera. When you're given an honour or something
12 that you've earned from a government and then your own
13 government or the government that gives it to you does
14 not apply itself to due process of law, then it is
15 meaningless.

16 What Rita also had to say
17 and these other speakers this morning was very important
18 when it came to what we call education. I'd like to tell
19 you about who we are as a people and who we are legally
20 in the world.

21 In 1497 when John Cabot and
22 when Champlain landed in our country here in North America,
23 they landed in the Micmac nation. The world was never
24 flat. This year they're celebrating the 500th anniversary
25 of Christopher Columbus and his mistake, and ever since

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1 we have been called Indians. Never in history books or
 2 in general information are we called who we are and we
 3 have the right legally documented as well as have been
 4 accepted internationally that we are Micmacs of the Micmac
 5 nation. We call each other Ul'nu, meaning the human beings
 6 or the people. Mi'kmaw meaning the relatives. So the
 7 family unit is very, very important to us. We are a nation
 8 of families.

9 The first treaty the Micmac
 10 nation ever entered into with Europeans was called the
 11 Concordat, made in 1612 on June 24th between our Grand
 12 Chief, Grand Chief Henri Membertou, and the Holy See.
 13 It made us unique in this country, in this continent, and
 14 in the world, for it recognized us as human beings and
 15 it is the basis of law and international human rights law
 16 today, and especially in the United Nations.

17 Where everyone else was
 18 being called savages or heathens and pagans, which none
 19 of them are or ever were, we entered into a legal
 20 relationship with France and with the Holy See that
 21 recognized us not only as a Catholic state, but
 22 specifically and uniquely a Micmac Catholic state, because
 23 our Old Testament is not the same as the Judeo-Christian
 24 version.

25 However, we accept the New

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1 Testament, but also have been guaranteed under the
2 Concordat a freedom of choice to practice traditional
3 Micmac and/or both. They are coercive, they are the same,
4 they cannot be indistinguishable. Being a Micmac is being
5 a good Christian or a good Jew or a good Buddhist. It
6 is our culture. Our culture of giving and sharing. It
7 is our way of life. We did not lose our culture. A lot
8 has been taken away. A lot has been ignored. But here
9 in Eskasoni, Micmac culture is practiced every single time
10 you visit.

11 We are probably Canada's
12 very best kept secret. We are the invisible people of
13 this country as well as being Canada's first chapter.
14 The Concordat is evidence and documentation of being
15 Canada's first chapter, simply by being a member state
16 of the Holy Roman Empire.

17 When the Pope landed here
18 in 1984 or '85, I forget which year, his very first
19 statement when he landed in Halifax was that the Micmac
20 people have been making pilgrimages to St. Anne's since
21 1630. That amazed the Canadian public. So that makes
22 us the first chapter in Catholic history in Canada. That
23 makes us the first chapter in Acadian history in Canada.
24 It makes us the first chapter in Quebec history in Canada.
25 It makes us the first chapter in French history in Canada,

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1 simply by entering into an agreement with the Holy See
2 that we will protect the church and the church meaning,
3 other fellow Catholic people, as well as that we would
4 have mass and be able to talk to Niscom, or God, in our
5 language as a recognition of human rights. That is a
6 recognition of Micmacs self government. That is a
7 recognition of our identity.

8 All the rest of the
9 Catholic world had to have mass in Latin. But when Chief
10 Membertou entered into this agreement with the Jesuits
11 and with the church, he emphasized that we will have our
12 language and that we will keep our language and that we
13 will always be able to talk to God in our language. Of
14 course, he understands Micmac. He gave us the language.
15 He made us Micmac people from Micmac earth, just as the
16 Bible says "from dust to dust."

17 What that Concordat is
18 emphasizing and what Membertou is stating, that we agree
19 but, in our case, we are made from Micmac earth, and
20 Niscom-- Everybody else in the Catholic world had to have
21 mass in Latin until the second Vatican council in the 1960s.
22 It wasn't until the 1930s that that was taken away from
23 us when residential school was forced upon us.
24 Residential school took away this awareness and this
25 comfort that we had with all living things, not just with

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1 our neighbours. This Concordat made us people of the
2 world, recognized us as people of the world.

3 There is a book that the
4 grandparents here in Eskasoni have told me so much about
5 that's written in hieroglyphics. It's the catechism.
6 It's all the New Testament and the Mass and yet people
7 will still say we're illiterate. People still have this
8 attitude that we are pagans or heathens and that we were
9 saved when Europeans first came here. It is not us that
10 are ignorant. It is the Canadian public who have not been
11 educated about who we are as their first chapter in Canadian
12 history.

13 That Concordat recognizing
14 us as a unique people. When my grandparents and all of
15 our people's grandparents and forefathers were children,
16 they learned to read and write from this book. They
17 realized that they had self-worth. They realized they
18 had an identity. They realized they had a relationship
19 with Niscom. They realized this from the time they were
20 two, three, four years old. All children could read and
21 write this book before 1930. What made that go away?
22 What made that change? I'll come back to that later on.

23 Language especially is the
24 key to our soul and that was guaranteed under this
25 Concordat. For people to say the Micmac language, "Oh,

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1 having a relationship with a church longer than any other
2 Aboriginal people in Canada be the last to have a
3 residential school when residential schools started in
4 the 1800s for the majority of Ul'nu or other aboriginal
5 peoples in Canada and the United States. This was done
6 specifically on purpose because the Grand Chief Gabriel
7 Syliboy losing the 1752 treaty in court in Sydney in 1927
8 and then losing in 1930--I'm sorry, 1929 in Halifax on
9 appeal.

10 The Canadian government,
11 especially the Nova Scotia government, realized that he
12 literally did win the case. This was substantiated in
13 1985 when the Supreme Court of Canada ruled the 1752 treaty
14 is just as valid today as it was the day it was made.

15 When they made that ruling
16 on the Simon case, they're not just talking about hunting
17 and fishing. If a treaty is just as valid today as it
18 was the day it was made, it means that we still hold title
19 to the Micmac nation, that the Micmac government still
20 exists, that the Micmac people still exist, that we still
21 are people of the world and that this treaty made with
22 King George is an international treaty, not a domestic
23 treaty. It is not a surrender treaty. It was made out
24 of war. Men, Micmac men, Micmac women, Micmac children
25 fought and died for that treaty.

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1 the most powerful country in the world at that time, Great
2 Britain, the British Empire and all of its resources.
3 And yet the British soldiers couldn't leave Halifax without
4 being wiped out. They couldn't enter into our territory
5 without confronting Micmac warriors, without confronting
6 Micmac people, without confronting the very fact that they
7 are trespassing on Micmac territory. And that legally
8 in the world they have to deal with us as human beings.

9

10 I'm sure the British didn't
11 like to do that simply by the fact that they made Father
12 Millard, who is our priest under the Concordat, as well
13 the priest to the Acadian people He was made a full
14 Minister of the British government. The British, as we
15 know, do not happily take to Catholic people as we can
16 see was going on in Northern Ireland. As the history of
17 Quebec has already been shown, as the history of the French
18 and Indian War, of history between France and Britain in
19 their wars over religion. So for the British to make a
20 Catholic priest from France a full paid Minister of equal
21 justice in the British Nova Scotia legislature, that shows
22 me how powerful the Micmac people were, how Micmac people
23 still are, how powerful our army, how powerful our navy
24 was. People aren't even aware that Micmacs captured over
25 60 British ships during that time and yet they say today

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1 that we couldn't possibly have land claims in Newfoundland
2 because how could we get there. We're a seafaring people.

3 There's Micmac artifacts in the Gulf of Mexico, in Ohio,
4 in Wyoming, in Mexico itself. We are great, great traders
5 and people of the sea as well as people of the waterways.

6 When this treaty was
7 entered into, the 1752 treaty, they promised they would
8 not take any more land outside of Halifax. Everything
9 was reserved for Micmacs. So literally everywhere you
10 go in Nova Scotia is still Micmac land. Nova Scotia at
11 that time went all the ways through New Brunswick. There
12 was no New Brunswick in those days.

13 The Micmac nation is made
14 up of seven districts, counting Gaspé, Québec. That is
15 one of the seven districts of the Micmac Nation. Québec
16 cannot resolve their situation or their problems until
17 they deal with us. All of Gaspé was recognized that way
18 before the Québec Act was passed by the British. So there
19 is a thing here called due process of law.

20 All of these issues are not
21 going to be resolved until the Canadian public learn their
22 own history, until the students in Sydney and in East Hants
23 and in Colchester realize that we are their heritage and
24 that there is nothing for them to be ashamed of or afraid
25 of. That, indeed, we always had this relationship and

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1 that their own forefathers never would have survived had
2 it not been for Micmac people.

3 Some of the material I
4 handed out to you is material called the Watertown Treaty
5 and proclamations from the House and Senate recognizing
6 the Micmac Nation, recognizing us as a distinct society
7 within inherent rights. That was done in 1987. In 1987,
8 Micmac people in Nova Scotia were being arrested for
9 exercising their Micmac rights by hunting moose.

10 Something we've done traditionally since time immemorial.

11 Something that we were doing after the Simon decision
12 by the Supreme Court of Canada. So it was literally
13 illegal to be a Micmac in Nova Scotia and yet in the United
14 States they were giving us proclamations, accolades, and
15 the Grand Council received three standing ovations.

16 That Watertown Treaty is
17 the first treaty the United States ever entered into.
18 It is just as valid today as it was the day it was made.

19 It's the first international treaty, let me clarify that.

20 That makes us their first chapter. And it is taught in
21 the Boston school system today and specifically in the
22 parochial school systems in South Boston. Not only the
23 Concordat is taught, but the Watertown Treaty is. And
24 yet here in Nova Scotia, our fellow Canadians, our fellow
25 Nova Scotians have no concept, no idea about who we are

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1 in relationship to them and that we are their first chapter.

2 So we have all of these
3 documentations that do not cost the province or cost the
4 Canadian government in order to integrate into the
5 curriculums in elementary school, in junior high school,
6 and in high school and university. It's only a matter
7 of telling the Canadian people who they are and especially
8 today where Canada is going through an identity crisis.

9 Canada is going through an
10 identity crisis simply by the fact that they don't know
11 who we are. If they knew who we are, then they have a
12 basis of law and realize that we are the survivors, not
13 the victims. We still have a lot of Micmac people who
14 still are victims. But thanks to the teachers who brought
15 these students here today from Wamacook and Wigamaw. We
16 can see that these children are going to grow up witnessing
17 history and making decisions based upon their concepts,
18 not only as Micmacs, but also with the white man's
19 education. The white man's education system is doing
20 himself harm by he not getting the opportunity to learn
21 his own identity. When the white man learns who we are,
22 it destroys racism, it destroys the fear. It makes he
23 or she proud to be Canadian as well as from Nova Scotia
24 or Cape Breton or Prince Edward Island or Newfoundland
25 or New Brunswick or Gaspé, Quebec, let alone from New

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1 England.

2 South Boston is known in
3 the United States as a very racist section of the City
4 of Boston because of the bussing situation in the
5 seventies. And yet they were the first to take up Micmac
6 Catholic history in school as well as to integrate the
7 Watertown Treaty into the American history.

8 So it doesn't cost Terry
9 Donahoe or any of these people in education in the province
10 or in the Federal Government. It is their own history.
11 It is already documented. It is the responsible of the
12 Canadian Crown because of their relationship with their
13 own people and our relationship, legal relationship that
14 they have inherited. The treaty has already been
15 negotiated.

16 Barbara Johnson was
17 mentioning something this morning about no matter where
18 she goes, she's a Micmac. And that's absolutely true.
19 I've been fortunate and blessed to have been to over 30
20 countries and yet every place I go, I'm a Micmac. When
21 I was in Japan, the first thing I do is look up, well,
22 how old is this country? How old is this society? How
23 old is this culture? And I learned about the Japanese.
24 The same thing with Italy, when I was in Italy. I could
25 see the ancient ruins. Wow! This society, this culture.

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1 It's two thousand years old. The same with Greece and
2 Israel. But when people come here to this country,
3 everything starts in 1867 and then those that are fortunate
4 enough to get to university, College of Cape Breton and
5 take Micmac Studies, realize the world was never flat and
6 that society and culture and people have been evolving
7 since time immemorial and that there has been a society
8 and government of people self-governing themselves for
9 thousands of years and yet the majority of people in Sydney
10 and in our surrounding area have never even been through
11 Eskasoni, let alone ever met a Micmac or talked with a
12 Micmac or realized that, wow, that's a long time. I guess
13 you guys weren't sitting on the beach waiting to be
14 discovered.

15 If I wear a brand-new set
16 of clothes made in Italy or have a Sony television and
17 a Mitshubishi car and a Toyota, that doesn't make me
18 Japanese. I'm a Micmac, no matter where I go. And that's
19 Barbara's point as well as a woman named Mrs. Bernard down
20 in Millbrook, she's a Micmac, born a Micmac, they speak
21 Micmac. It's a state of mind, not just a shade of brown
22 or red.

23 People ask about the Indian
24 Act. 99.9% of the Canadian public has no idea about the
25 Indian Act. Yet they all know that that the apartheid

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1 system in South Africa is wrong. They all know that the
2 civil rights abuses and segregation in the sixties in the
3 United States against black people, the segregation laws
4 were wrong. They have no concept here about the Indian
5 Act, that we are controlled from the womb to the grave.

6 I graduated from high
7 school in 1961 and I was very fortunate to go to a good
8 school in Boston because I wasn't allowed to go to white
9 schools here. It was either go to residential school or
10 nothing. So I was very blessed. Where my friends who
11 went to residential school were abused, spiritually
12 abused, physically, sexually, in every situation, in every
13 single kind of way, where there was no formal education.

14 I was fed, I was nourished, I was given opportunities,
15 I was given encouragement to write compositions about my
16 heritage and my background, where I came from from my
17 reserve, which is how I learned about the Watertown Treaty,
18 going to the archives in Boston and realizing that I have
19 an identity that is different than what the nuns were
20 telling me in Shubie. We're just recovering from that
21 crime against humanity called the Shubie school.

22 When the Grand Chief lost
23 the 1752 case in 1927 and then on appeal in 1929, the
24 government wanted to know, who else knows about this, who
25 else has this concept, who else has this identity? Is

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1 it just this old man, this old Grand Chief Gabriel Sylliboy?
2 Who else? So they sent their Indian agents to all the
3 Micmac communities and realized that not only did every
4 Micmac know this, but that the Jesuits also knew this and
5 spoke to us in Micmac and celebrated mass in Micmac So
6 they had to be eliminated. The government through the
7 priests called the Jesuits, sent them out. Father Pacific
8 was our last Jesuit and they were replaced with the
9 Antigonish Archdiocese, with whom we call
10 [gotchamenbodias?]. They have no idea, no concept at all
11 about this Concordat or about this relationship between
12 the Grand Council and the Holy C. Or that we had the right
13 to be able to talk to Niscom.

