

COMMISSION ROYALE SUR  
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON  
ABORIGINAL PEOPLES

LOCATION/ENDROIT: WAHPETON COMMUNIPLEX  
WAHPETON INDIAN RESERVE  
WAHPETON, SASKATCHEWAN

DATE: TUESDAY, MAY 26, 1992

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"for the record..."

**STENOTRAN**

1376 Kilborn Ave.

Ottawa 521-0703

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1 Wahpeton Indian Reserve, Saskatchewan

2 --- Upon Commencing at 9:00 a.m. on Tuesday,

3 May 26, 1992

4 --- (Opening Ceremonies)

5 **CO-CHAIR GEORGES ERASMUS:** Welcome to  
6 our Hearings. This is the Royal Commission on Aboriginal  
7 Peoples and we will be here for the day.

8 I will be making some opening remarks  
9 in a few minutes. What we normally do is ask someone to  
10 be Commissioner of the day wherever we are. We have here  
11 with us our Commissioner of the day, Cy Standing, who will  
12 introduce the Chief. I will let Cy do that.

13 **COMMISSIONER CY STANDING:** Thank you  
14 very much, Georges. We will get right into the agenda.  
15 We will have the hosting Chief here, Chief Lorne Waditaka.  
16 I will tell you more about him later when he makes his  
17 presentation. I would like him to welcome you at this  
18 time.

19 **CHIEF LORNE WADITAKA, CHIEF, WAHPETON**  
20 **BAND:** Good morning, ladies and gentlemen, Band members,  
21 Chiefs and Councils of other Bands and the Royal Commission  
22 people who are here with us all day today, the former AFN  
23 Chief Georges Erasmus and I guess all the people who are

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1 here with him on the Aboriginal Peoples Royal Commission.

2 I don't exactly know their names offhand, but I would  
3 like to welcome you here to our Band.

4 I would like to thank the elders who  
5 opened up this meeting here today with our prayers. I  
6 would also like to thank our drummers for the grand entry  
7 and the flag song and I guess the retreat song.

8 First of all, I guess what I would like  
9 to say here is our people and the Council are very honoured  
10 to have the Royal Commission here with us today. It has  
11 been exciting and by all staff members and plus the Band  
12 members in waiting for this day to happen. Now it is here  
13 and for the people that I guess are going to be making  
14 presentations, I welcome everybody who is going to be  
15 making presentations on behalf of the Band here and on  
16 behalf of other Bands and other Indian organizations in  
17 Saskatchewan.

18 With that, I would like to say again in  
19 welcome to all the Royal Commission and other Chiefs and  
20 Band Councils that are here and the Band members and the  
21 press that we have here also, I would like to welcome  
22 everybody here today. Thank you very much.

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1                   **CO-CHAIR GEORGES ERASMUS:** Thank you,  
2 Chief.

3                   The Royal Commission on Aboriginal  
4 Peoples was appointed late last August. We spent the  
5 winter getting organized, establishing an office and we  
6 did some travel over the winter. We met with over 100  
7 aboriginal organizations, national, provincial,  
8 territorial organizations, including women's  
9 organizations, national cultural organizations like the  
10 Friendship Centres and so forth. In addition, we  
11 travelled across the country and met with provincial  
12 leaders and territorial government leaders.

13                   What we were trying to do was to let  
14 everyone know what we hoped to accomplish over the three  
15 years that we hope to be at this work. We have a very  
16 large mandate and we believe that it is necessary that  
17 we have a joint effort with everyone that feels like they  
18 want to get involved. We are encouraging aboriginal  
19 people all across the country to assist us in coming to  
20 the solutions to the mandate questions that we have.

21                   Likewise, we are a federally appointed  
22 Commission and we report to the Prime Minister and the

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1 federal government. We are independent, but there is  
2 really no requirement for provincial governments to pay  
3 much attention to us unless they really want to.

4                   So, we met with provincial governments  
5 to solicit their support and to get involved. We believe  
6 this issue is something that affects all governments in  
7 this country and we will need co-operation throughout our  
8 work and we will need the involvement of governments to  
9 implement what we recommend in the end. That was what  
10 we tried to do this winter.

11                   Our mandate covers many, many issues,  
12 virtually every issue that affects aboriginal peoples.  
13 It covers issues like language and culture, traditional  
14 activity on the land, hunting, fishing, trapping and that  
15 means that any of those kinds of concerns that people want  
16 to talk to us about we want to hear. We want to hear about  
17 the importance of language. We want to hear from people  
18 about how they believe it can be revived. We want to hear  
19 about culture, what is down the road for aboriginal people,  
20 how much of the past do they want to maintain in the future,  
21 what can the Royal Commission do to recommend things that  
22 might strengthen the cultures of aboriginal peoples.

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1                   We are to hear from the youth. This  
2 Commission really must hear from young people. The  
3 majority of aboriginal people in Canada and probably in  
4 North America are very young people. We have been mandated  
5 to specifically hear from young people. That means we  
6 will try our darndest to create the situations where young  
7 people will be able to talk to us. Today I hope there  
8 will be some young people who will want to talk to us and  
9 they can do it in any fashion they wish.

10                   There have been suggestions that perhaps  
11 they might use storytelling, drama, skits if they wish  
12 or else if they want to meet with us separately we could  
13 do that, or if they want to meet with us in a group and  
14 if they feel they wish not to present individually but  
15 they would prefer to come together, than that is fine too.

16                   We have also been mandated to hear from  
17 aboriginal women. In the Hearings we have had up to now  
18 there have been presentations from aboriginal women. We  
19 have been getting a range of views from women and it has  
20 been very good. We know this is just the beginning and  
21 we are encouraging women to continue to make presentations  
22 to us on any and all issues. If they want to present views

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1 on all of the mandate questions that is fine. There is  
2 no need for women to feel that they are restricted to just  
3 subjects that might be considered women's issues. We want  
4 their views on all things.

5                   Likewise, this Commission is supposed  
6 to make a special effort to hear from elders. The  
7 Commission wants to provide an opportunity for the wisdom  
8 keepers, the elders in First Nations and the larger society  
9 to get involved in this Commission, to present to us their  
10 ideas on the future and what they have learned from the  
11 past that we can try and avoid the mistakes of the past.

12  
13                   We are supposed to deal with economic  
14 questions, both questions that might be considered  
15 traditional economic issues or else future questions.

16                   We are able to deal with the question  
17 of self-government and again here we need to hear from  
18 people, what their views are on self-government,  
19 particularly what kind of vision they have of the future.

20 We had all across Turtle Island traditional systems of  
21 government prior to contact with European people and that  
22 has been largely impacted, but everywhere there is still

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1 evidence that either aboriginal people know how to go back  
2 to what it was in the past or else they continue to have  
3 a traditional system of government, along with the Indian  
4 Act style of government that has been created for the last  
5 125 years or so in Canada.

6                   With what is going on in the  
7 Constitution, it looks very much like in Canada there will  
8 be in the Canadian Constitution a very clear recognition  
9 that First Nations, aboriginal people, have the right to  
10 self-government which is their own, that they have the  
11 inherent right to govern. It will mean that the Canadian  
12 government is recognizing that aboriginal people always  
13 had the right to govern themselves and now it is explicitly  
14 recognized in the Canadian Constitution.

15                   That means that all First Nations, all  
16 communities and all nations of aboriginal people will have  
17 to look inward and decide what kind of government  
18 institutions they want for the future. As a Commission,  
19 we would like to assist in that. We would like to hear  
20 from you what visions you have for the future, return to  
21 the past or what kind of modification, what kind of systems  
22 of government you wish to run, both as communities and

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1 as nations of people.

2                   We have the ability also to look into  
3 both Indian Affairs and the Indian Act and it ties very  
4 much in with many other aspects of our mandate. The future  
5 of Indian Affairs and the Indian Act very much is the other  
6 part of the picture when First Nations are talking about  
7 self-government. The more self-government there is for  
8 aboriginal people, the less there is a need for an Indian  
9 Act and also the less there is for an Indian Affairs.  
10 But, obviously, there will continue to be federal  
11 government responsibilities, to live up to the treaties,  
12 to live up to aboriginal rights and to fulfil the  
13 government-to-government relationships that will exist  
14 between aboriginal governments and Canadian governments.  
15 We need to have your views on the details of that future  
16 relationship.

17                   We have the ability to listen to and work  
18 on the issues of treaties. In many parts of this country  
19 there are First Nations that have treaties with originally  
20 either Great Britain or France or with the Crown of Canada  
21 for the British Crown. We need views from you as to what  
22 should be done in relation to implementing treaties,

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1 whether it is land entitlement or whether it is hunting,  
2 fishing, trapping, education, health rights or whatever.

3

4                   We also are mandated to look into the  
5 issues of the Métis people. The Métis people are one part  
6 of the aboriginal community that probably has not been  
7 studied as much as others. They have land rights, they  
8 have governmental rights, they have cultural rights that  
9 we need to look into and make sure that they are not the  
10 forgotten people in the future.

11                   Many aboriginal people now live in an  
12 urban setting. Some communities have over half of their  
13 people living in an urban setting. We want to, we need  
14 to, we have a mandate that we must look into the situation  
15 of aboriginal people while they are in an urban situation.

16 We need to ask questions like are these communities here  
17 just on a temporary basis? Will they go back to First  
18 Nation communities? Will they go back to Métis colonies,  
19 or are they here for a long time? If that is so, what  
20 do aboriginal people living in an urban setting what for  
21 the future? What kind of services, what kind of  
22 institutions do they wish, how will their rights, whether

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1 they are treaty rights or aboriginal rights or the right  
2 to government, how will that play out? What will it mean  
3 in an urban setting?

4                   We also are mandated to listen to people  
5 in relation to their history. We have as a Commission  
6 a mandate to try and deal with the fact that Canadian  
7 history has never truly reflected the involvement, the  
8 contribution of aboriginal people. It has been really  
9 one-sided. It has been a history that has been written  
10 by part of the people that have been involved in the  
11 relationship that has occurred here over 500 years since  
12 Columbus sailed to discover India.

13                   There are many other issues that we are  
14 supposed to deal with. Justice, for instance, is an issue  
15 that we have been mandated to deal with. There have been  
16 numerous studies into justice, the Canadian justice system  
17 and how it affects aboriginal people, here in Saskatchewan,  
18 Alberta, Manitoba, in Nova Scotia. There have been some  
19 more in depth than others, but certainly reviews into the  
20 whole justice system. We have the ability to look into  
21 those studies and add on to them.

22                   So, over time, over the next couple of

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1 years we need the views of people as to how justice will  
2 relate to aboriginal self-government. Will there be a  
3 component of tribal justice here in Canada that will tie  
4 into self-government for First Nation peoples and  
5 aboriginal peoples in this country?

6                   We also have the ability to get involved  
7 in the Canadian constitutional process, the renewal of  
8 the Canadian Constitution, if we wish. We have had one  
9 minor involvement in that. We came out with a commentary  
10 in the earlier part of this calendar year, just before  
11 the Parliamentary Committee reported on this particular  
12 issue. We dealt with the question of self-government,  
13 the inherent right to self-government. The reason we did  
14 was we thought there was a potential for some kind of  
15 stumbling block there, that they would all get caught up  
16 on the inherent right and they wouldn't get beyond that.  
17 So, we came out with a commentary.

18                   We believe it is probably not necessary  
19 for us to do too much more on the Constitution. It seems  
20 it is well in hand. We did not ever see ourselves as a  
21 major party or player in that process. We speak for no  
22 one but the Commission. We do not try and speak for

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1 aboriginal people. We certainly don't speak for the  
2 Canadian government. So, we are not a major party at the  
3 constitutional table.

4                   We have left open the possibility that  
5 if there ever was a need for us to get involved again we  
6 could, but we have made no plans to be involved in that  
7 at this point. We think it is carrying along reasonably  
8 well and it is very unlikely that we will further get  
9 involved. But that doesn't mean that what they are doing  
10 is not important to us. What they are doing is extremely  
11 important to our work. The work of the Commission is in  
12 the area of implementation and so we are working on the  
13 basis that there will be a positive resolution to some  
14 of the major questions that are being dealt with at the  
15 Canadian constitutional level and that the inherent right  
16 of aboriginal self-government will be there.

17                   There will be a shield to the distinct  
18 society clause in Quebec. The Charter will probably apply  
19 for at least the time being, but then the big question  
20 will be what will self-government mean across the country?

21       So, this is where we believe the work of the Royal  
22 Commission is, to work with aboriginal people to look at

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1 how in some detail over the next couple of years how  
2 self-government could be implemented in different parts  
3 of the country. It will probably mean that we will work  
4 out with aboriginal people models of self-government.

5 Overall, what we are trying to do as a  
6 Commission is focus a lot of attention on the future.  
7 We want to focus attention on the kind of future that  
8 aboriginal people will feel secure with and will feel that  
9 they have a rightful place in this country. So, we are  
10 looking at solutions to the longstanding problems that  
11 have been around.

12 Another part of our mandate that is very  
13 much an important issue to us is the whole social situation  
14 that our aboriginal people find themselves in, the internal  
15 problems of family break down, of community structures  
16 not being important to people any more, the youth suicides,  
17 the abuse of spouses, family violence, unemployment, bad  
18 housing, all of the kind of social problems that we find  
19 in many First Nation communities and in urban aboriginal  
20 community setting.

21 What we are hoping is that the work of  
22 the Commission will deal with not only hearing the stories

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1 of what should not have occurred, like the residential  
2 schools. Virtually every community we have gone to has  
3 told us about the impact of residential schools. We are  
4 hoping that over time we will get beyond the pain and the  
5 disclosure about what happened to people and we will get  
6 into the solutions that are needed to make sure that  
7 aboriginal people find their rightful place in this  
8 country.

9 In addition to the Hearings that we will  
10 be doing everywhere in this country, we want to provide  
11 opportunity for both aboriginal and the larger society,  
12 the non-aboriginal community, to present to the  
13 Commission.

14 We will be holding what we call round  
15 tables on many issues. We will take issues like the urban  
16 aboriginal situation, elders, youth, women,  
17 self-government, Métis questions, the treaties and we will  
18 hold round-table discussions on those issues.

19 Over the next couple of years, as we hold  
20 these Hearings, we will come out with reports and  
21 documents, discussion documents that will help us focus  
22 our Hearings. As we get closer and closer to the end of

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1 our work, these draft documents, these discussion  
2 documents will get more and more precise on possible  
3 solutions, possible recommendations, but we will want  
4 responses from communities and from individuals across  
5 the country.

6                   So, with that we will begin our Hearings  
7 here. Before that, I will introduce the two Commissions  
8 who are here with me. Immediately to my left is Bertha  
9 Wilson. Bertha is a former judge with the Supreme Court  
10 of Canada. She is very pleased to be involved in this  
11 Commission.

12                   Next to Bertha is Paul Chartrand who is  
13 a Métis lawyer and who is now temporarily on leave from  
14 the University of Manitoba, where he heads the Native  
15 Studies Program.

16                   We have as a Commission seven people.  
17 Four of the Commissioners are aboriginal, three are  
18 non-aboriginal. My name is Georges Erasmus. I am the  
19 co-Chair. I am the former National Chief of the Assembly  
20 of First Nations. The other co-Chair is a present judge  
21 from Quebec in the Appeal Court, René Dussault. We have  
22 two -- I was going to say other non-native people, but

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1 I already mentioned Bertha. We have, in addition to her,  
2 the former Premier of Saskatchewan, Allan Blakeney, who  
3 is also a Commissioner and you probably are well aware  
4 of Allan Blakeney.

5 In addition to these members, we have  
6 Mary Sillett, who is an Inuk. She is from Labrador. She  
7 stepped down from the leadership of the Inuit Women's  
8 Association to take on this Commission position.

9 The other Commissioner, another woman,  
10 we have three women and four men in this Commission --  
11 the other Commissioner is Viola Robinson. She is a Micmac  
12 who stepped down from the leadership of the Native Council  
13 of Canada to take on this Commission.