14 The children were taken
15 away from the time they were three and four and five and
16 six. For those time period until they were sixteen years
17 old, even though I lived in Boston, I spent more time on
18 the reserve than they did. Simply because they were in
19 residential school and I'd be home in the summer before
20 they got out. And they'd have to leave before I left.
21 And I'd see them marching. They went through boot camp
22 before I went to Paris Island. Micmacs are tough. We're
23 the survivors and anyone that's gone to residential school
24 knows that.

25 Today our leaders are the

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1 to pay royalties, would have to lease, would then have
2 to either live up to their obligations of jobs as well
3 as--Well, if they don't, there's plenty of companies in
4 behind them who would gladly do that. They would no longer
5 be able to rape our land or take away from our way of life
6 and destroy our culture, let alone the rest of the people
7 of Nova Scotia resources.

8 If the public knew about
9 the Indian Act, if they themselves were controlled that
10 way, where they're not even allowed a recount in a
11 democratic society, then they know it's not a democratic
12 society. We are not allowed a recount in an election under
13 the Indian Act. That's not democratic. That is not
14 self-government. And what the Canadian government is
15 being told about who we are is not who we are. It's a
16 matter of disinformation and misinformation, a trick that
17 I saw very much during the Vietnam war on both sides.
18 We are not Indians. They live in India. We're not
19 Canadian Indians. We don't belong to Canada. They don't
20 own us. Canada has only been here since 1867. That word
21 "native", Brian Mulroney is a native. Anybody born in
22 Canada is a native. I'm talking to you about who we really
23 are. We're Ul'nu, the Mi'kmaw of the Mi'kma'ki. We're
24 the Micmacs of the Micmac Nation. Canada's biggest
25 secret.

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1 The Simon case, why is it
2 that the Supreme Court of Canada rules it's just as valid
3 today as the day it was made and yet allows the province
4 to rob, plunder and continue to avoid us, continue to ignore
5 us and not teach their own children about the true history
6 of this country. You talk about injustice. Why hasn't
7 someone done something about Robert Sylliboy, who is in
8 prison today for a crime he believes, other people believe,
9 and we have evidence of a history of Junior Marshall being
10 convicted of a crime he did not commit. How many other
11 Ul'nu let alone other people are in prison today for
12 something they did not do, or something for their colour
13 of their skin or the reserve they come from or their last
14 name.

15 The cultural issues of
16 concerns of the aboriginal people is that we know who we
17 are. We're giving and sharing people but the white man
18 has no concept at all. They live in a taking and keeping
19 world where the individual is the prize. In our way of
20 life of giving and sharing, it's the family unit that's
21 the prize. It is the group that is the main basis of
22 survival. We could never have survived without the group,
23 without the family unit, without the extended family.
24 Here in Eskasoni we live by clans. All of the Pauls live
25 in one specific area. All of the Doucettes live in another

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1 area. All of the Dennys live in another area. Each family
2 unit, the Morris', the Poulette, everyone, so the children
3 grow--have always grown up with their grandmothers, their
4 grandfathers, their cousins, their [gukrinates?], their
5 [gouligans], their aunts, their uncles, the extended
6 family which is how we have always lived until the
7 residential school took the children away.

8 Here in Onamagi we have
9 managed to keep what was stolen from myself in Shubenacadie
10 by language, by the cultural awareness that has been
11 maintained in all of the Onamagi reserves, be it
12 [Agamacook?], Wikamow, [Bordoledeck?].

13 Language again is the key
14 to our souls and there is nothing to be afraid of, both
15 in the educational system or in the reserve system of having
16 our language and being proud of it and being able to pass
17 it on to our children. They make laws to guarantee the
18 French have their language. We want due process of law.

19 The first language that was ever encountered by Europeans
20 when they came to this country in 1497, it's the same
21 language. When I saw the ancient ruins in Rome, the
22 colosseum and the ruins in Athens, I realized how old they
23 are. That's nothing compared to how old Eskasoni is or
24 Wamacook or Wikamow. It's nothing compared to the
25 language that you still hear today. People are amazed

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1 and not only out west, but right next door to us in Mohawk
2 country, where they realize when they came here that we
3 still speak our language. Of all people in North America
4 we should have lost our language a long time ago. Since
5 1497 we've been oppressed, attacked. We've been--every
6 process of assimilation has been thrown upon us, yet the
7 language is still here. The language is still in
8 existence. The language is ancient, older than the
9 ancient ruins of Rome, older than the ancient ruins of
10 Athens.

11 The land that is out here
12 is older than Israel. We have no ruins. We only have
13 what Niskaw created and it's always been that way. We
14 literally lived in the garden of Eden. Everything was
15 provided for. Our economy was stolen, taken away without
16 due process of law. When the 1763 Royal Proclamation was
17 made, it was stated "no land will be taken from the
18 aboriginal people without their consent, without their
19 agreement, without them sitting down and negotiating with
20 us. And even if it is taken, then they must be compensated
21 for loss of use and occupancy." The land is what we use
22 for our economy. Our use and occupancy has been limited
23 to postage stamps in the Micmac Nation. The Micmac Nation
24 is bigger than Texas and yet we live on these little postage
25 stamps and the assimilation process is working very well

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1 in other parts of the Micmac country.

2 Our people are going to
3 have to make up their minds whether they are Micmacs or
4 whether they are Canadians. We're trying to emphasis to
5 our people through education that we are Micmacs and we
6 want the Canadian people, especially our fellow Cape
7 Bretoners and our fellow Nova Scotians to understand, to
8 learn, to realize that "Indians" don't just live out west
9 and that aboriginal rights and land claims aren't just
10 out west or up north but it's right here. And that the
11 land was taken without due process of law.

12 There'll never be enough
13 money in their treasury ever to pay us back for what they've
14 stolen, for what we've lost or ever even to bring us up
15 to par. And we're not asking for that. I'm afraid of
16 our people accepting money for compensation, for loss of
17 use and occupancy rather than guaranteeing our rights and
18 freedoms as Micmacs, to be able to call ourselves, and
19 our children, and their children to call--they have the
20 right to call themselves Micmac or Mi'kmaw of the
21 Mi'kmaw'ki. We're not after somebody's farm. We're not
22 after somebody's house that they've tried and worked hard
23 for to save up to buy, to support their families. We're
24 not out to kick everybody out and send them back to France
25 or send them back to Scotland or England or wherever they

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1 came from. All we want is due process of law and our rights
2 that we inherited, that we were given by not only Niskaw
3 but also by our forefathers and were guaranteed by your
4 forefathers in the Canadian government as well as the
5 British government, as well as the Holy See, as well as
6 in the United States.

7
8 No other people have these
9 rights as we do. It would be great if AFN could follow
10 our direction in the United Nations through Denny v. Canada
11 where we were accepted as a true tribal society, as a viable
12 case of human rights violations by the United Nations.
13 It had to be done by consensus. If there was one dissenting
14 vote, we would not have been accepted into the United
15 Nations Human Rights Commission as a viable case. We were
16 very afraid of the United States making a veto on us because
17 only one dissenting vote and we would not have had a case.

18
19 In '86 and '87 I was sent
20 to Boston in order to get the--reaffirm the Watertown
21 Treaty. We had to be very quiet about it because we were
22 afraid of Indian Affairs throwing a wrench in there, as
23 they've always done throughout our history.

24 Under the leadership of
25 Senate President William Bolger of the Massachusetts
Senate as well as Congressman Joe Moakley not only was

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1 the treaty reaffirmed but this past December President
2 Bush signed federal recognition of the Micmacs in the
3 United States. So it's not just a state-recognized treaty
4 but a federally recognized. That was the only thing that
5 I could do about my own situation of why Vietnam. I had
6 to make Vietnam worth something. And in order to make
7 it worth something, since I enlisted in the Marine Corps
8 as a Micmac, not as a Canadian, where it said "race," I
9 put "Micmac," where it said "nationality," I put "Micmac,"
10 where I put "religion," I put "Micmac." I didn't need
11 a green card. I joined as a Micmac through the Treaty
12 of Watertown made in 1776. And it was through that
13 surviving, that's all I could do about surviving in asking
14 why did I survive and not my friends.

15 Everyone in the world knows
16 who we are now in the United Nations. Junior Bernard is
17 here. He can tell you about that Watertown Treaty and
18 him reminding the United States this past summer of their
19 treaty obligations in Geneva where Canada was trying to
20 get one of the captains, Joe Sark of Prince Edward Island,
21 to hush up. Junior reminded the United States of their
22 treaty obligations, specifically under the Watertown
23 Treaty and I felt very proud when the United States stood
24 up and walked away from Canada and came and sat with the
25 Grand Council. They had to live up to their treaty

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1 obligations. Under the Humans Rights Covenant, they all
2 signed an agreement that we would respect one another's
3 treaty rights, treaties. Canada had no idea we had this
4 treaty with the United States. It was a great coup.

5 We have so much to be proud
6 of, not only with these three treaties that make us unique
7 and people of the world and where everyone in the world
8 knows us except the Canadian people. Isn't that absurd?
9 Isn't that ironic? That everyone in the world has agreed
10 we have a viable and absolute case against the Canadian
11 government through the Grand Council of Denny v. Canada
12 and yet the Canadian public has no idea whatsoever. What
13 has Canada to hide? Is it the same history repeating
14 itself in 1927 and 1929 against the Grand Chief? Who else
15 knows this information? What else are they planning for
16 us now besides cutting our funding in education?

17 In closing I would just
18 like to say that we have that right. We have approximately
19 a couple of hundred students that go to Sydney school.
20 I have four children, one's 16 years old and going to Holy
21 Angels. I found out that Holy Angels received \$3,800 for
22 her education. Now with a few hundred Micmacs from
23 Eskasoni going to Sydney schools, whether it's Sydney
24 Academy or Holy Angels or Riverview, you multiply each
25 student times \$3,800 and that \$3,800 multiplied 200 times

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1 comes to a lot of teachers' salaries, comes to School Board
2 salaries, comes to books, comes to gymnasiums, comes to
3 all of these additional quirks and perks for the
4 administration and yet there is no Micmac history in any
5 of these schools. There is--the teacher have no idea about
6 these young people who are making initial contact outside
7 of their reserve and going to the white man's schools 34
8 miles away and yet there are no Micmacs on the Sydney School
9 Board from either Eskasoni and/or from Membertou and yet
10 all of that money that is derived from Micmac students
11 attending their schools and yet their own history is not
12 a part of the curriculum. It's no wonder we have such
13 a high dropout rate when there isn't anything relevant
14 to their education. Then what's the sense if there is--if
15 they're being made fun of by other whites, by students
16 who are white students only because the white students
17 have no concept or idea of who these Micmacs, young people
18 are, then the racism continues and the cycle continues.
19 And that \$3,800 per student is just a sham and a
20 continuation of the cycle. That is
21 oppression, that is discrimination, that is keeping their
22 own people in the dark. To destroy racism is only to pass
23 on information and information is power, information is
24 knowledge. That's all it is. Our identity is only
25 information and it's being kept away from the non-Micmac

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1 people. A lot of Micmac people know a lot of white people
2 and we have to put our heads and focus when we talk with
3 them otherwise we have to start explaining every time we
4 talk. We either accept what they say or we start to
5 explain. That's not right. So imagine if we have to do
6 this as adults and as leaders, what do our children have
7 to do when they are in school and people make war whoops
8 at them or people make fun of them and they do not have
9 the information to pass on to their counterparts or
10 colleagues, say, wait a minute, we're not savages, we have
11 a Concordat. We've been a Micmac Catholic state since
12 1610, how can we be heathen savages? We are your first
13 chapter. The world was never flat. That's all I have
14 to say. Thank you very much.

15 If there's any questions,
16 I'd be happy to answer them and, if not, Junior is here
17 and the Grand Captain is here to speak about exactly what
18 I was talking about. The president of the union is here,
19 Alex Christmas. There's a lot of important people that
20 still have a lot of say. I just want to say to the teachers
21 who brought these students here, thank you very much.
22 We love you. You are really good teachers. That's the
23 difference between the School Board and awareness.

24 **CO-CHAIR GEORGES ERASMUS:**

25 Thank you for your presentation. One question I had was

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1 you talk about the school, residential school at
2 Shubenacadie. The question of residential schools came
3 up a lot during the first week of our hearings in Winnipeg
4 and there was a recommendation made there for us to take
5 a hard look at residential schools. Do you think that
6 the impact of residential schools was sufficient on
7 aboriginal people that this Royal Commission should pay
8 some special attention to them?

9 **WILL BASQUE** Absolutely.
10 When the church apologized for the residential school
11 system and what they did to us, that is not enough. That's
12 a crime against humanity. The church has taught us that
13 when you commit a sin you have to do penance. Well, the
14 church committed a sin and it committed a sin against it's
15 own children, against it's own people, a people who had
16 a relationship with them.

17 The destruction that was
18 applied to these Micmac children since 1929 until 1967,
19 we're still recovering from. An apology is not good
20 enough, especially for us since we have the Concordat.
21 It should be general information in the Catholic world,
22 let alone the Christian world of this relationship that
23 the Micmacs had with the Holy See since 1610. Every
24 Catholic should know as well as every Acadian should know.
25 The Acadians who are here, the ones who have survived,

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1 it was our holy obligation to protect them since it was
2 our obligation to protect the church. We didn't look at
3 the church as a building. We looked at it as our fellow
4 Catholics or fellow Christians.

5 So that people who still
6 live in Cheticamp, the people who live down in Digby County
7 are the survivors of the people we protected from the
8 British troops because it was our obligation. So the
9 church has to pay us back by informing their own
10 archdioceses all throughout this country of who we are,
11 through the Concordat, as well as what was--it's not good
12 enough to say you're sorry.

13 As far as the damage that
14 was done to our people through the residential school,
15 we're just coming off the ropes. We've been in a
16 heavyweight fight but we're not down. We're trying to
17 get our good corner men and our trainers through these
18 young people that are coming up through high school and
19 through college now. All we can do in my generation, and
20 I'm 48 years old, I've known Viola all my life, I've known
21 all of these people. Viola went to residential school,
22 Alex went there, the majority. How many here went to
23 residential school? There you go. That's right.