14 That is my opening statement. I hope  
15 today people will be very free to tell us what is on their  
16 mind. We really want to hear from people as to their views  
17 and we hope that we have the time to hear from everyone  
18 who wishes to speak to us.

19 I would like to thank the people who both  
20 opened the ceremonies here this morning with the Pipe  
21 Ceremony, the opening songs and once again I want to thank  
22 the people who conducted the Sweat for us last night.

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1 It was a very appropriate introduction to the community.

2

3                   With that we will start with our first  
4 presenter and I will ask the Commissioner of the day, Cy  
5 Standing, to introduce people as they come forth to present  
6 to us. Cy.

7                   **COMMISSIONER CY STANDING:** Thank you,  
8 Georges.

9                   With the next presentation, most of our  
10 speakers or the first several speakers will be our  
11 Dakota/Lakota/Nakoda people. They will all be touching  
12 on the history of Wahpeton and our people. I will give  
13 a brief overview of the history and then we will get into  
14 our presenters.

15                   The Dakota/Nakoda/Lakota nations covers  
16 a vast area before the Europeans arrived on this island.

17 To give you an example, our aboriginal territory covered  
18 from the Rocky Mountains and the North Saskatchewan River  
19 was our northern boundary, east to the Red River and as  
20 far south -- we are not sure because some people have told  
21 us that it covered 11 states in the United States. The  
22 boundary was imposed on our people, but we do not recognize

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1 that boundary. As you can see, we have presenters here  
2 from the U.S. as well as Canada with our presentation.

3 We have signed or we have agreements with  
4 the British government, also with the Crown of France in  
5 the 1700s. France was in this territory for about 100  
6 years before the English. We treated with them, in the  
7 same way as we treated with the other nations, the English.

8 We conducted our treaties the same way as we did with  
9 our pipe. I want to say that we have kept our agreement,  
10 but I can't say that for the other people, the French and  
11 the British.

12 When the French were defeated by the  
13 British, The English were supposed to honour the treaties  
14 that the French had with us. that has not happened. We  
15 have documents that we will show. The other thing I must  
16 say now is we are going to, because of the short notice  
17 of this Hearing, we will be applying for funding to do  
18 more research into our history and document all this.  
19 We will present it to the Commission before your time has  
20 expired.

21 It is questionable to us how Canada  
22 became involved in this area because our agreements were

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1 with the British Crown and with the French Crown. That  
2 is why when we came in with our staff we have the British  
3 flag here and we have our flag, the eagle staff. They  
4 did not get permission, Canada, to patriate the  
5 Constitution, so we think that it wasn't by our consent  
6 that we are still recognizing the agreements that we made  
7 years ago. I think they are referred to as  
8 pre-Confederation treaties in today's talks.

9                   With respect to Wahpeton, I guess we are  
10 the furthest north of all the Dakota Nations, close to  
11 the North Saskatchewan boundary. We are small. We are  
12 fast losing our language. I think we only have about six  
13 or seven Dakota speakers left in our community here. We  
14 know what it is like to be losing your language.

15                   We are making a great effort to preserve  
16 that and this is why we want to preserve our ceremonies,  
17 our spirituality and that is one of our first I guess  
18 priority of Wahpeton here. This is why you see our Pipe  
19 Ceremony and our drums and our staff.

20                   Briefly, I guess there are three main  
21 dialects of the Dakota and that's the Nakoda, Dakota and  
22 the Lakota. We are also trying to revive the Dakota

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1 Nations, as we call it. We have our annual summits. Our  
2 third summit is coming up and we are having it in Yankton,  
3 South Dakota. Two years ago we had a summit at the Standing  
4 Buffalo Reservation. Last year in Ciseton, Wahpeton in  
5 South Dakota and, hopefully, next year we will cover the  
6 western part and we are hoping that the Morley area will  
7 be sponsoring that summit.

8 I want to say that all the area that the  
9 buffalo used to be is where our people were. As you know,  
10 the buffalo was eliminated and some of the estimations  
11 of the amount of our people that died because of starvation  
12 and diseases when they took our economy way, the buffalo,  
13 it's up to 11 million or 12 million of our people passed  
14 on because of the destruction of our economy which is the  
15 buffalo and the diseases that were introduced by the  
16 Europeans.

17 I understand in the last war 6 million  
18 Jews were eliminated and people make a big fuss out of  
19 6 million people, but we lost 11 million or 12 million  
20 of our people through the destruction of our economy.

21 I just want to mention that as part of our history. The  
22 more contemporary part of our history will be covered by

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1 the other Dakota/Nakoda/Lakota speakers this morning I  
2 think.

3 Thanks very much. I will stop there for  
4 now.

5 **CO-CHAIR GEORGES ERASMUS:** Perhaps you  
6 could introduce our first speaker. Thank you for the  
7 presentation on your history.

8 **COMMISSIONER CY STANDING:** It gives me  
9 great pleasure to introduce the next speaker. Lorne was  
10 born and raised in Wahpeton. He served many years on  
11 Council and I think this is his second term as Chief.  
12 He is also a small businessman. He attended school here  
13 in Wahpeton at the residential school I think and also  
14 he attended school in Prince Albert. Lorne knows Wahpeton  
15 very well and he is very committed to his community with  
16 all his service here.

17 Our first speaker is our Chief Lorne  
18 Waditaka.

19 **CO-CHAIR GEORGES ERASMUS:** Perhaps our  
20 presenters could use the table in front of us here.

21 **CHIEF LORNE WADITAKA, CHIEF, WAHPETON**

22 **BAND:** Once again, I guess I would like to say good morning

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1 to the Royal Commission members. First of all, I guess  
2 what I'd like to say is I don't have a speech all made  
3 up or whatever because I guess the way I operate is that  
4 whenever I speak or whenever I am asked to speak it just  
5 comes out of my thoughts. With that, I guess I would like  
6 to say thanks for allowing me to say a few words.

7                   There are all kinds of issues which  
8 involve our First Nations across the country. which is  
9 governed by the federal government. There are a lot of  
10 things there which we as Indian people like to do with  
11 our Bands. Yet, there are things that we can't do and  
12 because of the restrictions that the federal government  
13 has against our Indian people. I guess what I am trying  
14 to say is I am speaking about the Indian Act which I guess  
15 at some point in time says that Indian people are able  
16 to govern themselves, but what takes over I guess is the  
17 Indian Act.

18                   I guess with the Indian Act in place it  
19 holds the Bands back and with that in place I guess there  
20 are a lot of things there that we as leaders try to do  
21 for the Band, but with those regulations in place I guess  
22 it makes it kind of hard to run our Band the way we would

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1 like to see it run. I guess that is one of my first issues  
2 in dealing with the federal government.

3 I am going to be speaking I guess on  
4 behalf of the small Bands. It is pretty hard for the small  
5 Bands to operate their band affairs on the kind of dollars  
6 that we are getting from the federal government. There  
7 is a whole -- I guess there is some areas there which the  
8 band would like to develop themselves, but with the kind  
9 of resources that we are getting from the Department of  
10 Indian Affairs is very nil and which makes it hard on the  
11 Council to make the proper decisions for the band members.

12 I guess with that the band members and the Council we  
13 kind of suffer at the end and because of the inadequate  
14 funding that we get from the Department of Indian Affairs.

15 Speaking on behalf of the Wahpeton Band,  
16 I guess I am very happy for the kind of staff we have at  
17 our Band Office here because of all the kind of programs  
18 that we are trying to bring in and for the Band members.

19 The Band members are benefiting from the resources that  
20 we get and our Band is a very small Band. Our population  
21 is about 101 Band population and our land base is five  
22 sections of land, which isn't very much. Our population

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1 is starting to increase now. So, with the increase of  
2 our population and I guess we need a bigger land base.

3                   There is so much to speak about here and  
4 there are a lot of issues which we have to deal with I  
5 guess. I guess that's one of the reasons why I wasn't  
6 able to present a document because of all the issues which  
7 are concerning our Band. We are a small Band and I guess  
8 that is one of the first issues which we have to deal with.