24 **BEN SYLLIBOY** 47,051 and
25 in '51 I was out in June--in October I was in a sanatorium

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1 with TB.

2 **WILL BASQUE** These are
3 crimes against humanity. We would not allow--I've seen
4 in person the reeducation camps in Vietnam, reeducation
5 camps where the communists take prisoners and leave them
6 there in tiger pits and reeducate them, brainwash them.

7 It's brainwashing is what reeducation is. Residential
8 school is reeducation camps where the children had no
9 choice, no chance, no opportunity. If escape were
10 possible, they were punished with physical abuse as well
11 as emotional humiliation. We still carry that in our
12 hearts and our souls today, some constructively, some
13 destructively. That's why we have the Mi'kmaw Lodge here
14 in order to try to repair the damage that's been done
15 through that residential school. That's why we have still
16 faithful with the drum as well as with St. Ann to try to
17 repair our identity and our whole being of body, mind,
18 and soul.

19 We need the government, as
20 well as the church, to fix that. It's not good enough
21 to say I'm sorry. Canada doesn't accept reeducation camps
22 in Vietnam. As a Micmac from Canada who was a staff
23 sergeant in the U.S. Marines Corp, I remember picking up
24 "made in Canada" boxes that we captured from the North
25 Vietnamese. So Canada knows and were demonstrating

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1 against our involvement there. Why aren't they
2 demonstrating against their involvement against us, the
3 native people, the Micmac people here in their own country?
4 They wouldn't stand for reeducation camps. They wouldn't
5 stand for Sweto in South Africa. They wouldn't stand for
6 what's going on in Los Angeles but Los Angeles is only
7 United States' Oka. It's only history repeating itself.

8

9 I was in the Marine Corps
10 in 1968 when Martin Luther King was assassinated and was
11 sent to Washington to protect the buildings. That is the
12 people here in Canada were demonstrating in Toronto, in
13 Vancouver, and in Halifax, in Montreal about Martin Luther
14 King's assassination and about our--us being, Marines
15 being having guns pointed towards our fellow Americans.

16 Why aren't they demonstrating? Why aren't they--as you
17 can see, the American people didn't learn a lesson from
18 those riots or from that discrimination, from that racism
19 that was inflicted upon black people. And it's history
20 repeating itself.

21 If Canada doesn't learn the
22 lessons of what has happened here, then there will be more
23 Okas, then there will be more riots, then there'll be more
24 civil unrest. I don't want to see that because I know
25 what it's like to be on this side of the gun when there's

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1 civil unrest, when we go into a village as well as being
2 surrounded by numbers 10 to one. I don't want to see that
3 happen here in Canada and especially in Eskasoni or any
4 reserve in any community or any place.

5 I have enough faith and
6 trust in the Canadian public that if they know the history,
7 if they know the story behind the story that they can make
8 the right decision. They must learn and know about that
9 residential school system and that they wouldn't put up
10 with that if that was their children.

11 **CO-CHAIR GEORGES ERASMUS:**

12 Okay, I'm going to ask the commissioners if they have
13 any questions or comments. Commissioner Chartrand?

14 **COMMISSIONER PAUL**

15 **CHARTRAND:** I'd just like--before you go, I would just
16 like to say that your presentation for me has been not
17 only new, novel, revealing, intensely interesting but
18 absolutely fascinating. You're absolutely right about
19 the things that you have said about the ignorance that
20 Canadians generally have and I have learned a lot in your
21 presentation and I will make sure that I endeavour to do
22 what I can to carry on the objects that you have referred
23 to personally and with the work of the Commission.

24 There is much in your
25 presentation here. There's no time for us to deal with

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1 it here but you can be assured that the Commission will
2 examine all these matters very closely. Thank you very
3 much.

4 **WILL BASQUE:** Thank you,
5 sir. Thank you, Georges. Thank you, Viola.

6 **CO-CHAIR GEORGES ERASMUS:**
7 Just one second. Viola, do you have any comments?

8 **COMMISSIONER VIOLA**

9 **ROBINSON:** No, I just want to say thank you for the
10 excellent presentation.

11 **CO-CHAIR GEORGES ERASMUS:**

12 The documents you provided are exactly what we need and
13 if you have any other documents like that that you want
14 to send to us later, please do. And if you want to send
15 us more presentations, if you want to want to write them
16 down, take the time to do it. And if there's material
17 that you know of that you can't get your hands on that
18 you think would be useful to us but you know where we can
19 get a hold of it, send us that information also. That
20 would be very useful. Excellent presentation. Thank
21 you.

22 **WILL BASQUE:** Thank you,
23 Georges.

24 **CO-CHAIR GEORGES ERASMUS:**

25 Who wants to present next? Go right ahead there, Alex.

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1 Just for the record, if you could introduce yourself
2 there, Alex.

3 **ALEX CHRISTMAS, PRESIDENT**
4 **OF THE UNION OF NOVA SCOTIA INDIANS:** I just bought a new
5 briefcase this morning. Mr. Chairman, I--first of all,
6 I guess, for the information of the commissioners and for
7 the media, I do have some extra copies of the presentation
8 so.

9 First of all, I guess, my
10 name is Alex Christmas. I'm the President of the Union
11 of Nova Scotia Indians. I thank the Committee for asking
12 us to make a presentation to you. I realize the role that
13 you're going to be playing in the new direction of
14 aboriginal affairs, I guess, in the country. And, for
15 the record, I'd like to read the presentation as prepared
16 by the Union and for the purposes of the record but before
17 I do that I was reminded by Albert Marshall here about
18 with regards to your comments on residential schools about,
19 I don't know the depth of your discussions in Winnipeg
20 but if compensation was, in fact, included, then maybe
21 you could comment on that further later on.

22 But I'll go into my
23 presentation now, if you don't mind. Okay, to begin with
24 we want to welcome you into our territory and thank you
25 for the opportunity to share our thoughts and our

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1 maintained authority over foreign affairs and entered into
2 treaty relationships with other First Nations to formalize
3 trade, alliances, and many other matters. These treaties
4 were not static. They were the framework for living and
5 evolving relationships between our Nations.

6 (2) The relation with the
7 Europeans. Europeans came to our shores long before
8 Columbus, the Vikings and the Basque fishermen are two
9 examples, but sustained contact and formal relations
10 really began in the 1500s with the arrival of the French.

11 We developed a relationship with them which was based
12 on mutual cooperation and respect and which focused on
13 trade, not settlement. Another important product of our
14 contact with the French was the formal relationship with
15 the Roman Catholic Church. On June 24th, 1610, our
16 Jkiskamow, Membertou, was baptized as a catholic, and
17 a covenant was made to protect the priests of the church
18 and the Frenchmen who brought the priests among us. This
19 covenant was formalized with a wampum two yards in length,
20 on the left are symbols of the Holy See, and on the right
21 are the symbols of the Grand Council. At the centre, a
22 priest and a Chief hold a cross, and in the hand of the
23 Chief is the Holy Book. Over the next 90 years, the whole
24 of the Micmac Nation became Catholic and took St. Ann as
25 its patron.

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1 But the Europeans were not
2 content to bring only their trade and religion to our
3 shores. they also brought their conflicts. The English
4 began trying to assert claims to parts of Mi'kma'ki as
5 early as 1621, and over the next 140 years they engaged
6 the French in numerous wars for influence over the eastern
7 part of North America. At the outset we allied ourselves
8 with the French, not only because they recognized our
9 political freedom, but also at that time they were under
10 the impression that the English were pagans, since they
11 were committed to eradicating the Catholic Church.
12 However, we conducted an independent foreign policy, and
13 after the French at Port Royal surrendered in 1690, we
14 continued to wage war against the British until 1699.

15 In 1722 armed
16 confrontation flared up again, this time between the
17 Wabanaki Confederacy, (which included the Penobscots,
18 Maliseets, and the Pasamaquoddies), and the British. The
19 Mi'Kmaq joined the battle and in that year alone we took
20 22 British ships. They finally sued for peace and a series
21 of treaties between the Wabanaki leadership, allied tribes
22 and the British were concluded in 1725, beginning at
23 Boston. After this, the members of the Wabanaki
24 Confederacy ratified the treaty in their own territories.
25 One Mi'Kmaq District, Gespogoitg, also ratified this

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1 with the governor in Halifax. The Saint John Macecites
2 agreed to convey this message to their own tribe and to
3 the Micmac.

4 In September of 1752 Chief
5 John Baptiste Cope came to Halifax to meet with the
6 governor, Pergerine Thomas Hopson, and his council. The
7 chief demanded compensation for the illegal occupation
8 of Micmac lands, stating that "The Indians should be paid
9 for the land that the English have settled upon in this
10 country." Hopson assured him that the English had only
11 the best of intentions and that the British priority was
12 to renew the peace between the Nations. Chief Cope agreed
13 to transmit this message to the other chiefs and return
14 with an answer. The chief and several others returned
15 to Halifax on November the 22nd and began the discussions
16 with the Crown. The result of this meeting was a
17 re-affirmation of the principles behind the 1725 Treaty,
18 as well as a new Treaty of Peace and Friendship between
19 the Mi'Kmaq and the British, now known as the 1752 Treaty.

20 But colonial behaviour continued to conflict with the
21 Micmac principles, and hostilities broke out again. The
22 French were finally defeated by England in 1760 and this
23 put an end to their designs on North America. However,
24 there was still the question of the First Nations.

25 In Article 40 of the

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1 Articles of Capitulation with France signed at the end
2 of the war, Britain formally promised to protect Indian
3 property and rights. The British Lords of Trade knew that
4 the safety and security of further settlement and trade
5 depended on the disposition of the First Nations and steps
6 were taken to formalize the relations. In the years that
7 followed, the seven Districts of Mi'kma'ki began to
8 re-affirm the 1752 Treaty through another series of
9 treaties with the Crown. However, the Crown did not take
10 steps to ensure that the colonists honoured the terms of
11 the Treaties--the appropriation of our land and resources
12 escalated, and all of our priests were expelled. When
13 the American Revolution began, George Washington,
14 commander-in-chief of the revolutionary army, wrote to
15 the Chiefs and the Captains of the Mi'Kmaq Nation
16 requesting military assistance. On July 17th, 1776, just
17 two weeks after the United States declared its
18 independence, a mutual defence treaty was concluded
19 between the Mi'Kmaq and the Americans at Watertown. This
20 alliance was maintained until 1779, when the Grand Council
21 renewed their earlier relations with the Crown at an
22 historic meeting in Piktokiok.

23 (3) Treaty making and the
24 covenant chain, the Crown, the Mi'Kmaq relationship. We
25 have shared with you some of our history to provide the

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1 background that is needed to understand the nature of our
2 treaties and our relations with the Crown. To us, the
3 treaties are instruments which define the relationships
4 between Nations. They can cover many or few issues,
5 depending on the situation. And they must be read with
6 other relevant instruments, such as the Royal Proclamation
7 of 1763 and other Imperial instructions to colonial
8 governors, for their full meaning to become clear.
9 Together, all of these are links in the covenant chain,
10 which defines our relationship with the Crown and the
11 non-Mi'Kmaq population of Canada. Our treaties are the
12 instruments that define our relationship to the
13 non-Mi'Kmaq, and they protect our right to
14 self-determination as a people within the United Kingdom.
15 The treaty-making process was extended to other First
16 Nations as settlements proceeded to the west. We view
17 that as an extension of the covenant chain, each treaty
18 a link in the relationship between the First Nations and
19 the Crown.

20 (a) Treaty federalism. A
21 major difference between the Mi'Kmaq and the immigrants
22 was that they were recognized as being fully
23 self-governing, while the local settlers had no such
24 rights. They were still subject to the Colonial Office
25 in Britain and had no recognized authority to manage even

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1 their own internal affairs. So, as a nation, it was
2 logical that our relations would go with the Crown, since
3 only the Crown had the authority to deal with foreign
4 relations. Even with later events, Confederation in 1867,
5 and the patriation of the Constitution in 1982, this
6 difference between the two communities has remained and
7 is critical to our understanding of our place in this
8 country.

9 There are two kinds of
10 political relations in Canada. The first is treaty
11 federalism between the Indian Nations and the Crown. The
12 second is the relationship between the immigrants and the
13 Crown embodied in various acts which led to and followed
14 Confederation. The evolution of responsible government
15 in the colonies and the division of delegation of powers
16 which were outlined in the British North America Act, and
17 other related developments have done nothing to change
18 the distinct nature of our relationship with the Crown.

19 The principles of the
20 Treaties of 1725 and 1752 were reaffirmed by the District
21 Chiefs through subsequent treaties between 1753 and 1794.

22 This process of reaffirmation was critical to maintaining
23 the people's right of consent and the basis of the treaties
24 was peaceful coexistence and sharing for mutual benefit.
25 They acknowledge that the Mi'Kmaq as British subjects

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1 but also affirm our separate national identity within the
2 United Kingdom. They affirm the Mi'kma'ki in Britian as
3 two states sharing one crown. The crown pledging to
4 preserve and defend Micmac rights against the settlers,
5 as much as against foreign nations. Each community, the
6 Mi'Kmaq and the settlers, were to continue to function
7 under their own distinct laws and customs. The Treaty
8 itself provide the constitutional arrangement for managing
9 this relationship and disputes between two autonomous
10 peoples.

11 (b) The Terms of the Treaty
12 of 1752. Beyond the principles of the Nation to Nation
13 relationship and he commitment to peaceful coexistence
14 which served as the foundation of 1752 Treaty, there were
15 a number of specific provisions in the text which covered
16 issued critical to our survival and the betterment of our
17 people.

18 Article 3 of the Treaty
19 invites those Mi'Kmaq who were not at Halifax to also renew
20 and ratify its terms, and commits the Grand Council's
21 leadership to use their utmost endeavours to bring in the
22 other Indians to renew and ratify this peace. This means
23 that the Treaty applies to all members of the Mi'Kmaq Nation
24 who adhere to its terms, throughout our territory. It
25 also provides the option of other tribes coming under its

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1 protections.

2 Our continued right to
3 harvest fish and wildlife are guaranteed in Article 4,
4 with the commitment that we would not be hindered from
5 but have free liberty of hunting and fishing as usual.

6 Our right to engage in
7 trade with immunity from taxation by other governments
8 is also guaranteed in Article 4, with the commitment that
9 the Indians shall have free liberty to bring for sale to
10 Halifax or any other settlement within this province,
11 skins, feathers, fowl, fish or any other thing they have
12 to sell, where they shall have liberty to dispose thereof
13 to the best advantage. It is acknowledged that this right
14 to engage in commerce includes commercial harvesting.