9  
10                   I guess the way that we get the funding  
11 from the Department of Indian Affairs for our Band and  
12 the system that they have in place right now which is the  
13 database funding. I've attended meetings at which all  
14 the small Bands had in Saskatchewan here and we all have  
15 the same problems I guess because what we are after in  
16 the small Bands is in programs for all the peoples in the  
17 Band and with the kind of resources that we get from the  
18 Department of Indian Affairs aren't there. Those are the  
19 kind of issues I guess that really hurt us as a small band.

20

21                   Hopefully, and with this Hearing and the  
22 recommendations which are going to be coming from all the

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1 bands across Canada, hopefully there the funding system  
2 will change anyway and I'm speaking about small Bands  
3 because that's one of our major issues.

4 I am not saying that the bigger bands  
5 are properly funded and because I know they aren't being  
6 properly funded neither, but something has to happen here  
7 with the federal government. They really have to sit down  
8 and listen to the Indian leaders across the country.

9 With all the resources that we have  
10 across Canada, I don't think we are getting very much in  
11 the land we lent our white brothers and sisters. There  
12 is lots there and I guess which these people have to pay.

13 Why I am saying that I guess is because you go around  
14 to all the Bands across Canada and all the Bands are saying  
15 the same. We are not getting what we should be getting.

16 Those are the kind of issues which I guess bothers me  
17 here at the Band.

18 I will give you a little bit of history  
19 here on the Band and also the organizations which our Band  
20 associates with. First of all, our Band is in the Tribal  
21 Council here with the Prince Albert Tribal Council. From  
22 there we go to the Federation of Saskatchewan Indians which

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1 is a provincial organization. After that I guess we go  
2 to the full AFN organization which involves all the bands  
3 across Canada.

4 We also sit with another organization  
5 which Cy has just finished speaking about and that's the  
6 Dakota Nations. What is happening there -- and we have  
7 a Saskatchewan in the Dakota Nations organization and I  
8 guess with that we sit in the full Dakota organization  
9 and Canada then. It was two years ago which we had our  
10 first full Dakota organization meeting which was held at  
11 Standing Buffalo Lake. This is one of our major first  
12 meetings, which I guess the Bands in Saskatchewan, Manitoba  
13 and Alberta was wanting to see one meeting set aside for  
14 all Dakota Nation Bands which involved our brothers across  
15 the border in the United States.

16 I guess from there we have been having  
17 some big summit meetings. I guess what we are trying to  
18 do there is get back together as a nation. I think at  
19 one point in time this is going to happen.

20 We need the support of all our Dakota  
21 Nation people across Canada and the United States for some  
22 of our issues that we have here at the Band. I will name

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1 one issue which is the language issue and on which I guess  
2 I don't have to say too much because Cy had stated that  
3 our Band is kind of losing our language. But what is  
4 happening here with our band -- we have here the language  
5 program and, hopefully, at some point in time we will all  
6 be able to understand our language and at some point in  
7 time we are able to speak it. This is what we are working  
8 for from our Band.

9 I would like to see something in place  
10 like that. I guess I would also like to see some funding  
11 available from some governmental agency which is able to  
12 help us in retaining our language. Once we lose our  
13 language, it is going to be hard for us to say that we  
14 are Dakota people.

15 Right now we are working hard. We are  
16 trying to find sources of funding, so that we will be able  
17 to continue to bring some people in to our Band to show  
18 us our language. It is very hard to say that I don't  
19 understand my language, but that's where I am coming from.

20 I don't under-stand my language, but at the same time  
21 I'm proud that I'm a Dakota Indian and that some day we  
22 will be able to speak our language because we are not giving

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1 up. Our people don't give up. We try hard for what we  
2 get I guess is what I am trying to say.

3                   With that I'd like to end now. I guess  
4 I would like to tell the people who are sitting on the  
5 Royal Commission here today that I will be writing  
6 something up on what I spoke on this morning and I will  
7 be making a submission to the Royal Commission on what  
8 I said here this morning. With that, I don't want to take  
9 up too much time here because we've got a lot of people  
10 who are going to be speaking and we've got our staff people  
11 here who are going to be speaking on the Wahpeton Band.

12       With that I would like to thank you very much.

13                   **CO-CHAIR GEORGES ERASMUS:** Thank you,  
14 Chief.

15                   Perhaps what we will do is we will open  
16 it up so that Commissioners can ask both you or Cy  
17 questions, either on the history of the community or the  
18 history of the Dakota people.

19                   Commissioner Wilson.

20                   **COMMISSIONER BERTHA WILSON:** Thank you,  
21 Georges.

22                   You mentioned that because of the

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1 shortage of funding you weren't able to a lot of the things  
2 for the people that you would like to do. You mentioned  
3 that one of the things was the preservation of the language.  
4 Could you give us some general idea of some of the other  
5 things that you would like to do for the Band if you had  
6 the money to do it?

7 **CHIEF LORNE WADITAKA:** I guess, first  
8 of all, my major topic that I was speaking about was in  
9 the area of language. I guess from there it could go on  
10 to the area of economic development. I guess from there  
11 it can also go on to our land base.

12 What Cy was saying this morning, it's  
13 true and we do have treaties with France and Great Britain,  
14 but our treaties aren't honoured by the governments I guess  
15 and with that our land base is always the same. We don't  
16 get an increase in our land base. I guess those are the  
17 kind of issues that we are dealing with right now with  
18 the Dakota Nations of Canada.

19 In answering your question, I guess it  
20 would be more or less in the area of economic development  
21 because the kind of funding that we get from the federal  
22 government for economic development is very, very nil.

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1 It's nil.

2 **COMMISSIONER BERTHA WILSON:** Thank you  
3 very much.

4 **CO-CHAIR GEORGES ERASMUS:** Paul.

5 **COMMISSIONER PAUL CHARTRAND:** Thank  
6 you, Chief, for your presentation.

7 As the co-Chair indicated in his remarks  
8 earlier, one of the concerns of the Commission will be  
9 the elaboration of matters having to do with aboriginal  
10 self-government. I would like to began an exploration  
11 of your ideas concerning what I might call, for the sake  
12 of our discussion, the appropriate unit of self-government  
13 that your people are considering.

14 In order to do that I wonder if I might  
15 put this particular question to you. Let me put it this  
16 way, you referred, if I understood you, to two different  
17 things. One was the Dakota Nation, some members of which  
18 reside in U.S. territory. You referred also to the Prince  
19 Albert Tribal Council. I wonder if you would want to tell  
20 us a bit more about the constituents of that Tribal Council?

21 Who are the members of that particular tribal association,  
22 the Prince Albert Tribal Council and if you could

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1 distinguish that from the Dakota Nation?

2 **CHIEF LORNE WADITAKA:** First of all, I  
3 guess the Prince Albert Tribal Council consists of 12  
4 Bands. I am going to ask you if I have to name the bands?

5 **COMMISSIONER PAUL CHARTRAND:** I'm  
6 sorry, no. I wanted a general idea. Essentially, I was  
7 concerned to know if they were all Dakota or if there were  
8 other people as well, the Cree for example?

9 **CHIEF LORNE WADITAKA:** We are the only  
10 Dakota Band in the Tribal Council. There are seven Dakota  
11 Bands in Saskatchewan. What is happening there is we have  
12 a meeting to go over all the issues and which pertains  
13 to our Dakota Nation. What is happening there is we are  
14 all scattered into different Tribal Council areas because  
15 we are so far apart.

16 **COMMISSIONER PAUL CHARTRAND:** So the  
17 Tribal Council of Prince Albert is not a Dakota Tribal  
18 Council. The relevant tribe is not the Dakota. There  
19 is a mixture of different people?

20 **CHIEF LORNE WADITAKA:** Yes.

21 **COMMISSIONER PAUL CHARTRAND:** Thank you  
22 very much, Chief.

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1                   **CO-CHAIR GEORGES ERASMUS:** I wonder if  
2 either you or Cy, Chief, could tell me how many communities  
3 there are in Canada of either the Dakota, the Nakoda or  
4 Lakota peoples, how many communities are there, either  
5 one of you.