15 The provision of social,
16 economic and other assistance based on need was also
17 promised by the Crown. This is reflected in Article 5
18 of the Treaty which states that "a quantity of bread, flour
19 and such other provisions, as can be procured, necessary
20 for the families and proportionable to the numbers of the
21 said Indians, shall be given to them half yearly for the
22 time to come."

23 Through Article 6, it was
24 agreed that once a year on Treaty Day, representatives
25 of the crown would meet with our people to renew our

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1 of England - the fundamental principle of contract,
2 property and torts - was understood to be the appropriate
3 basis on which to measure the conduct of affairs between
4 the two peoples.

5 (c) The Land. Throughout
6 this period, it was agreed that the Mi'Kmaq would not
7 disturb any existing British settlements which had been
8 lawfully occupied, but we did not consent to any new ones.
9 When the 1725 Boston Treaty was ratified at Annapolis
10 Royal later that same year, the tribes agreed that "the
11 Indians shall not molest any of His Majesty's subjects
12 or dependants in their settlements already made or lawfully
13 to be made." Another of the same series of treaties, this
14 time at Massachusetts Bay, stated that "It is the full
15 resolution of this Government that the Indians shall have
16 no injustice done them respecting their lands." On the
17 15th of December, 1725, Major Paul Mascarene, on behalf
18 of the Lieutenant Governor of Nova Scotia, assured those
19 present that "the Indians shall not be molested in their
20 persons, hunting, fishing and planting grounds nor in any
21 other lawful occasions by His Majesty's subjects or their
22 dependants." Governor Belcher's Proclamation of 1762
23 explicitly identified and reserved the territories
24 occupied and claimed by us. King George III in his
25 Proclamation of 1763 did the same. That Proclamation also

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1 survive and their hope that the future would bring better
2 times and a recognition of their rights.

3 One of the main
4 instruments used by the Federal Government against our
5 people has been Section 91(24) of the British North America
6 Act and through it the Indian Act. Section 91(24) has
7 proven to be a lethal weapon in the hands of bureaucrats
8 and partisan politicians who are accountable only to
9 themselves. The terms of the Royal Proclamation were
10 intended to put the Crown between the indigenous nations
11 and the local settlers and also as to protect our interest.

12 It appears that this was also the intention of Section
13 91(24) to put the Crown in right of Canada between the
14 indigenous nations and the provinces as a guardian of our
15 rights. But political expediency and an unwillingness
16 by successive generations of immigrant politicians to
17 uphold the honour of the Crown led to the abuse of these
18 responsibilities. If anything, Section 91(24) should be
19 viewed as an expression of the Federal Government's
20 responsibility to protect our rights and interests, not
21 as a license to destabilize our communities and interfere
22 in our internal affairs.

23 We will share with you
24 some recent examples of how Section 91(24) and the Indian
25 Act have been used to violate our rights and abuse our

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1 and resources were held in common. But in 1959-60 Ottawa
2 bureaucrats made unilateral decisions to create eleven
3 separate Indian Act Band lists and the reserves were
4 divided with each band to be dealt with as a separate
5 individual entity. This was done without consultation
6 and without consent, and we are still dealing with the
7 legacy of this blunder today. Even so, our traditional
8 forms of government, the Grand Council, was maintained
9 and continued to operate, adapting to the imposition of
10 the Indian Act and various provincial and administrative
11 boundaries. These ill-conceived and illegitimate efforts
12 to destabilize our institutions and terminate our rights
13 and existence as a people were always met with resistance
14 by our people. Beginning in the 1960's we began to
15 reorganize in order to respond effectively to the new
16 forces which confronted us in our traditional territories.
17 This led to the establishment of a number of Mi'Kmaq
18 organizations and institutions whose mandate was to assist
19 in bettering the situation of our people and to protect
20 treaty and aboriginal rights, working closely with the
21 Grand Council.

22 The Struggle for Treaty
23 Implementation. (a) Application of the Treaties.

24 The 1752 Treaty clearly
25 invites all of the Mic'Kmaq to come under its terms.

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1 However, today, other governments continue their efforts
2 to restrict or deny its application, both geographically
3 and in terms of our membership. Provincial and other
4 administrative boundaries have been imposed over our
5 district territories and these have frustrated our efforts
6 in national reconstruction. The imposition of the Indian
7 Act has interfered with our right to determine for
8 ourselves who is and who is not a Mi'Kmaq. To respond
9 to this situation we have applied the principle that our
10 treaty and aboriginal rights apply equally to all our
11 citizens, regardless of their place of residence or other
12 governments' definitions. This has led us to work closely
13 with all Mi'Kmaq organizations and institutions in Nova
14 Scotia, on and off the reserve. Other governments have
15 not always looked favourably on this approach and they
16 have often resorted to their traditional
17 divide-and-conquer tactics as a response, but we are
18 committed to maintaining the integrity of the Nation.

19 (2) Hunting and Fishing.

20 Throughout this century we have put much effort into
21 asserting and protecting our rights to harvest fish and
22 wildlife. Even though the 1752 Treaty guaranteed that
23 we would not be hindered from but have free liberty of
24 hunting and fishing as usual, Federal and Provincial
25 regulations made sure that many of our hunters ended up

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1 changes in technology and practice. For instance, Mi'Kmaq
2 hunters could not be limited to using spears and homemade
3 knives (as the provincial Attorney General had argued),
4 but could use shotguns and pickups. In its comments, the
5 Court took the time to single out Judge Patterson's 1970,
6 I mean 1929 Sylliboy decision for special mention stating
7 that "the language used by Patterson reflects the biases
8 and prejudices of another area in our history. Such
9 language is no longer acceptable in Canadian law and,
10 indeed, is inconsistent with the growing sensitivity to
11 native rights in Canada."

12 Now that our rights had
13 been formally recognized by the Canadian Courts, we began
14 to develop a set of interim hunting guidelines which would
15 enable us to regulate our own harvest and exercise our
16 rights. They covered basic matters, such as safety and
17 conservation, and made it clear that only Mi'Kmaq who
18 followed the guidelines would be protected by the terms
19 of the treaty. These were ratified by the majority of
20 our leadership on Treaty Day, October the 1st, 1986, and
21 attempts were made to negotiate an understanding with other
22 levels of government. Unfortunately, they were unwilling
23 to listen, even to the judgment of their own Supreme Court
24 and would not negotiate. In the three years following
25 the Simon decision, six of our people were charged with

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1 fishing violations, 23 were charged with hunting deer and
2 moose, and three were charged in connection with commerce
3 and taxation, all of these matters clearly within the terms
4 of the 1752 Treaty.

5 In 1988 Nova Scotia
6 allocated 200 moose hunting licenses by lottery without
7 regard to Mi'Kmaq rights or the decision of the Court.
8 After much talk and discussion, our leadership decided
9 to stage a separate Mi'Kmaq moose harvest regulated by
10 our own people under the interim guidelines we had adopted.

11 We announced that this harvest would take place two weeks
12 before the provincial season opened. The province took
13 the position that this harvest was illegal and promptly
14 initiated a propaganda campaign to discredit and
15 intimidate our citizens. We made a request to the Federal
16 Crown, as our fiduciary, to protect our hunters in the
17 legitimate exercise of their constitutional rights, but
18 this request was denied, refused. We proceeded with the
19 harvest, but a total of 13 Mi'Kmaq hunters were charged
20 with violations of the provincial Wildlife Act.

21 Meanwhile, a number of
22 fishing cases were making their way through the courts.

23 In the fall of 1987 David Denny and Lawrence John Paul
24 were charged at Eskasoni for fishing salmon in water
25 adjacent to the reserve without a license. Around this

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1 time Thomas Sylliboy was charged for fishing with a snare
2 in waters adjacent to the reserve at Afton. All three
3 were convicted at trial, and the Supreme Court of Nova
4 Scotia agreed to hear their appeals together. In March
5 of 1990 the Court unanimously acquitted the defendants
6 on the grounds that the fishery regulations did not
7 recognize their aboriginal right to harvest fish for food,
8 as guaranteed by Section 35 of the Constitution. Finding
9 that their aboriginal rights to harvest the resource was
10 strong enough to defeat the regulations, the Court did
11 not feel it necessary to respond to the treaty defence
12 that had also been prepared. Soon after this judgment
13 the Supreme Court of Canada ruled in Sparrow. Neither
14 the province nor the Federal government appealed the Nova
15 Scotia decision in Denny Paul.

16 (3) Jurisdiction Over
17 Mi'Kmaq Use of Fish and Wildlife. Together these events
18 finally seemed to convince the province that it was
19 fighting a losing battle. The charges brought against
20 13 hunters during the 1988 moose harvest were dropped and
21 we were invited to begin discussing the ways and means
22 of exercising our right to harvest with the Government
23 of Nova Scotia. This led to the signing of an interim
24 agreement which recognized our right to manage our own
25 harvest of deer and moose. The Mi'Kmaq harvest was

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1 conducted on this basis during 1989 and 1990. In the 1991
2 season we were unable to reach an unacceptable arrangement
3 with the Province, so the annual harvest was conducted
4 without an agreement, without any charges being laid, and
5 with no harassment. These activities are completely
6 self-regulated under the terms of the Mi'Kmaq hunting
7 guidelines which was developed and ratified in 1986. We
8 have our own tags, our own reporting system, and set our
9 own harvest levels, based on need. In the interest of
10 conservation we share information with provincial
11 authorities so that they can manage their own people's
12 harvest.

13 This is our definition of
14 management: we have the freedom to manage and regulate
15 our harvest with levels based on need--

16 **CO-CHAIR GEORGES ERASMUS:**

17 Excuse me, you're speaking just a little bit too fast
18 for the translator, so--

19 **MR. ALEX CHRISTMAS:** Am I?

20 [translator speaks in
21 Micmac]

22 **MR. ALEX CHRISTMAS:**

23 [responds in Micmac]

24 **CO-CHAIR GEORGES ERASMUS:**

25 Just stop for a breath once in awhile.

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1 **MR. ALEX CHRISTMAS:** I'll
2 slow her down there, Chairman. Okay--

3 **CO-CHAIR GEORGES ERASMUS:**
4 Maybe take a break--

5 **MR. ALEX CHRISTMAS:** Okay,
6 this, I'd like to continue, if you wouldn't mind there,
7 Chairman. I'd like to speak a little slower this time and
8 maybe I'll put everybody to sleep or--

9 **CO-CHAIR GEORGES ERASMUS:**
10 It's excellent, no problems. Go ahead.

11 **MR. ALEX CHRISTMAS:** Okay,
12 this is our definition of management: we have the freedom
13 to manage and regulate our harvest, with levels based on
14 need and on conservation. After we have taken what we
15 need, other governments can manage what's left over on
16 behalf of their citizens, but subject to our consent and
17 our ability to establish that the non-Indian use does not
18 threaten the resource. Based on the provisions of the
19 1752 Treaty, there is no opportunity for outside
20 interference in our use and management of the resource,
21 so the notion of co-management is unacceptable to us.

22 For many generations our
23 people were prevented from engaging in the fishery for
24 food purpose, let alone for commercial offshore. This is
25 now changing quickly as we are aggressively moving to

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1 occupy the field and obtain our rightful share of the
2 fishery. We are in the process of establishing our own
3 fisheries department, which will have the capacity to
4 regulate, manage and regulate the Mi'Kmaq fishery, inland,
5 offshore, subsistence, and commercial. By this we hope
6 to ensure the long-term survival of our people, not just
7 the right to eat fish but the right to jobs, revenue, and
8 long-term security. As for hunting, this initiative is
9 based on the exercise of our jurisdiction over our
10 resources on behalf of our people. We define our needs
11 without any interference from other governments. When
12 we have fulfilled our needs and harvest what we require,
13 Fisheries and Oceans is only free to manage what is left
14 over on behalf of its constituents subject to our consent.

15 (4) Trade and Commerce.
16 Our ability to trade and engage in commerce to our best
17 advantage as guaranteed in the 1752 Treaty was a critical
18 element of the accommodation that was reached with the
19 Crown, since this is the key to self-sufficiency and
20 self-termination. Over the years, however, the exercise
21 of these rights were severely constrained by settler
22 governments through regulations, taxation, and other
23 means. Some activities, like the annual blueberry harvest
24 across the U.S. border in the State of Maine, have been
25 maintained through time and represent a significant

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1 our rights to engage freely in trade and commerce, but
2 it's within reach.

3 (5) Treaty Day. Over
4 the years the provisions in the 1752 Treaty which called
5 for an annual meeting to renew our links with the Crown
6 fell into disuse. In 1986, in the wake of the Simon
7 decision, Grand Chief Donald Marshall proclaimed October
8 1st as Treaty Day and called upon all Mi'Kmaq people from
9 throughout our traditional territories to gather in
10 Halifax to commemorate the unique and special relationship
11 that exists between the Mi'Kmaq and Her Majesty as part
12 of our efforts to obtain full implementation of the Treaty.

13 Representatives of the Crown, the governor general and
14 the lieutenant governors, were also invited to attend but
15 they refused to participate. Ironically, one of the
16 excuses used by the government general in 1987, '88, was
17 that because there were disputes between the parties as
18 to the making of the treaty, it would not be appropriate
19 to attend, even though one of the purposes of the annual
20 meeting was precisely that-to discuss and resolve problems
21 related to treaty implementation.

22 In 1990, after the Denny
23 Paul decision, the lieutenant governor and representatives
24 of the Provincial cabinet both played a role in Treaty
25 Day celebrations in Halifax. The lieutenant governor held

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1 a private audience with the Grand Chief and Grand Captain
2 of the Grand Council. This was an historic occasion,
3 because after generations of denial and neglect, a
4 representative of the Crown had finally come to meet with
5 our Grand Chief and our people as called for in the Treaty.

6 The Provincial Cabinet also held a reception for the
7 chiefs and the Minister Responsible for Aboriginal Affairs
8 used the event to publicly announce that his government
9 recognized our aboriginal right to engage in the fishery.

10 Treaty Day gathering in 1990 had the atmosphere of
11 celebration for those reasons. Last year, in 1991, Treaty
12 Day was more sombre and muted since our Grand Chief Donald
13 Marshall had passed away during the summer. As the living
14 embodiment of our people's commitment to this Treaty, his
15 absence was deeply felt. Overall, however, we have gained
16 ground in renewing Treaty Day as an institution which
17 fulfils the original intentions of the parties in the 1752
18 Treaty, and we know that it will continue to evolve in
19 time.

20 (6.) Social and Economic
21 Development. The 1752 Treaty calls for half yearly
22 distribution of bread, flour, and other such provisions
23 necessary for the families and proportional to the numbers
24 of the said Indians. Today we regard this as a guarantee
25 for existence in our social and economic development, based

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1 on need and our population, not the arbitrary program
2 criteria and residence requirements imposed by the
3 bureaucrats. This requires that new approaches be taken
4 to fiscal relations between the Mi'Kmaq and other
5 governments, perhaps consistent with existing formulas
6 for federal-provincial equalization transfers. There are
7 now a number of Mi'Kmaq institutions whose role is to
8 provide for social and economic needs for our citizens
9 but much work still needs to be done to ensure that they
10 are adequately resourced and that we have the freedom to
11 determine how and for whom these services are to be
12 delivered.

13 (7.) Exposing the Justice
14 System. It is no secret that the Canadian justice system
15 has been manipulated to suppress the First Nations of
16 Canada for generations. In this light, the Criminal Code
17 ranks along the Indian Act as an instrument of abuse against
18 our people. For this--for us this is viewed as a
19 fundamental violation of the terms of the 1752 Treaty which
20 clearly laid out the framework for a two-legged system.

21 The experience of Donald Marshall, Jr., at the hands of
22 the justice system is a stark example of something that
23 had gone terribly wrong. But at the same time, Junior's
24 experience assisted in exposing the corruption and racism
25 of this system and, in the process, helped us back on the

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1 road to proper implementation of Article 8 of the Treaty.

2 Junior Marshall spent 11
3 years behind bars for a murder he did not commit. It was
4 through the efforts of private citizens and the Marshall
5 family that the system was finally called to account for
6 its conduct. And the result has changed the landscape
7 in Nova Scotia forever. The Royal Commission, which set
8 up to investigate the case and a number of related
9 investigations that took place, were damning in their
10 conclusions. The police, the RCMP, the Crown attorney,
11 the judges and even Junior's original defence lawyers were
12 all found to be--to have been agents of systematic racism.

13 The victim's only offence was that he was--only offence
14 was that he was a Mi'Kmaq. A number of recommendations
15 were made by the Royal Commission and we have been working
16 to begin their implementation consistent with our
17 understandings of the 1752 Treaty. There are still a
18 number of differences between our positions on these
19 matters and those of the Federal and Provincial
20 governments, but we are making headway incrementally.

21 One initiative relates to
22 the establishment of the Mi'Kmaq regional police force
23 which would operate throughout Cape Breton Island where
24 five of our communities are located. Our ultimate goal
25 is that this force would be empowered by the Micmac

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1 authority and have jurisdiction off reserve and in urban
2 areas where Mi'Kmaq citizens are involved. Another has
3 to do with a diversion program at Shubenacadie for Mic'Kmaq
4 citizens charged with certain offenses. Instead of their
5 cases proceeding in the criminal courts, they will have
6 an opportunity to go before a tribunal on reserve made
7 up of community members and elders. Instead of
8 punishment, the focus will be on reconciliation and
9 restitution. As these projects become established, we
10 intend to move forward on related issues as a means of
11 obtaining full implementation of the 1752 Treaty.

12 (8.) Summary. Treaty
13 Implementation Outside of the Constitution Process. We
14 believe that our treaties provide a constitutional basis
15 for the exercise of our authority as governments. But
16 in the 1970's and in the 1980's it was clear that other
17 governments did not hold this view and we had to take steps
18 to compel them to accommodate our treaty rights and the
19 exercise of our jurisdictions. This could not be done
20 through negotiations since they would not come to the table
21 so we went to the courts. After dedicating substantial
22 effort and resources we were vindicated by the courts but
23 still this was not enough to convince other governments
24 that these matters needed to be addressed. There were
25 no existing Federal or Provincial policies which could

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1 and title. The series of the 1725 Treaties that began
2 in Boston made it clear that only those lands lawfully
3 ceded would be opened for settlement. Imperial
4 Proclamations, such as Governor Belcher's of 1762 and the
5 Royal Proclamation of 1763 explicitly recognized the
6 extent of our lands and our rights to these lands, but
7 it became more convenient for colonial and later provincial
8 authorities to dispossess us without resorting to the
9 treaty-making process as codified in the Royal
10 Proclamation. This remains a fundamental violation of
11 our rights which has yet to be settled. In 1977 we filed
12 a claim with the Government of Canada in order to negotiate
13 this matter. Their response was that although there was
14 no specific piece of legislation or a treaty which
15 extinguished our rights, nevertheless our title and rights
16 had somehow been superseded by law. This remains their
17 position to this day but is just as unacceptable to us
18 now as it was then. The matter of our traditional lands
19 and resources must be addressed in a manner consistent
20 with the principles underlined in the 1752 Treaty and the
21 standards of the treaty-making process laid out in the
22 Royal Proclamation. Canada's current comprehensive
23 claims policy calls for the extinguishment of the
24 aboriginal and treaty rights in return for specific rights
25 granted by the federal settlement legislation. In our

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1 view, if future agreements are to provide for coming
2 generations and reflect our unique constitutional
3 relationship with the Crown, they must be based on the
4 recognition of our aboriginal and treaty rights, not to
5 their extinguishment. We require an adequate land base
6 and equitable access to natural resources if we are to
7 truly join the circle of Confederation.

8 (3.) Treaty
9 Implementation. As we have said, the Treaties provide
10 a solid constitutional basis for the exercise of our right
11 to self-determination. But this can only proceed with
12 the effective implementation of the treaties. We have
13 been ready to engage in this effort for generations but
14 the other party to the treaties, the Crown, must also be
15 a participant if the treaties are to be implemented without
16 conflict. The Crown has been divided since we signed our
17 treaties into the Crown in right of Great Britain, the
18 Crown in right of Canada, and the Crown in right of the
19 provinces, but this does nothing to lessen their collective
20 obligations or the strength of our treaties. We have
21 resorted to litigation and unilateral assertion of our
22 authority in order to obtain full implementation of certain
23 sections of our treaties and we remain ready to continue,
24 if need be. But our preferred method is to negotiate.
25 It is our hope that, as we move into the future, other

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1 Our hope is that with this kind of representation the
2 progress we make at the table will not be held hostage
3 to the rise and fall of any particular non-Mi'Kmaq
4 political party, but rather that all players will be bound
5 through time by consensus which emerges. In the absence
6 of the political will which is necessary for this kind
7 of approach, there may be need to look at innovative ways
8 in which the judiciary could play a role in this process.

9 Conclusions. This has not
10 been an exhaustive treatment of all the issues, but we
11 are confident that in the course of your hearings across
12 the country you will obtain a clear and comprehensive
13 picture of what has led to today's situation and how we
14 may collectively seek a better future. We would be glad
15 to provide you with any additional information or
16 assistance which you may need to follow up on the contents
17 of this brief, and wish you well in your work. Thank you
18 very much.

19 **CO-CHAIR GEORGES ERASMUS:**

20 Thank you for a very comprehensive and an extremely well
21 done presentation. It puts together many of the things
22 that we were hoping for from our trip out here. Part of
23 what we were, as a Commission, hoping we might be able
24 to do as we're travelling across the country is get a good
25 historical background, and not only have you given us a

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1 good historical background but you've brought us right
2 to the present day in each of the areas. It's an excellent
3 presentation. I'll check and see if the commissioners
4 have any comments or questions they want to ask. Paul
5 Chartrand?

6 **COMMISSIONER PAUL**

7 **CHARTRAND:** Thank you. I thank you for your excellent
8 presentation. I must say that it is extremely revealing.
9 Not only that, but it contains very shocking material,
10 material about the conduct of the Government of Canada
11 and, in particular, the people responsible for the
12 administration the Indian Act, that should be an
13 embarrassment to this country. I would have one question,
14 in particular, that I would like to ask you. It relates
15 to your statement on page 9 where you state that you
16 attempted to secure the protection of the Federal
17 Government for the exercise of your constitutional rights
18 but the request was refused. May I ask of whom was that
19 request made? Who did you ask?

20 **ALEX CHRISTMAS:** Mr.

21 Chartrand, we could send you the documents. We could send
22 you the correspondence with regards to the number of
23 departments that we tried to get a hold of. Okay?

24 **COMMISSIONER PAUL**

25 **CHARTRAND:** Thank you very much because we are very much

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1 concerned to follow up on these matters and we will. Thank
2 you again.

3 **ALEX CHRISTMAS:** We will
4 be glad to provide any follow-up that you want and maybe
5 it would be after you've had a chance to perhaps review
6 it again, maybe if you have a list of questions that you
7 may want responded to, you could send them to us and we'll
8 try to respond to them accordingly. Okay?

9 **CO-CHAIR GEORGES ERASMUS:**
10 I'll ask Viola Robinson if she has any questions or
11 comments.

12 **COMMISSIONER VIOLA**
13 **ROBINSON:** I don't have any questions. I just wanted to
14 thank you for the excellent presentation and for my other
15 two commissioners it's good education for them.

16 **ALEX CHRISTMAS:** Well, I
17 guess I can close that off by saying, thanks, Vi, it was
18 good to see you again, and you, too, George. I mean,
19 Christ, always good to see old scrapers back in the fold.

20 **CO-CHAIR GEORGES ERASMUS:**
21 Thank you. We're going to take a brief coffee break until
22 about 3:30.

23 [BREAK 15:18-15:47 hrs]

24 **CO-CHAIR GEORGES ERASMUS:**
25 I guess our next presenter who says he's not going to

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1 take as long as Junior would have, we would still be here
2 until seven o'clock night apparently. Whenever you're
3 ready, Alex?

4 **ALEX DENNY, GRAND CAPTAIN**

5 **OF MICMAC GRAND COUNCIL:** Thank you, Mr. Chairman. My
6 names is Alex Denny. I'm the Grand Captain of the Micmac
7 Grand Council. I just want to take a little bit of your
8 time to basically reiterate what Mr. Christmas has said,
9 but I want to start off in a different note.

10 All human beings are born
11 free and equal in dignity and rights. That's Article 1
12 of the Universal Declaration of Human Rights. I know
13 because I got a book and I've been reading it for at least
14 two weeks now trying to determine where we've gone wrong.
15

16 From time immemorial we've
17 been here. Last year one of the local coal mines, by
18 "local" I don't mean on a Reservation, but off the Reserve,
19 but it's still our land, God knows how many miles down
20 they found a rare plant that had archaeologists jumping
21 head over heels with joy and have since carbon dated that
22 plant to be at least 190-million years old, even before
23 the Ice Age. Well, let me tell you we've been here even
24 before that time. I guess I've gone back a little bit
25 further than any of the commissions sponsored by government

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1 can ever envisage. Our number one issue is, has been and
2 will ever be I guess it's aboriginal rights and title to
3 this land. This year we celebrate quincentenary of
4 Columbus' lost voyage to here. We have had speakers who
5 have touched on this and probably others who will give
6 more detailed analysis. I want to be brief. Our
7 forefathers have signed different treaties on presentation
8 since 1724 were mentioned, the presentation of Mr. Basque
9 dealt the Concordat and that of the Watertown Treaty, et
10 cetera.

11 In 1761 there was one thing
12 called Royal Instructions. Another one in 1763 they
13 called it Royal Proclamation. Those two issues of
14 aboriginal title and rights of Micmac people and their
15 territories and also resources of this country.

16 In 1867, as everybody
17 knows, 125 years this year, Canada came into being. But
18 under the section 91(24) of the BNA Act it stipulates that
19 Indians and lands reserved for Indians are under the
20 exclusive jurisdiction of the Federal Government. In 1926
21 you can, I don't want you to quote me on these dates, I'm
22 not a lawyer, I'm not a historian, but these are the numbers
23 that came to my small mind as I was jotting down these
24 things. St. Catherines Milling case deemed Royal
25 Proclamation of 1763 as the constitutional law.

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1 then the Minister of Indian Affairs, Honourable Warren
2 Allman, at this building.

3 In 1978 Department of
4 Indian Affairs and Justice notified the Micmac people that
5 our rights were superseded by law. When we asked what
6 law superseded our rights we were told that the provincial
7 land legislation of the 1700s superseded our rights.

8 As I stated earlier, I'm
9 not a lawyer. But if my great great great great
10 grandfather stole this land and if I haven't paid for it
11 by now it doesn't become right. It's still people living
12 on the stolen land. In 1982 amendments to the Constitution
13 Act of Canada incorporated the Royal Proclamation of 1763.

14

15 In 1985 the Simon decision
16 validated the treaty of 1752. Today we are faced with
17 massive efforts by Canada to facilitate self-government
18 for Indians or aboriginal people in Canada. Unfortunately
19 my problem is this, Jimmy Simon went to court to deal with
20 the 1752 Treaty. The highest court of the land stated,
21 yes, it is law, your treaty is valid. Next year or year
22 later the Province of Nova Scotia took our hunters to court.

23 And we've asked the Department of Indian Affairs'
24 officials to help us because, and I forget which year it
25 was, but the Buron case stated that the Government of Canada

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1 Micmac people in reservations will be governed by those
2 of the provincial jurisdiction.

3 Education policy - a lot
4 of our bands say that they have Indian self-control or
5 self, what, education policy but that Indian control of
6 education is based under the curriculum of the Provincial
7 Government. It says that we must at least be as good as
8 that of the provinces. The problem we have had over the
9 centuries is that we are two different kinds of people.
10 The immigrants come from an aristocratic society whereby
11 the kings demanded that these people pay their taxes,
12 stipends, call it what you may, and if they do not pay,
13 then not only the individuals, themselves, who haven't
14 paid, but their cousins, their brothers, their sisters,
15 their uncles, all the way down the line will also pay the
16 consequences. That's the environment that the immigrants
17 brought to our country.

18 On the other hand, if you
19 look at our past chiefs, none of the chiefs sat with hat
20 in hands wanting everything. They were chiefs because
21 they were able to provide for their people. That's the
22 different society. Once again, we are being pushed by
23 Canada into accepting provincial jurisdiction which will
24 eventually supersede our aboriginal titles and rights.
25 What we need is for the Government of Canada to address

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1 our aboriginal rights which were affirmed by the Royal
2 Proclamation of 1763, which is now a constitutional law
3 in Canada, also aboriginal rights which were affirmed by
4 our treaties with the Crown, like the Treaty of 1752, which
5 was made into law by the Simon decision of the Supreme
6 Court of Canada.