6                   **COMMISSIONER CY STANDING:** I think in  
7 Alberta there are probably either five or six Nakoda Bands  
8 is how they are referred to. In Saskatchewan we have one  
9 Lakota tribe. We have I think four Dakota and we are not  
10 sure how many Nakoda, but at least four; three in the south  
11 and two amalgamated in North Battleford, the Mosquito and  
12 the Grizzly Bear Head.

13                   **CO-CHAIR GEORGES ERASMUS:** One second,  
14 please. You say in Saskatchewan there is one Lakota and  
15 four Dakota?

16                   **COMMISSIONER CY STANDING:** Four Dakota  
17 and at least --

18                   **CO-CHAIR GEORGES ERASMUS:** At least  
19 three?

20                   **COMMISSIONER CY STANDING:** No, four  
21 Nakoda and in Manitoba there are I think four Dakota tribes.

22                   **CO-CHAIR GEORGES ERASMUS:** Could you

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1 explain to me what the difference is? Is it just a dialect  
2 difference? Do these people regard themselves as  
3 virtually one large nation?

4 **COMMISSIONER CY STANDING:** Yes.  
5 Historically, we were all one nation at one time. It is  
6 just the matter of the dialects. Actually, the Nakoda  
7 people, we originally came from Seven Council Fires and  
8 there were "Twateetwa", four Dakota and I think there was  
9 two Nakodas and they were called the "Ehunktwa" and  
10 "Ehunktwane" which is what we say in our language, but  
11 nowadays they are referred to in Canadian history as  
12 Assiniboine, Stony and I don't know what other names.

13 We call each other "Tatonkoiat" which  
14 means Buffalo people and the Nakoda people in John Snow  
15 Morley also call themselves "Nakodaoite" and the people  
16 in the south. This is how we referred to ourselves in  
17 the past.

18 **CO-CHAIR GEORGES ERASMUS:** While we are  
19 on the subject, perhaps you could give us how many of your  
20 people actually are in the U.S., how many communities of  
21 the Nakoda, Dakota or Lakota are in the United States?

22 **COMMISSIONER CY STANDING:** I don't have

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1 the figures offhand, but I know there are two or three  
2 reservations in Montana, probably three in North Dakota.

3 The largest population will be in South Dakota, the  
4 Cheyenne River, the Pine Ridge Reservation, Rosebud, Lower  
5 Brule, the Yankton, the "Cisseta" Wahpeton and there are  
6 smaller reservations in Minnesota, near Minneapolis.

7 **CO-CHAIR GEORGES ERASMUS:** Both the  
8 Chief and you made reference to meetings that are taking  
9 place between all your peoples. Is there some long-term  
10 aspirations there that we should know about?

11 **COMMISSIONER CY STANDING:** Yes, there  
12 definitely is. Our goal is -- before the Europeans arrived  
13 we used to have large gatherings. We used to have a  
14 spiritual gathering, trade, commerce and even weddings.

15 We want to revive or rebuild that society we had. We  
16 had different spiritual ceremonies and which haven't been  
17 practised for ages. We also want to bring those spiritual  
18 ceremonies back. We are only practising, I think out of  
19 the seven we are only practising three of them now.

20 I think our long-term goal is because  
21 with the imposition of the European system on our people  
22 has caused havoc. We see it every day with suicides and

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1 loss of language, loss of our price, loss of a number of  
2 things, alcoholism, high unemployment, high social  
3 welfare. We see the reason for this is the imposition  
4 of the western European system on our people.

5                   We made a conscious effort that this  
6 wasn't the way our life was when the Europeans arrived.

7 We want to rebuild ourselves. We think the spiritual  
8 way is a beginning. This is why we are concentrating in  
9 that effort.

10                   With respect to funding in that area,  
11 as you know, the government does not fund languages or  
12 very little on languages, very little on these types of  
13 activities. We are having a difficult time doing this,  
14 but we are doing it all on sort of a volunteer basis.  
15 Our goal is to rebuild our people, spiritually, culturally  
16 and economically and also including getting our own buffalo  
17 herd in Wahpeton and those types of activities.

18                   We also realize too that we can be two  
19 people. We can be Dakota, as we were last night and this  
20 morning. Also, we can put on our suits and work with the  
21 non-Indians. We have learn how to switch.

22 Traditionally, when we come to Wahpeton we put on our

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1 moccasins, but when we go and which several times we have  
2 to go to non-Indian communities, then we can put on our  
3 suits. We have learned that we have to live in two  
4 cultures. I guess the knack is to be able to function,  
5 change back and forth.

6 **CO-CHAIR GEORGES ERASMUS:** I want to  
7 thank you, Chief, for your presentation. If you have any  
8 final comments you wish to make to us, please feel free.

9 **CHIEF LORNE WADITAKA:** I guess first of  
10 all I'd like to thank you for hearing my presentation.  
11 It is like what I said, there is lots to talk about. I  
12 guess when you get my written presentation I will add more  
13 in it.

14 Thank you very much for hearing me out.  
15 I hope I was of some value for this whole process here.  
16 With that, I guess -- and we got some staff members who  
17 are going to be making their presentations too, so thank  
18 you very much.

19 **CO-CHAIR GEORGES ERASMUS:** Thank you.

20 Our next presenter will be Councillor  
21 Cy Standing. He is going to leave his Commissioner of  
22 the day hat aside for a minute.

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1                                   **COUNCILLOR CY STANDING, COUNCILLOR,**  
2   **WAHPETON BAND:** Thank you very much, co-Chairman Georges  
3 Erasmus.

4   --- Speaking Dakota - No Translation

5                                   **COUNCILLOR CY STANDING:** I said my  
6 relatives want to say a few words too.

7                                   I guess nobody has introduced me and so  
8 I will introduce myself. I have been born and raised in  
9 Wahpeton here. I was born in Wahpeton. My grandmother  
10 delivered me. I went to school here in Wahpeton. We used  
11 to have a log school here and I took my primary education  
12 there. I went to high school in Prince Albert. I then  
13 joined the Air Force for ten years and spent time in France  
14 and in Canada. Then, at that time, I realized I was an  
15 Indian and so it was time to come home to Wahpeton and  
16 play the part that I really am.

17                                  So, I came back home and worked for my  
18 community. I was Chief for 11 years here. I also was  
19 on the executive of the Federation of Saskatchewan Indians  
20 for about 14 years. Now I am back in Wahpeton as a  
21 Councillor and my portfolio is economic development,  
22 business development and land claims. Briefly, that is

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1 who I am.

2 My presentation will not be long because  
3 I think we have, as Lorne said, a lot of our people and  
4 staff will be making presentations. I would like to just  
5 touch on maybe the history between Canada and our people.

6  
7 To my observations, with my involvement  
8 in provincial politics and local politics, I see that the  
9 policies that have been developed by Canada are no  
10 different than the policies which were developed by the  
11 United States government. The policies of the United  
12 States government is that the termination of our people  
13 -- the assimilation of our people and the termination of  
14 our land. I have talked to lawyers and they say that there  
15 is no way that Canada legally took the land from our people.

16  
17 According to international law, this  
18 country still belongs to our people. The discovery theory  
19 and all of this does not apply. I think the U.S. government  
20 and the Canadian government realize this. So, they have  
21 developed policies to assimilate us into their culture,  
22 I guess their religion and everything they can, so that

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1 they would have a legal way to take our land, to terminate  
2 our land.

3                   Through history you have seen that by  
4 the destruction of our economy, the destruction of our  
5 spirituality and imposing other systems on us and trying  
6 to destroy us. They were hoping that we would just go  
7 away and in this way they would have control over our land  
8 and our resources. I see that is how those policies were  
9 developed consciously by both governments, mostly by the  
10 bureaucrats. That is briefly the whole history of the  
11 U.S. and Canada. They are very similar because when our  
12 policies developed in the U.S., ten or twelve years later  
13 the same policy, except you change the headings, and the  
14 government implements it in Canada.

15                   For example, the 1969 White Paper  
16 policy, which basically wants to transfer all the  
17 responsibilities of the provinces and cut the funding off  
18 to the Indian -- do away with Indian Affairs and cut the  
19 funding from the federal responsibility for Indian people.

20       Basically, that is the same policy as in the United States  
21 and has been in effect since 1934 in the Indian  
22 Reorganization Act.

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1                   That is the basis I see for why  
2 governments want to terminate us and steal our land. It  
3 is going on today by not honouring their treaties. You  
4 can look at it by the James Bay recent agreement. The  
5 government is not living up to its responsibilities or  
6 obligations. That same policy is being implement behind  
7 doors by the federal bureaucrats. So, it is not a very  
8 good history of Canada or I can say the U.S. too because  
9 we deal very closely with our relatives to the south.

10                   The post-secondary education issue that  
11 came up a few years ago, that same policy was developed  
12 in the U.S. ten or twelve years ago. I also hear people  
13 and when we visit people in the U.S. they tell us that  
14 the Indian Affairs bureaucrats from Ottawa go to Washington  
15 and they compare notes, or else the higher U.S. Indian  
16 consultants come to Ottawa and to implement the same kind  
17 of policies as Indian Affairs implements on our people.

18       Then you wonder why we have high unemployment, high  
19 welfare, high suicide, loss of our spirituality, loss of  
20 our culture and it goes on and on.

21                   I want to say that when the Royal  
22 Commission was established I thought this was at least

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1 an independent Commission, a place where we can air our  
2 grievances, definitely independent and our voices will  
3 be heard. I understand it is just a starting, the Hearings  
4 are a beginning. However, I am dismayed that the Executive  
5 Director of the Royal Commission is a former employee of  
6 the Department of Indian Affairs. I think his name is  
7 Fournier or whatever. I understand there are a lot of  
8 bureaucrats working in the Commission, former government  
9 bureaucrats. I understand also that the writers, most  
10 of the writers will be non-Indian.

11 I hope that the Commissioners here will  
12 take note and that this will be an honest report to the  
13 Canadian public.

14 One area that our people have a lot --  
15 one of our major issues is the land base of most of our  
16 Dakota communities. Our Dakota communities have a small  
17 land base as compared to other Bands. We are doing  
18 research on our history to establish our aboriginal title  
19 to this land. We will be presenting this to the  
20 government, but we are being denied again adequate funding  
21 to carry on our research. The comprehensive claims policy  
22 that the Canadian government has, we are told that we do

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1 not meet their criteria. So, we get limited funding from  
2 specific claims to carry on our research. We only have  
3 one researcher to serve about ten Bands. That is a very  
4 major issue for us because land is very important to us.

5                   The other area that I want to briefly  
6 say a few words on is the Canadian Constitution. I  
7 understand -- I was working in the FSIN executive at that  
8 time and the reason the White Paper policy could not be  
9 implemented completely was because of Section 91(24) and  
10 Trudeau or Chrétien, or whichever one was minister at that  
11 time, along with the bureaucrats, could not legally wrangle  
12 their way out of Section 91(24). They tried with the 1969  
13 White Paper policy.

14                   So, the one way of getting around this  
15 was to patriate the Constitution and make changes in  
16 Canada. I think the first drafts of the Constitution was  
17 that the BNA Act would not apply when the Constitution  
18 was patriated and that would relieve Canada of their legal  
19 responsibilities for Indian people.

20                   Also, Section 35, or 36 it was called  
21 at that time, was removed by the government when they were  
22 talking patriation of the Constitution and through

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1 lobbying efforts in England and with the churches and  
2 Canada I think we were able to get Section 31 back into  
3 the Constitution. That's a little bit of history on that.

4 Now, Section 35 is in, undefined and I  
5 understand you seem very optimistic, Georges, that  
6 inherent rights to self-government will be in a  
7 Constitution, but from what I've heard it probably will  
8 be in a Constitution, but it will be restricted. It will  
9 be narrowed down, so that the inherent rights to  
10 self-government will have no meaning. I think you've been  
11 around long enough to know that when bureaucrats get hold  
12 of these papers they narrow these wordings down so that  
13 it's meaningless and cannot have any power in court. An  
14 example is the existing right to aboriginal treaty rights,  
15 the word "existing" causes a lot of problems for people.

16

17 The other area I would like to comment  
18 on is the Indian, Métis and Inuit. Since 1983 the  
19 government has been trying to put them under -- trying  
20 to deal with them as one nation or one aboriginal group.

21 In my opinion, that will never work. We have to break  
22 that down. The Indian people have a history, they are

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1 indigenous to North America and this is our land. Our  
2 job is to retain this land for future generations, our  
3 children and their children.

4                   With respect to the Inuit, they have the  
5 same indigenous and inherent rights to the territory.  
6 However, I understand that they want to allow non-Indian  
7 people to live in their territory, so that they should  
8 -- I see a difference there. That should be dealt  
9 differently again in the Canadian Constitution.

10                   With respect to the Métis, Métis are not  
11 indigenous to North America. They did not come until --  
12 someone told me nine months after the Europeans arrived  
13 or around about that time. However, they have certain  
14 rights. Again, I see that the rights that the Métis have  
15 are not indigenous. I don't know if they are aboriginal,  
16 but there are some rights. So, they should be treated  
17 in another sort of level in a Constitution.

18                   I see in a Constitution three different  
19 schedules or different levels because I see the three  
20 so-called aboriginal groups wanting different I guess  
21 rights.

22                   I have also been told by the elders that

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1 this is the way that these three groups should be dealt  
2 with and not try to deal with them in one, that it will  
3 not work.

4 This is an issue that leaders did not  
5 want to deal with in 1983 or in other areas because a lot  
6 of our aboriginal leaders I guess are married to  
7 non-Indians and it's a touchy subject. I see that as a  
8 solution, that those three groups have to be treated  
9 separately and on different schedules.

10 Thank you very much, those are all of  
11 my comments.

12 **CO-CHAIR GEORGES ERASMUS:** I will see  
13 if the Commissioners have any questions or comments.  
14 Bertha.

15 **COMMISSIONER BERTHA WILSON:** Yes. I  
16 would like to make a comment about the prospects of the  
17 Commission achieving any real change and improvement for  
18 native people. As we have gone across the country talking  
19 to various native groups, we have run into some that were  
20 very optimistic and very hopeful and had very high  
21 expectations of what the Commission was going to be able  
22 to accomplish, but we have also run into others who have

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1 said what are we being studied all over again. We have  
2 been studied to death and nothing ever happens. So, there  
3 seems to be the two views of what we are likely to achieve.

4 I must say that I am tremendously  
5 optimistic. When we went across the country and met with  
6 representatives of the various provincial governments,  
7 I found it tremendously encouraging because I could detect  
8 that there was a real wish to see some change.

9 In my opinion, I think the thing that  
10 makes me optimistic and I think this is what makes a lot  
11 of aboriginal people optimistic is the fact that the  
12 general public in Canada is ready to achieve some change.

13 As you know, governments only move if there is pressure  
14 from the people that put them there. So, if there is enough  
15 pressure coming from the general public, then I think they  
16 will be compelled to move.

17 I think it is because he recognized this  
18 fact that Brian Dickson, who established the Commission  
19 and our terms of reference and appointed us to the  
20 Commission, said that a big part of the Commission's role  
21 will be in public education, that it was tremendously  
22 important that non-aboriginal people be educated about

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1 aboriginal people because they really do not understand  
2 aboriginal people. That's the truth. It's a terrible  
3 thing to be saying in 1992, but I think it's absolutely  
4 right and this is confirmed when I talked to non-aboriginal  
5 people, they are really appallingly ignorant.

6                   This is one of the big features I think  
7 of our Commission, is to try to educate the non-aboriginal  
8 public.

9                   I don't know what you feel, but just from  
10 the people I am talking to, the non-aboriginal people I  
11 am talking to, there is really a real will I think now,  
12 there's a good public will to effect some real change and  
13 improvement in the lives of aboriginal people. This makes  
14 me very optimistic, very hopeful and very enthusiastic  
15 about the work of the Commission. I am very, very proud  
16 to be one of the three non-aboriginal people on the  
17 Commission.