7 In order to address these
8 issues properly, members of the Royal Commission, we
9 strongly recommend the following:

10 (1) The Mawi'omi, of
11 which I represent, desires total administrative study of
12 the rule of law on the treaty issue. We want you to do
13 a first class case study of the Federal and Provincial
14 Governments' response to the decision of the Supreme Court
15 in Simon v. The Queen in 1985. Under your power, including
16 subpoena power, we want the Commission to forge a
17 specialized team to study how the Federal Government and
18 the provincial governments of the Atlantic Provinces
19 covertly frustrate the Micmac from realizing our treaty
20 rights or self-determination.

21 (2) The Mawi'omi also
22 desire that you do a total administrative study on how
23 our aboriginal tenure under the 1763 Royal Proclamation
24 and the treaties became viewed as a comprehensive claim
25 by the Office of the Native Claims. These 1973 terms

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1 classified the claims in Atlantic Canada and Quebec as
2 claims of a different nature. But somehow the Office of
3 Native Claims never established a procedure for these
4 claims and wrongly classified our claims, even after the
5 Simon case, which made our claim a specific claim, the
6 office never changed their position. Under your powers
7 we want you to investigate the actions of the Office of
8 Native Claims in their classification system.

9 (3) We also desire that
10 you do a study of why Atlantic Canada has always been
11 underfunded by the Department of Indian Affairs. Until
12 1985 their excuse was Micmac were a non-treaty area but
13 after the Simon decision they never sought to equalize
14 the regional funding to reflect the affirmation of our
15 '72 treaty nor offer us restitution for their neglect in
16 this area. I feel this area should be studied.

17 (4) We also want to study
18 how the Federal Government and the provinces wilfully
19 neglected the treaty rights between 1867 and 1985 and still
20 refuse to implement our specific treaty rights.

21 Finally, we support the
22 concept of affirming treaty federalism in Canada as fully
23 as inherent self-government. It is very important for
24 the Grand Council to commission the commissioners that
25 these studies be undertaken. The basic view being that

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1 we want the top civil servant as well as the lowest of
2 civil servants to understand what that policy means, what
3 that judicial decision of the 1985 Simon v. the Federal
4 Government or The Queen means because it worries us, as
5 the Grand Council members, and as you people witnessed
6 yesterday in Prince Edward Island, as the media people
7 now show that our chiefs are of that Indian Act and they
8 were instituted, I think, in the early 1960, I don't have
9 the exact date, but our treaties go back further than that.

10

11 We feel it is imperative
12 that the Commission hire some legal people, some lawyers,
13 and professionals in the field to ensure that once and
14 for all that superseded by law section is defined by
15 someone. Because we've exhausted what little brains we
16 have, what little monies we have, what little anything
17 else we have in trying to determine what the hell that
18 phrase means. For some of us, especially the people at
19 the grassroots' level, like myself, and I've done this
20 since the early sixties, I consider this the same old shit,
21 different flies. But basically we are scared, I am scared,
22 as the Grand Captain of the Micmac Nation, of what I
23 consider predators who are coming in, some of them are
24 saying that they were brought up by cardinals, that's the
25 kind of qualifications they give us. That's how honest

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1 they are. And still and yet they will take right from
2 under us "X" amounts of monies that should have gone
3 directly to our own people.

4 We want self-government.
5 Nobody else more than I wants self-government but the
6 self-government I want is the one my own people will tell
7 me what it is. And not based on governments of Europe,
8 on governments of Nova Scotia, on governments of Canada
9 and, above all, on the police of the L.A.P.D. department,
10 Los Angeles Police Department. You are seeing a beginning
11 of what I predicted in the early seventies and I hope that
12 it doesn't escalate. But we can no longer tolerate people
13 coming into our reserves and tell us that they're experts.

14 They'll give us every conceivable documentation you can
15 think of in their biographies or job descriptions to tell
16 us they're smart and whatever they say is going to work
17 because if you had more time I could have been with you
18 until nine o'clock this evening and tell you about every
19 individual project that has been started since the
20 centralization on this reserve and has failed. Started
21 by some white person who considered themselves experts.

22

23 Ladies and gentlemen, if
24 self-government is not started from within, let me assure
25 you your work is in vain. Thank you very much.

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1 CO-CHAIR GEORGES ERASMUS:

2 Thank you, Alex. That was a very, very good presentation.

3 I'm a little curious about following that a little bit
4 further, though. Since we need to have a better idea of
5 what people want and we don't expect the Grand Council
6 or the Micmac people to tell us precisely today or in the
7 next little while what self-government is going to mean
8 to them when they have the ability to implement it the
9 way they want. But I wonder if you could give us some of
10 the characteristics or some of the elements of what you
11 think it would probably contain with knowing full well
12 that, as you just said, it has to be defined from within.

13 ALEX DENNY: I think
14 basically self-government from within. I guess to begin
15 with we'll talk about education, self-government
16 concerning education. I want to be able to teach our own
17 children in our own native language. In growing up, and
18 people can reiterate this who have gone to the residential
19 schools, they were told that in order for them to be smart
20 they had to speak English. Consequently, some of them,
21 some of the heads of these people were shaved because they
22 were caught speaking Micmac. I think we have philosophers
23 among Micmac people that have to be utilized. We have
24 lost a hell of a lot. Every time an elder dies, Commission
25 members, we lose more than a generation, more than several

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1 generations of understanding, of comprehending. After
2 500 years the only thing we can say is we have survived.

3

4 Our language must be taught
5 at educational institutions right across every Indian
6 community or native community in the province or the
7 Atlantic Provinces where the Micmacs reside. Our culture
8 must be saved. That is just briefly what I mean as far
9 as education is concerned.

10 As far as band governments
11 are concerned, we must also be in charge to teach our
12 children, our administrators, to be able to administrate
13 to the utmost of their abilities to the benefit of the
14 community as a whole, not the benefit of each individual
15 administrator or their families. We are never going to
16 eradicate stealing but we want to be able to control it.

17

18 The white system of
19 education is based on the almighty dollar. This is why
20 you have different classes of people. You know, you have
21 lawyers, you have social workers, you know, nowadays you
22 have computer technologists, every one of them, you have
23 accountants. I guess British is the best excuse I can
24 use as far as so-called smart, in parenthesis, people who
25 were able to defraud ex-millions and billions of dollars

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1 by them saying that the works of different governments
2 were great.

3 We want to be able to have
4 control. The Micmac Grand Council, the Micmac people
5 themselves, must have control of our own destiny and that
6 is by educating them. It's going to hurt some. Education
7 based on the almighty dollar has never worked for the Micmac
8 people. That is why in 500 years, last year I went to
9 Osgood Hall to celebrate the first Micmac lawyer who has
10 a Micmac father and, I think, a foreign mother, but, still
11 and yet, after 500 years, ladies and gentlemen, we're not
12 that stupid. It's just that the system hasn't worked.

13 I feel from within, I mean
14 the people, take, for example, of the community of Eskasoni
15 must be able to determine where roads are going to be built,
16 what schools are going to be built, who is going to get
17 houses, how priority lists are going to be made up and
18 not based on some documentation of some civil servants
19 who where a lightbulb shines in Ottawa and says, yeah,
20 that's great, this would work on an Indian reserve.

21 This basically, Mr.
22 Erasmus, is what I mean by governing ourselves from within.
23 If you want explicit explanation, like I said, I could
24 probably send you pieces of information. We have--I must
25 tell you that in the last five years we have more Micmac

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1 structures at the community level, do you see the
2 possibility of either the Grand Council or a system of
3 government that could represent all of the Micmacs in the
4 Atlantic Provinces?

5 ALEX DENNY: As an
6 individual, I see that to be the only thing that will help
7 us, but that will be up to the people. But in order for
8 people to be able to make that decision, we must be able
9 to be given an opportunity to teach them what it is that
10 we mean. What's our philosophy? What's our psychology?
11 What's our plan? You know, what it is that we want in
12 life. I feel that the answer to our prayers, next to God
13 or Great Spirit, is education and you know yourself, and
14 I'm sure you've heard it, that the Department of Indian
15 Affairs says that we can no longer sponsor education.

16 We are going to be given
17 an opportunity at the reserve level, the chiefs and
18 councils are going to be able to choose who is going to
19 get educated. If you're 35 and over, you're shit out of
20 luck starting this year. That's what I'm saying. And
21 in our society those are the people who get educated and
22 those are the people who stick with it.

23 In our culture Micmac
24 children are able to roam and do whatever the hell pleases
25 them until they're of age and some of us never grow up.

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1 Like me, I'm 50 and I still haven't grown up. I'm still
2 trying to learn. And basically we are saying that unless
3 we have that right, unless we have that control, unless
4 the government stops to tell us to go the provincial
5 governments.

6 The provincial governments
7 are telling us, you know, that the well has run dry. Big
8 deal. We never got a damn thing from provincial
9 governments. You know, but they've got a hell of a lot
10 from us. Equalization grants that manage eastern Canada,
11 every one of us here and the people who live on
12 reservations, their heads were counted, you know, to ensure
13 that the provincial treasuries or coffers get that money.

14

15

CO-CHAIR GEORGES ERASMUS:

16 We, as part of our work, have to develop some models of
17 how self-government can be implemented across the country
18 and it is our desire that when we do this, we will do this
19 in a number of ways. And one of the ways could be to work
20 very closely with particular communities or groupings of
21 communities or nations. Would the Micmacs or the Grand
22 Council be interested in working with the Commission over
23 the next year or so in looking at the elements of a model
24 of self-government that might be applicable for your
25 people, community by community, province by province, and

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1 perhaps for the whole Micmac Territory?

2 ALEX DENNY: In 1976, and
3 maybe I'm wrong, it may be '77, we did what we consider
4 a socioeconomic development strategy for the Micmac people
5 of Nova Scotia. That was presented to the Department of
6 Indian Affairs. In 1978 we did a self-government thing
7 for--on behalf of the Micmac people in Nova Scotia that
8 could be implemented right, you know, in eastern Canada
9 where Micmac people are. Definitely, Mr. Erasmus, we
10 would be more than willing, you know, if you would only
11 accept our expertise, you know, we would be more than
12 willing to offer any help that would help us get us out
13 of this rut. This is what I consider a welfare syndrome
14 or fool's gold syndrome in which the people are in. You
15 know, we will definitely, if you want us to write what
16 I consider a self-government proposal, we can start on
17 it tonight. We're not that hard to get along with. Most
18 of us are on welfare and don't do anything anyway.

19 CO-CHAIR GEORGES ERASMUS:

20 Okay, I'll see if the Commissioners here have any other
21 comments or questions. Paul Chartrand?

22 COMMISSIONER PAUL

23 CHARTRAND: I have no further questions but I do want to
24 thank you for your excellent presentation and I do thank
25 you.

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1 CO-CHAIR GEORGES ERASMUS:

2 Viola?

3 COMMISSIONER VIOLA

4 ROBINSON: Thank you, I don't have any questions either.

5 I'm just so impressed today with my brothers and my sisters
6 with all their presentations. I think it sure is good
7 to come here as a Commissioner. I don't know if I'll get
8 back down this way or not but it's inspiring for me to
9 hear the kinds of things that's being said and, as a Micmac
10 person, but I think that the offer that's being made here,
11 you know, to the Micmac, I've always said that nationally,
12 publicly, that after travelling across the country I think
13 the Micmac Nation does have a lot to offer to contribute
14 to a better understanding between Canadian society in
15 general and our people, so I hope that we can make some
16 progress together with the Royal Commission, so I thank
17 you for your presentation.

18 ALEX DENNY: In closing,
19 Mr. Erasmus, does that mean that the proposals I have
20 submitted, do you people have within your budget to be
21 able to, you know, for example, to do what it is that I
22 have proposed to have another inquiry within the inquiry
23 to ensure that each and every civil servant who is running
24 our affairs understand what the hell it is that they're
25 doing and not everybody make their own interpretation of

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1 different laws?

2 CO-CHAIR GEORGES ERASMUS:

3 Yes, we certainly can do each and every one of the ideas
4 you have suggested, including the possibility of the one
5 that I have suggested. What we will do is, as a Commission,
6 make decisions on the precise work that we will be doing
7 and also the idea that I floated out will have to be brought
8 to the Commission before a final decision is made on it
9 but that, to me, would be the way I would like to work
10 with the Micmacs is to develop a model together.

11 Your ideas that you
12 presented to us stand on their own. They're a good way,
13 I think, of looking at treaties. The Supreme Court and
14 how governments either do or do not follow up on Supreme
15 Court decision and what with Bertha Wilson and another
16 judge on the Commission, the other co-chair is a judge,
17 I would think that both might be interested also in looking
18 at how their decisions that they make, you know, are not
19 for nothing.

20 So I can't promise you that
21 we're going to be doing everything you suggested to us
22 but we will give good and serious thought to that. That's
23 the reason that we're holding these hearings. We're
24 getting suggestions, not only from here but from elsewhere,
25 and we will be assessing these suggestions. They're good

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1 and there is some possibility that some, if not all, might
2 well become part of our game plan.

3 **ALEX DENNY:** One last
4 question, how long is this going to last, this Royal
5 Commission? When is your report due?

6 **CO-CHAIR GEORGES ERASMUS:**
7 Well, I may be an old man by the time we're finished but--

8 **ALEX DENNY:** Well, if
9 you're an old man, forget about me then but I can assure
10 you I've taught my kids well and they'll still be around.

11 **CO-CHAIR GEORGES ERASMUS:**
12 We're actually hoping that we can accomplish our work
13 within three years from when we were originally appointed.
14 It's not required in our mandate for us to finish by that
15 time but we feel that to be relevant we shouldn't take
16 any longer. That doesn't mean necessarily that everything
17 we do has to wait for three years. We may come out with
18 commentaries, interim reports, small statements before
19 that. But at the moment our general plan is approximately
20 roughly three years give or take.

21 **ALEX DENNY:** And now I will
22 leave you with Junior and I'll see you about seven, eh,
23 Junior, give them hell. Thank you very much.

24 **CO-CHAIR GEORGES ERASMUS:**
25 Okay, we'll see you when Junior's finished with us. Well,

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1 we've been forewarned a couple of times that you like to
2 make thorough presentations, so, for the record, if you
3 could introduce yourself, please.