18                   I would like to be able to ensure you  
19 that change will happen. I can't do that because none  
20 of us really know, but I think I can assure you that we  
21 will certainly do our level best as a Commission to try  
22 to bring that about. Thank you.

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1                   **CO-CHAIR GEORGES ERASMUS:** Paul

2                   **COMMISSIONER PAUL CHARTRAND:** Thank  
3 you, Commissioner, and, Councillor Standing, for your  
4 presentation. I have very few matters I would like to  
5 invite your comments on.

6                   First, I would like to follow up on one  
7 of the points that the co-Chair made earlier with respect  
8 to your long-term goals, not yours, but the Dakota  
9 long-term goals. You referred to the summit by the Dakota  
10 Nation members. You also referred to some views held at  
11 international law. The question is this: You've talked  
12 about spiritual goals, but you characterize them as a  
13 beginning. Are there longer term political goals as well  
14 that might relate to your long-term aspirations for  
15 self-government? Have you been involved in any  
16 international foray in promoting your aspirations for such  
17 long-term goals, for example, at the United Nations?

18                   My understanding is that some of your  
19 brothers in South Dakota are members of the Four Directions  
20 Council, a non-governmental organization that has observer  
21 status at the United Nations. I invite you to comment  
22 briefly, if you would, on your involvement with these

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1 international activities and if you could situate them  
2 in your long-term goals.

3 **COUNCILLOR CY STANDING:** Thank you. If  
4 I understand your question it is to do with self-government  
5 and our long-term goals. This morning I emphasized our  
6 spirituality, but we had a government before the Europeans  
7 came. Some of the writings of the fur traders that came  
8 out said it was a democracy, the best democracy that there  
9 ever was.

10 We again, in that area, I guess from our  
11 spirituality because our governments are based on our  
12 spirituality, we want to rebuild the type of  
13 self-government or self-determination we had at that time.

14 I know in Wahpeton here we have attempted to do the  
15 self-government with the criteria that Indian Affairs,  
16 they had six or seven criteria of how we should be  
17 self-governing. We could not operate. It was based on  
18 a municipal type of government and an Indian Act type of  
19 government. When we looked at that we could not see  
20 ourselves functioning that way because it will be a limited  
21 type of government.

22 We now are looking at the traditional

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1 governments that we had at that time, beginning with the  
2 Seven Council Fires and which we refer to as Tiospaye and  
3 Oshpaye. A family group with Oshpaye would have a headman  
4 and a Tiospaye all the heads of the families would form  
5 a government. So, it was very democratic in that sense.

6 The traditional forms of government  
7 really are not autocratic, they are not authoritarian.  
8 They only carry out the wishes of the people. I think  
9 the Tiospaye and Oshpaye groups are the strength of our  
10 government, our traditional form of government.

11 Basically, when we talk about  
12 self-government, we want to revive that. Also, we realize  
13 too this is 1992, so we want to have a form of sort of  
14 a traditional government mixed in with sort of contemporary  
15 -- something that will today work. It will be sort of  
16 a traditional, contemporary type of government is what  
17 we are working towards.

18 **COMMISSIONER PAUL CHARTRAND:** If I  
19 understand you, it does involve an international,  
20 territorial dimension and more, unions with Dakota people  
21 wherever they might be situated. I suppose that might  
22 explain at least in part the approach you have explained

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1 with respect to recent constitutional developments. That  
2 is very helpful.

3                   Let me go on, if I may, to one or two  
4 other matters, very briefly. I was interested in the  
5 comments you made with respect to the Canadian  
6 Constitution. I would like to make one point with respect  
7 to your reference to the Métis. The definition that you  
8 hinted at is purely a biological one. If you refer to  
9 the definition adopted by the Métis National Council, it  
10 will be noted that the definition is quite different from  
11 that.

12                   If one looked also at the Indian Act  
13 membership system, one would note that a paternity or a  
14 maternity, if you wish, does not determine the identity  
15 of the individual there either. Biologically  
16 non-aboriginal people have been defined as Indians for  
17 the purposes of the Indian Act since day one. I thought  
18 I would make that point.

19                   The question I have pertains to your view  
20 about Indians in the Constitution. You distinguish  
21 between the three groups, Indian, Métis and Inuit. My  
22 question is this: How, for your purposes, would you define

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1 that term "Indians" in the Constitution? I am assuming  
2 that you are referring to Section 35 when you say that.

3 Who then are these Indians that you are referring to for  
4 the purposes that you have discussed?

5 One option would be to rely upon the  
6 Indian Act definition. Another would be to rely on Dakota  
7 definitions, whatever they might be and you might want  
8 to elaborate on that because we all know that the Indian  
9 Act membership system itself has not followed Dakota or  
10 Cree or Ojibway or anybody else's definition of membership,  
11 but rather has established its own criteria for its own  
12 purposes.

13 I wonder if you might like to elaborate  
14 on that briefly? Thank you.

15 **COUNCILLOR CY STANDING:** Thank you.

16 Yes, I understand the definition of the  
17 Indian Act and I mentioned earlier that those were the  
18 type of policies that were imposed on our people, who is  
19 status and who isn't status. The kind of definition I  
20 know in Wahpeton we are working on is that we are using  
21 the Dakota people and we are using the Dakota bloodline,  
22 who would be members of Wahpeton. We have other people

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1 too with no Dakota blood, but they can be members, but  
2 they would not have the same status as say members of the  
3 Dakota people.

4                   The other thing we would like is have  
5 our membership open to all of the Dakota Nations with the  
6 bands that we refer to. For example, if a U.S. person  
7 married into Wahpeton, they would not be considered one  
8 of our members. They would be considered non-Indian.  
9 We want to resolve that because there are people, the Dakota  
10 people, and yet we cannot enter them on our membership  
11 lists or they will not be recognized according to the Indian  
12 Act.

13                   I guess to the members of the Dakota  
14 Nations or the Bands, those people with Dakota blood and  
15 follow the bloodline area.

16                   **COMMISSIONER PAUL CHARTRAND:** Thank you  
17 for that. If the Chair will permit, I will ask one more  
18 brief specific question.

19                   You made a distinction between  
20 aboriginal and indigenous. That distinction is one I have  
21 not encountered. I wonder if you might elaborate it  
22 briefly.

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1                   **COUNCILLOR CY STANDING:** I see  
2 indigenous -- my definition of indigenous people is that  
3 the people who are from this island for thousands and  
4 thousands of years, our ancestors, I refer to them as my  
5 definition of indigenous people.

6                   Aboriginal people, I wasn't familiar  
7 with that term until it was put into the Constitution.  
8 I understand now it covers Indian, Métis and Inuit. As  
9 a matter of fact, aboriginal covers -- it's supposed to  
10 include Métis people and I think that's going to cause  
11 a problem. I would refer to our people as indigenous  
12 because they are indigenous to North America.

13                   **COMMISSIONER PAUL CHARTRAND:** I think  
14 you have explained the purpose for the distinction you  
15 make and that does answer my question. The term  
16 "aboriginal", so far as I understand it, is derived from  
17 the Latin ab origine, from the beginning. I suppose then  
18 the question is what beginning is relevant for these  
19 constitutional purposes.

20                   Thank you very much.

21                   **COUNCILLOR CY STANDING:** Thank you.

22                   **CO-CHAIR GEORGES ERASMUS:** I am trying

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1 to once again get a hold of what the long-term plans are.

2 Part of what we hoped to do is to paint a picture of the  
3 future for both Canadians and aboriginal people.

4 If you were to try and picture the kind  
5 of institutions that you are looking to in the future,  
6 what do you see? If the Dakota people actually got  
7 everything they wanted, the land base they wanted, the  
8 treaty recognition of the old treaties with France, with  
9 Great Britain and the kind of self-government authority  
10 that they wanted; what do you see in the best of all worlds,  
11 let's say 20 years down the road? What kind of future  
12 would you want? What kind of institutions, what kind of  
13 land base would you like to see?