4 **CHARLES JOSEPH BERNARD,**
5 **JR.:** My name is Charles Joseph Bernard, Jr., and I'm from
6 Whycocomagh Band. I brought a whole bunch of things
7 because I have been doing a lot of research in regards
8 to aboriginal and treaty rights. In July of last year
9 I went to Geneva and I worked on a working group on
10 indigenous populations and when I came back in August I
11 was sitting on the Nova Scotia Working Committee on the
12 Constitution and I had learned a lot about what was a
13 turning point, in my view, of how aboriginal people are
14 treated, one thing. [speaks Micmac]

15 **TRANSLATOR:** I want to
16 say to the people I'm happy that you're here. I told the
17 people that I would speak Indian because I never heard
18 anyone that had any--I have to say this in Indian, because
19 I'm proud to be an Indian, Micmac. I'm very proud. And
20 it brought me this far, being proud, my father taught me
21 to be proud how you are an Micmac and how you will be helpful
22 to others. Anywheres you meet a Micmac you are brothers.
23 And then in Newfoundland there's a big ownership and
24 proudness of these documents. They call these treaties.
25 Especially I'm very proud of the ones that taught me,

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1 the elders. A lot of elders I've talked with, a lot of
2 elders showed me what was and what wasn't in the government
3 department, what they were ignored of, things they couldn't
4 say in English and in Indian, practical Indian, he said
5 that, learn in English and you can tell the white man what
6 we want for ourselves and what we want to tell you.

7 **CHARLES JOSEPH BERNARD,**

8 **JR.:** I'll start off with interim report that
9 was given out in February and, let's see now, in this
10 working group that I was involved in, indigenous
11 populations, the drawing up of universal declaration of
12 rights of indigenous people and it says here, "The
13 indigenous people have a right to self-determination in
14 accordance to--with international law by virtue of this
15 right to freely determine their relationship with the
16 states in which they live in a spirit of coexistence with
17 other citizens and freely preserve their economic, social,
18 cultural, and spiritual development in conditions of
19 freedom and dignity."

20 To me that was an important
21 step in stating that we have the inherent right to
22 self-government and listening to the previous
23 presentations I heard the president of the Union giving
24 the information on how treaties, how important the treaty
25 relationship that we had with the Crown and how important

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1 it will be in the implementation of self-government, the
2 inherent right. And in this report, too, also just for
3 the benefit of the people who are here, I know you wrote
4 this report but for their benefit, "The right of aboriginal
5 self-government exercised by aboriginal people with
6 diverse historical experiences and acknowledged by the
7 Crown a Proclamation of 1763 and elsewhere has never been
8 relinquished. However, after the enactment of the Indian
9 Act and various loss of general application, the right
10 to self-government must fairly curtailed without
11 aboriginal consent given rise to many of the difficulties
12 experienced in relations between aboriginal nations and
13 Canada."

14 It bothers me that when I
15 hear these sections in the Constitution, Section 35,
16 Section 25, and during the constitutional talks of the
17 1980's Section 37, when all these sections are
18 constitutionalized and then you have some law enforcer
19 within the district here don't know their own supreme law.

20 Because what I've learned from people who could interpret
21 the law was that these laws are the ones that were the
22 law of the land and they were superseding the provincial
23 laws. So I often wonder why people that make their own
24 laws don't respect their own laws. And by not respecting
25 their own laws, things like residential school and the

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1 1929 case and the Sylliboy case, these things take place.

2 So how can you have confidence in a country that doesn't
3 recognize your right to freely fish or hunt?

4 I wanted to go into the
5 historical part of the treaties but I heard Will Basque
6 and Alex Christmas go into very much detail in it and it
7 was why this relationship is important to us. But now
8 we're faced up with very--another turn with aboriginal
9 people in Canada and that's the inherent right to
10 self-government. And I talked to a lot of people from
11 a lot of reserves and they're scared because of what the
12 non-aboriginal people of Canada will put trick words, they
13 call them, into this Constitution so that somehow our
14 rights will be diminished. So with 125 years of experience
15 with Canada downgrading our rights and 500 years of
16 oppression from non-natives, I can understand their
17 nervousness. Who can you trust and why should you trust
18 somebody who has downgraded you for so long and fooled
19 you for so long?

20 It clearly showed in the
21 Donald Marshall case and I was thinking about this when
22 I was looking at the TV in the last couple of days in regards
23 to racism in Los Angeles and another event erupted in
24 Toronto. And in 1980 the Donald Marshall Inquiry reported
25 that racism played a large part in the conviction of Donald

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1 Marshall, Jr., but it was all suppressed. We had high
2 hopes for the Royal Commission for Donald Marshall, Jr.
3 Every one of us thought that now that the Royal Commission
4 is here we're going to have more respect, a little bit
5 more of an understanding but I have been with Donald for
6 two years now, ever since the recommendations went out,
7 and he felt, he told me personally, they haven't done
8 nothing. It was all in vain. He felt that a lot of people
9 made a lot of money out of the Royal Commission - lawyers,
10 judges. There was clear indication that people that
11 railroaded Mr. Marshall and in this inquiry they even
12 admitted how racist they were and after awhile they said
13 so what.

14 So I ask myself a question.
15 I said, "What is this new Royal Commission coming up,
16 the Royal Commission of Aboriginal Affairs?" And I said
17 to myself I hope that if I do make a presentation and all
18 my people coming here and making presentations, it seems
19 that every time the government is in a bind, it sends out
20 Royal Commissions. It sends out people that study our
21 people, more studies, more studies. While in reality we
22 live, our people die, they commit suicide, they hung
23 themselves, they did from overdose, we see them splattered
24 all over the highway sometimes. It's a slow death is what
25 Canada has done to us. Our children are being ridiculed

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1 in society because of the lack of knowledge that they have
2 with aboriginal people.

3 So this 500 years of
4 oppression has got to stop and it is the responsibility
5 of Canada to educate the non-native society and I've heard
6 my aunt making her presentation and asking that the
7 education of not only in Nova Scotia but all of Atlantic
8 Canada which covers our traditional territory to be
9 included in the educational system.

10 Canada forgot to respect
11 the people that welcomed them into this country with open
12 arms and helped them survive. And when they finally were
13 pushed in 1982 to recognize the aboriginal people under
14 Section 35, to be recognized, and how much their rights,
15 how much the Crown has, responsibility, they're always
16 told by Imperial Act or Order-in-Councils, just like my
17 previous speakers have said, but we have to tell the Indians
18 what to do, how to act. Who gave these people the
19 authority? Who gave these people the iron arm to tell
20 another race of people what to do while these people
21 respected them and welcomed these people with open arms?

22

23 I heard a lot of my elders
24 say we were really deceived to thinking that we were not
25 equal to the non-native society in Canada, that we didn't

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1 even have a status. And I heard women this morning, that
2 they have to fight for their status up until 1985, they
3 were regarded as non-status people. What kind of a person
4 does not have status? So Canada is really guilty of a
5 lot of things but where do we take them to Court to justify
6 where even their own courts, when you try to justify them,
7 they're thrown in jail, railroaded. It was no coincidence
8 that Donald Marshall, Jr., was railroaded. He was the
9 Grand Chief's son. It was an assault on a Nation. This
10 is what we'll do to your people.

11 And when guilty people,
12 they try to hide their guilt by ignoring and they make
13 policies through the Department of Indian Affairs or the
14 Department of Justice to justify their cruelty, so when
15 our--this is what we have been faced up with Canada for
16 125 years.

17 When I was on the Kierans
18 Committee, the Nova Scotia Kierans Committee, I explained
19 to the rest of my members if Nova Scotia, Canada, does
20 not recognize the aboriginal people as their first chapter,
21 that means slow deaths on our reserves. There are not
22 many Mi'kmaq people left; according to historical of our
23 own people there was a hundred thousand Micmacs and maybe
24 even more before the arrival of Europeans. And now I think
25 the number is 18,000. There was a time in history when

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1 international sovereignty or a justification of the
2 unilateral approach to deciding what laws did and didn't
3 apply to aboriginal people. Surely to God the treaties
4 that our ancestors signed were regarded as sovereign people
5 when they signed the treaties. The Micmacs were--Mi'Kmaq
6 were regarded as sovereign people, otherwise they wouldn't
7 have engaged in a treaty relationship.

8 But the question I want to
9 ask to Canada through your Commission here, why do they
10 not recognize our sovereignty? Is Canada afraid that we
11 will step beyond them? Do these non-native people feel
12 a threat by a native person who can speak their language,
13 who can understand their laws and interpret them?
14 Questions that my elders are asking, "Why are they afraid?
15 Why is there racism? Why do people have to be hurt by
16 racism?"

17 So in one instance I heard
18 somebody say, I believe it was Will Basque, racism is the
19 fear of the unknown. Surely to eliminate this racism we
20 ought to try through what my aunt has asked, through the
21 educational process that has to take place, just who
22 Mi'Kmaq people are. That they are not Indians. And the
23 Federal government, I was listening to Mr. Erasmus there
24 on the tape and in the '87 Constitutional talks, the
25 government decided at the time, '83 and '85, that in order

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1 for aboriginal people to be represented on a constitutional
2 level, that we have to be all corralled into one word,
3 Indian, and one of the elders was joking, they probably
4 wanted us to be "in the end," that's why they created the
5 word "Indian."

6
7 There was no mention of
8 Mi'Kmaq people, the distinctiveness of Mi'Kmaq. What our
9 elders have taught us to respect, respect life, not only
10 the lives of human beings but the lives of animals, the
11 lives of trees, the life of the sun, the life of the stars,
12 the life of the moon, the life of the waters that bring
13 the fish, the life of the woman who brings forth the child.

14 It seems that the game of divide and conquer is still
15 played in Canada, divide the men from the women. Who is
16 much more important? And even our own men lost the respect
17 of the woman who brings forth the children. If it wasn't
18 for my mother, I wouldn't be here and that goes for every
19 man. But the game of divide and conquer has always been
20 played in the role of Canadian politics.

21 But this is what I hear,
22 and I have to relay this message to you, and I understand
23 you're looking for solutions and you probably had heard
24 all this before but if I didn't say it, when I walked out
25 that door my elders would have told me, "Why didn't you
say what we asked you to say?" So I have to say these

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1 things.

2 Now I believe in under
3 Section 35 our constitutional right was endorsed in the
4 case of Sparrow in 1990 to recognize our inherency, right
5 to self-government. Now it's recommended in Section 35
6 there be subsections one to five on how this
7 self-government concept is going to take place.

8 There's a lot of areas that
9 were--that has to be discussed. I think the most important
10 part from me studying political science and international
11 documents is that governments need sections, a political
12 section, an economic section, a social section, and an
13 educational section. Now these are the things that have
14 to be implemented in this inherent right to
15 self-government. You have to allow our people to go back
16 to their traditions, their cultures, to go back to their
17 researching their traditional laws and I'll give you
18 examples.

19 When we have somebody on
20 reserve that breaks the law and the laws are made by the
21 elders, these are our judges. These are our people that
22 the laws are made for and the children. They are the ones
23 who tell us what laws we have to follow. They are our
24 professors. They are our judges. They are what we do,
25 tell you whether you did it right or wrong. And I know

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1 sure as I'm sitting here if I do anything wrong, one of
2 my elders is going to come and say, listen here, buddy,
3 you've done this before we watched you, we let you go the
4 first time but now it's becoming a habit. And I remember
5 this because when I was going out with my wife, who was
6 my girlfriend and we were young, and my father-in-law told
7 me when we first expected our first baby, he said, "First
8 time is a mistake, I can take that, second time is a habit."

9 So these are the things that they tell us.

10 So the laws come from the
11 elders who tell the Grand Council and that would be like
12 the Senate in Canada and with the federal jurisdiction
13 of the Government of Canada. The Government of Canada would
14 be like the Grand Council. You were asking our Grand
15 Captain a little while ago, who was going to run these
16 laws.

17 Well, according to our
18 history, it was the Grand Council who signed these
19 treaties. And it's the Grand Council who are the only
20 ones who can really abdicate. So that is the law part.

21 And in law, Canada has to
22 respect a separate justice system in Canada for aboriginal
23 people. It has to realize that the laws that come from
24 Mi'kmaw people are not going to be the same as the laws
25 that come from the Mohawks or the Ojibway. This is going

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1 earth, of the natural resources, the deforestation in Nova
2 Scotia, New Brunswick, Atlantic Canada. And we have
3 watched animals, the ecological system slowly
4 disappearing. So we need to ask the aboriginal people
5 to stand up for what we believe in - our traditions and
6 cultures. And we need the non-aboriginal society of
7 Canada to understand why we are--we worry about it,
8 concerned, the depletion of stocks.

9 In economics, everybody
10 keeps on asking, who's going to pay for this
11 self-government. Where is the money going to come from?
12 The Government of Canada, we can't say it's broke, it
13 has a lot of assets but it's doing a lot of cutbacks.
14 Cutbacks in education. Cutbacks in transfer payments.
15 Cutbacks everywhere. And it's not sure we're going to
16 need monetary values, monetary funds to implement the right
17 to self-government, the inherent right.

18 But it's not the money
19 value that we are worried about. It is the integrity of
20 our people to be proud so we can walk down the street without
21 being called names that have been heard for over 1000 years,
22 such as, "Look at that squaw" or "Look at that Indian,
23 why isn't he wearing feathers?" We'd like to roam around
24 our natural territories of Atlantic Canada with freedom,
25 without being harassed. Respected. This is what we want

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1 from the public. To respect who we are.

2 How much funding? We
3 can't say it's going to be always an ongoing process.
4 So it has to be--a section has to be constitutionalized
5 that guarantees a physical arrangement. Make sure that
6 the funding never ceases because we believe that the
7 non-native society that's in the lands of Atlantic Canada,
8 which is our territory, they ought to be paying rent for
9 the occupation of the lands that they have possessed.

10 We do not want to tax our
11 people. How can you tax somebody who receives a welfare
12 cheque every two weeks? The economic situation I hear
13 always in--I read in the newspapers and hear on the news,
14 the economic depression of Cape Breton is so desperate
15 with 45 percent unemployment, while we've been living in
16 80 percent unemployment on our reserves. High rate of
17 unemployment. 80 percent dependency on welfare. And
18 when you try to start a business or a job, somehow the
19 Indian Act says that it is not in your right, or they
20 discourage you in some way.

21 So this Act, in my opinion
22 anyway, this Act that has been administering us, the Indian
23 Act, you might as well throw it in the garbage because
24 that's where it belongs. And the Department of Indian
25 Affairs, you might as well do that to that, too, because

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1 it hasn't done anything. Not what it was supposed to do.

2 Our trust, responsibilities, trustees they call them.

3 I was listening to and
4 reading Tom Siddon's comments in regard to education and
5 boasting about his 395-million allocated to the education,
6 while our people were protesting in Amherst of 400 students
7 that weren't being funded. And that funds had to be shared
8 with the new law that was put in place from people who
9 had lost their status, native women.

10 So the government has
11 failed us in a lot of sense and the responsibility is really
12 on us. What are we going to do for our people? How are
13 we going to implement this inherent right to
14 self-government? What education are we going to teach
15 our children? Do we want them to learn our language?
16 Do you want them to learn our culture? Do you want the
17 non-native society to learn? That's the only way to
18 eliminate discrimination and racism is through the
19 education process.

20 I have to mention the
21 separate justice system, too, as well, again, because there
22 has to be a separate justice system. You can't just
23 say--ignore what has been gone wrong. Why J.J. Harper
24 was shot. Why Donald Marshall was put in jail and we can't
25 ignore those things. Why [Napoose?] was wrongfully

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1 convicted and even David Milgaard. So the public was lost
2 confidence not only in the political structure of Canada,
3 but the justice system. And where can you put trust when
4 even the justice system fails you, the law itself.

5 And I heard one lawyer
6 comment to me. I often said, "Where is justice in Nova
7 Scotia or in Canada?" And one lawyer told me, "There is
8 no justice, there is only the law." And it really hit
9 me in the head and I said, "Gee, that's true and that's
10 sad." There is no justice, only the law.

11 A separate justice system,
12 and that means the elders, they enforce the laws on the
13 reserve.

14 **CO-CHAIR GEORGES ERASMUS:**

15 Excuse me, if I could interrupt you just for a sec. We
16 probably don't have a lot more time for presenters, but
17 I have a list of names of people who wanted to present
18 so if you could summarize and shorten your presentation
19 we might be able to hear one or two more before we move
20 on to the next part of agenda.

21 **CHARLES JOSEPH BERNARD,**

22 **JR.:** Well how much time do we have?

23 **CO-CHAIR GEORGES ERASMUS:**

24 Well according to the schedule that had been set up, at
25 five o'clock we were supposed to be in the middle of a

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1 dinner. That was 15 minutes ago. So we might be able
2 to go for a bit longer with some people but it looks like
3 you're just getting warmed up so--

4 **CHARLES JOSEPH BERNARD,**
5 **JR.:** That's why--I thought I was the last one. I made
6 sure I was the last one. I made sure everybody else was--

7 **CO-CHAIR GEORGES ERASMUS:**
8 No, I have a long list of names. I don't know if they
9 still want to make presentations.

10 **CHARLES JOSEPH BERNARD,**
11 **JR.:** That's why I waited until the last. I thought I
12 was the last one.

13 **CO-CHAIR GEORGES ERASMUS:**
14 Well we want to hear you. I'm just saying if you could
15 get to the key points and--

16 **CHARLES JOSEPH BERNARD,**
17 **JR.:** I know. Key points. There are a lot of key points
18 to have--that would have to be mentioned and I'm just trying
19 to get this all into perspective. I didn't want to write
20 a speech because it's just not my way of doing things.

21 So the economic, the
22 education, justice system has to be in a separate--for
23 self-government.

24 You listed some of the
25 things here in your report that will be considered, too.

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1 Lands and resources. Lands, land claims. They have to
2 be re-negotiated. And according to the 1763 Royal
3 Proclamation we owned 95 percent of the land. But like
4 I heard one speaker say, we're not out to take anybody's
5 house or take anybody's lands, their personal properties
6 away.

7 Now the political point,
8 probably my last point. But before I make my last point,
9 one person was asking me to mention that the atrocities
10 at the residential schools that were put upon the reserve
11 for aboriginal people, there was no mention of the sexual
12 harassment that were given to aboriginal people, just as
13 we see in the Mount Cashel orphanage. One person asked
14 me to mention that and I didn't want to forget it.

15 But in the political sense,
16 in politics, we have to have a new set of rules. A new
17 set of rules I mean, and this is most important. That
18 people don't take advantage of positions. That there
19 ought to be conflict of interest guidelines within this
20 self-government concept. And I don't think we should
21 wait. Like Dr. Robinson said, we shouldn't wait until
22 the report is made up so that these laws will come into
23 effect.

24 I think they should be
25 somehow included within the Indian Act and in regards to

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1 your interim reports, maybe you can make a report, too,
2 to indicate that these put a stop to it. People that have
3 positions of power, they are not held accountable for.
4 And I heard one presentation being given yesterday in PEI
5 on one position of a chief.

6 So we have to make some sort
7 of arrangement not to have loopholes within this system.

8 What good is one person or a few people getting rich
9 because of the policies that are given by the Department
10 of Indian Affairs. We have to make sure that everybody's
11 treated fair and equal.

12 I'll just go through my
13 papers and see if I left out anything.

14 The ILO Covenant #169.
15 Canada should adopt this covenant. And another question
16 I want to ask, too, is if Canada signed a declaration of
17 human rights in 1946 why weren't these human rights
18 respected in regards to residential schools and the
19 treatment of and cruelty in residential schools.

20 And what's the good of
21 international covenants and declarations when Canada does
22 not respect them?

23 Our hieroglyphics in lands
24 in Atlantic Canada, like the Kejimikujik Park. They have
25 to be protected, too. And our spiritual--in Kelly's

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1 Mountain here in Sydney, Nova Scotia, on the way to Sydney,
2 has to be protected, too. Why let multi-national
3 corporations come in and derogate our traditional lands.

4 There ought to be a mechanism in which before
5 transnational or international companies get sweet deals
6 from the Federal Government or from the Government of Nova
7 Scotia, that aboriginal people should be consulted, at
8 least consulted, before these decisions take place.

9 This new federalism, and
10 I refer to it as treaty federalism, that the relationship
11 that the provinces have with Federal Government and the
12 inherent right to self-government is treaty federalism,
13 will be somewhat the same as the province has but in
14 recognition of treaties, especially the treaties of 1752
15 here and the Royal Proclamations.

16 And the chairman that I
17 worked with, Eric Kierans, in his opening remarks says
18 here, "All I want to say is that there are two facts of
19 life in this country at this time. One, of course, is
20 that there are not two nationalisms as there were in 1867.

21 We dropped one, we forgot one." We put one to one side
22 and that was our Indian forebears. Now there are three
23 nationalisms we have to be concerned with and, of course,
24 as we all know from what we see in the papers day by day,
25 there is a reassuring regionalism in the country.

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1 I hear Premier Cameron
2 being concerned with Canada--Nova Scotia being a have-not
3 province. Well we happen to have not people ourselves.

4 But I don't know if you have a report of the Nova Scotia
5 Working Committee. Okay, you do, eh? That's good.

6 Okay. And these are some of the things that some people
7 had asked me to say in this Royal Commission.

8 But I hope that we will not
9 end like the Donald Marshall Royal Commission did. There
10 was 82 recommendations made in that Royal Commission, but
11 they're still collecting dust, I think.

12 If the provinces don't move
13 and the Federal Government does not want to recognize our
14 inherent right to self-government, the implications are
15 going to be deadly. We have seen in the last couple of
16 years what happened in Oka, a very ugly sight. And we
17 were all saddened by what the treatment of Mohawks received
18 and how racism can be--how deadly it can get. And in the
19 past few days we have seen it again in the streets of
20 Toronto.

21 So we have to really wake
22 up. Canada has to wake up and start realizing that we
23 are tired of being downgraded. And I've heard Mr. Erasmus
24 say these things in '87, in the Constitutional talks.

25 Five years later, 1992,

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1 we're still tired. So no matter how many Royal Commissions
2 that this Government of Canada sends or how many studies
3 one Royal Committee, [Dubin?] Committee, the one in Quebec
4 that was done, and they ask us questions why we reject
5 things like the Meech Lake Accord. It wasn't a rejection
6 of Quebec. It was to state that we were--we weren't
7 included in this Accord and we're tired of being excluded.

8 So I'll leave you with
9 that.

10 **CO-CHAIR GEORGES ERASMUS:**

11 Thank you for a very thorough presentation. Did you want
12 to make a presentation? Go right ahead.

13 **STEPHEN SUNNIPAS:** My name
14 is Stephen [Sunnipas?] and I'm from Eskasoni and I could
15 be here all year for that matter but I'll try to make this
16 short and sweet, whatever.

17 I am one of those so-called
18 people that came out of the Indian residential school and
19 I asked a few lawyers if there was any form of compensation
20 that I could get from there and they said due to the
21 longevity, or whatever you want to call it, of my
22 predicaments, you know, I was seriously injured down there,
23 I ended up in a hospital for I don't know how long with
24 three brok--you know, my legs broken in three places.
25 But today I am very fortunate to be walking.

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1 but he didn't have to fight. But my uncles and my relatives
2 went down to the Korean War, Second World War, First World
3 War. So, you know, and today I am very proud of who I
4 am and what I am. And today, you know,
5 like our so-called Grand Chiefs said that, you know, when
6 you're 35 and over you have no job, you know, and just
7 on welfare. Yes, I am on welfare but today I am doing
8 my utmost best to teach our youth baseball, you know,
9 something to work for.

10 And, you know, but without
11 the support of our communities, you know, this is going
12 to die. And this is why our youth is running around in
13 circles. They don't know which directions they are
14 because, you know, and we're saying we don't have our
15 history.

16 We have our history but we
17 are afraid to show it because, number one, when, you know,
18 the Grand Chiefs for an example, there is stating that
19 there was a Grand Chief Membertou but there was never a
20 statement that the very first Grand Chief was a New
21 Augustine Maritimes. So--and another one, John Denny,
22 but now with today heritage, you know, today my wife should
23 be the true Grand Chief of the Maritimes but, you know,
24 due to the fact that we're all saying that, you know, this
25 cannot happen and it will not happen, but we cannot identify

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1 Kelly's Mountain was Glooscap's Mountain and at the base
2 of this sacred mountain is a sacred cave of Glooscap who
3 was the prophet of our people prior to Christianity. We
4 are in great danger at this time having this historical
5 and sacred landmark being destroyed by a non-native company
6 called Kelly Rock Company who is the parent company of
7 Municipal Ready Mix out of Sydney.

8 The objective of Kelly Rock
9 Company is to establish a gravel pit or a quarry pit
10 approximately one mile from the sacred cave. Their plan
11 to excavate 4-million tons a year. Correction, 20-million
12 tons a year. They will be blasting 50,000--500,000 tons
13 once a week. Once a month.

14 This quarry, if it goes
15 through, we've managed to postpone it for four years under
16 the mandate of the late Grand Chief Donald Marshall, we've
17 managed to postpone any progress at this point.

18 If this quarry goes ahead
19 we will not only lose one of the most sacred sites for
20 the Mi'Kmaq people in the entire world but we'll also lose
21 a historical site, a cultural site and also a great chance
22 of having an environmental crisis occur here in the Bras
23 d'Or Lakes since the St. Ann's Bay Inlet is what flushes
24 the Bras d'Or Lakes, what has been designated as Micmac
25 fishing grounds.

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1 citizens. Not one of the people that have been actively
2 involved since 1989, November of '89, are paid or
3 reimbursed in any way. We have been involved with other
4 organizations, native and non-native alike. Environmental
5 groups. Even residents of Englishtown where the jobs will
6 be created. Boulardarie Island, Point Aconi and we have
7 united with non-natives to prevent any destruction of our
8 sacred cave.

9
10 We have gone as far to make
11 an alliance with Milton Born With A Tooth, the Lone Star
12 Fighters from the [Pagam?] Nation in Alberta. We have
13 made contact and shown our support to our Mohawk brothers
14 in [Ganawagee, Ganasadoggy, Awkwasasne, Ganyanga?] and
15 they have expressed and gave their commitment that if the
16 day ever arrives that the Mi'Kmaq Nation desired their
17 support and their backing in any form whatsoever, they
18 will be more than honoured to come to our aid.

19 We have lost one of our
20 brothers because of the Ganasadoggy July 11th incident
21 and we buried him just several months ago. He was one
22 of the last hold-outs at the TC Centre. His non-native
23 name was Tom Paul. He was known by his traditional
24 brothers as Spotted Eagle. He died in St. Jerome at the
25 courthouse, not at the courthouse but as a result of what
was going on. I personally went to [Farnham?] Military

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1 It is not uncommon to see it on the news where a house
2 has sunk because of an underground coal mine or an abandoned
3 mine.

4 So what I ask the
5 Commission is to intervene, to assist, anything, anything
6 at all that the Commission can do will be greatly
7 appreciated, and stop them, this atrocity. The people
8 that are going or that are planning to establish a quarry
9 on this mountain would not dream of going to the Wailing
10 Wall with a pick axe. They would be shot on sight. And
11 yet it's because of the attitude and the mentality that
12 the non-natives have toward us that it is completely all
13 right and acceptable to desecrate and destroy one of our
14 most sacred sights.

15 We've heard people say we
16 were here 10,500 years. Well that may be true, but
17 evidence up in [Old Crow?], Alaska suggests that we were
18 here 40,000 years ago and the Squatter's Right Act only
19 recognizes 20 years. So I believe that it's not out of
20 my jurisdiction to say that that mountain, and part of
21 that mountain, is mine and I will defend it at all costs.

22 And here is the very
23 volatile situation. A lot of our men will even go further
24 than I will. I've been labeled as a trouble-maker, an
25 instigator and at the same time I've been caught in the

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1 middle holding back a lot of our more extreme factions
2 of our men that are more extremist that do not want to
3 negotiate. They want to break skulls open. I don't want
4 to see another Ganasadoggy on top of Kelly's Mountain.
5 I don't want to see another Cpl. Lemay or Joe Anderson
6 or Spotted Eagle. I don't want to attend no more funerals
7 for my brothers and sisters. Spotted Eagle,
8 [Animeawkwash?], Betty Osborne, J. J. Harper, Mr. Cross
9 from Ganawagee, Junior Marshall from here.

10 The Royal Commission I
11 plead with you, I beg of you, intervene, assist us, save
12 the last thing that is left for us. This is all that's
13 left to us. Our blood is not pure. Our language is not
14 pure. Our religious beliefs are not pure. Our land no
15 longer exists. Not for myself, but for my kids and my
16 grandkids, so that they'll have the opportunity, whether
17 they pray in the white man's church or they go in the swift
18 lodge of our ancestors, give them the opportunity.

19 Thank you very much.

20 **CO-CHAIR GEORGES ERASMUS:**

21 Thank you for your presentation, Stephen[sic], and I think
22 that's going to be our last presenter for today. We'll
23 be around again tomorrow.

24 ---Whereupon the Commission adjourned at 17:46

25