14 **COUNCILLOR CY STANDING:** I think 20  
15 years down the line is too short. That's only one  
16 generation. I don't know how many generations it took  
17 to destroy our people, our language and our spirituality  
18 and our pride.

19 I think it is going to take at least two  
20 or three generations to be where we were before the  
21 Europeans arrived.

22 I guess what I sort of hope and see in

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1 the future that we will begin rebuilding our spirituality,  
2 begin building our languages, building our government,  
3 our traditional government in conjunction with a  
4 contemporary type of government, controlling all our  
5 activities with respect to development, social  
6 development, education, et cetera.

7                   Our elders tell us that the child starts  
8 learning the first day that he is born. You don't have  
9 to wait six years until you go to school. An education  
10 process even before the child is born -- when a child is  
11 still in the womb they would sing the child songs and start  
12 the education process before the child is born. Those  
13 are the kind of things we are learning now. We are trying  
14 to rebuild and trying to reinstitute into our livelihood  
15 I guess. We know it is going to take time, particularly  
16 to learn our language because our spiritual leaders tell  
17 us also that we have to have our own name, our own Dakota  
18 name, I think which we all have now, in order to continue  
19 living.

20                   We want to institute those type of I  
21 guess cultural traditional things that we had years ago  
22 and then go from there.

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1                   I guess the other, we also note too where  
2 tribes worked together as one unit and, for example, in  
3 B.C. I notice they are very successful. Here in  
4 Saskatchewan there are five nations and the P.A. Tribal  
5 Council, as was referred to by Lorne, there are three tribes  
6 in it. There is Dene, Cree and actually there are three  
7 types of Cree. There is Woodlands, Swampy and the Plains  
8 Cree in one area and then Dakota, so there is five different  
9 groups. These tribal councils were not asked for by the  
10 Indian people. They were imposed by Indian Affairs, these  
11 tribal councils and mixing different tribes together.  
12 This doesn't work.

13                   We want to separate each tribal group  
14 or each nation with their own culture and their own  
15 traditions and that way start rebuilding. When you mix  
16 people up it doesn't work.

17                   **CO-CHAIR GEORGES ERASMUS:** I wanted to  
18 make one last comment. You made reference to bureaucrats  
19 and Jean Fournier having previously worked with Indian  
20 Affairs. I think it is appropriate that you make those  
21 comments. There were a number of comments like that made  
22 when he was originally appointed.

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1                   The Commissioners had no role in  
2   appointing the Executive Director. He was part of the  
3   package when the seven Commissioners were all appointed.  
4   We have learned to live with our Executive Director and  
5   you can rest assured that what comes out of the Commission  
6   in the end will be what the seven Commissioners can live  
7   with. As Bertha was just saying, we will certainly do  
8   our darndest to make sure that it reflects what we are  
9   hearing across the country.

10                   Thank you for your contribution this  
11   morning.

12                   **COUNCILLOR CY STANDING:** Thank you.

13                   **CO-CHAIR GEORGES ERASMUS:** We are going  
14   to take a very short coffee break, five minutes or so,  
15   just to stretch our legs.

16   --- Short Recess at 11:07 a.m.

17   --- Upon Resuming at 11:25 a.m.

18                   **CO-CHAIR GEORGES ERASMUS:** We will  
19   start again. I will ask the Commissioner of the day, Cy  
20   Standing, to introduce our next two presenters.

21                   **COMMISSIONER CY STANDING:** Our next  
22   presenter is Beverly. She too was born and raised in

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1 Wahpeton and went to school in Prince Albert, like most  
2 of us have done. She went to university in Saskatoon and  
3 she has worked off and on for the Wahpeton Band. She is  
4 now the Education Co-ordinator for our school. Two years  
5 ago, for the first time, she was elected to Council. She  
6 is a very good person to work with, a hard-working person.  
7 Councillor Beverly Waditaka.

8 **COUNCILLOR BEVERLY WADITAKA, COUNCILLOR**  
9 **WAHPETON BAND:** Thank you.

10 Good morning, ladies and gentlemen,  
11 elders, Chief and Council, members of the Royal Commission  
12 and Band members and good morning to the visitors. I will  
13 be speaking on various topics. My major issue is education  
14 and I will be going into some women's issues after I make  
15 my presentation on education.

16 A brief background on education, the  
17 Wahpeton-Dakota Nations re-established an education  
18 system in 1979. The school stabilized as a multi-grade  
19 three classroom school. At this time there is a  
20 kindergarten/nursery class, a junior class which consists  
21 of Grades 1 to 3 and the senior class which contains Grades  
22 4 to 6. The students in higher than Grade 6 have to attend

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1 the public school system in Prince Albert.

2                   During these years there have been major  
3 changes that occurred to provide the best education for  
4 the students of this community. Although funds are  
5 received from the federal government it is not enough.  
6 Wahpeton has a unique education system, in the sense where  
7 we are the only Dakota school in northern Saskatchewan.  
8 We are also a small school and we have a multi-grade  
9 system.

10                   Although we are a small school, we have  
11 to administer our system equally to the larger schools  
12 in the public system. We do not stop at the Grade 6 level.  
13 We are also concerned with students attending Grade 7  
14 to 12 and also post-secondary students off the reserve.  
15 We do this on the budget that we receive which is very  
16 limited.

17                   The caring that we put into education,  
18 as I said, does not stop at the Grade 6 level at which  
19 our funding does stop. We have to consider the problems  
20 that students in Grade 7 and up face outside this reserve.

21

22                   At this time we cannot keep up with the

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1 many requests that parents or students have because we  
2 just do not have the money to provide for them. There  
3 should be adequate money available to run a proper  
4 education system. Being a small school, the only  
5 beneficiaries funding-wise are the students attending  
6 Wahpeton School, which is from nursery to Grade 6.

7                   With the lack of proper funding for  
8 proper programming, our children's needs are not met.  
9 An example is although our students do not qualify for  
10 special education funding, we do require a source for  
11 remedial teaching. This is due to the multi-grade system  
12 that we are forced to be in.

13                   At this time there is no money available  
14 to provide this remedial teaching service that we require.

15       Because of a small school, we lack proper equipment for  
16 our programs. An example is our physical education  
17 program has only the very basic of equipment. To run a  
18 proper program we require a lot of the equipment that we  
19 cannot afford at this time.

20                   There is also the Dakota language issue.

21       We have a Dakota language in our system. This benefits  
22 the students to an extent. There is no follow-up at the

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1 home level. One hundred per cent of the second generation  
2 is non-speakers of the Dakota language. On the reserve  
3 level there is presently only about five speakers who are  
4 fluent in the Dakota language. It has been a struggle  
5 for us to keep up with our identity as Dakota people.

6                   Wahpeton education has a goal to retain  
7 and recover the Dakota language and culture for our people.

8 A study was done regarding Indian languages. The Dakota  
9 language is one of the languages which is put on a list  
10 of near extinction. With only a few Dakota Bands in  
11 Canada, there is very limited resources for our Band.  
12 We need to develop a structured program that would teach  
13 the language to our people and our children and the adults  
14 of our reserve. More and more, elders are telling us to  
15 learn our language. They must have a reason in telling  
16 us that our language is important.

17                   There is also a need to teach the  
18 language to our people, in the sense of economics, I guess  
19 in terms of jobs to be specific.

20                   There are policies among our Indian  
21 organizations that require employees to know an Indian  
22 language. If one of our people does attempt to get

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1 employment with our Indian organizations that is one strike  
2 against them for future employment.

3                   In the area of post-secondary, we  
4 believe that education is our inherent right. We believe  
5 that the federal government has an obligation to educate  
6 our people. The stipulations in capping of the  
7 post-secondary funding should be eliminated. The policy  
8 set for the post-secondary programs are slowly eliminating  
9 the choice of our people of their program and the  
10 institution that they desire.

11                   It is no longer the choice of what the  
12 student wants, but what the government wants for the  
13 students. When we take an example of a student at the  
14 age of 17, our of high school, this student is still not  
15 sure of what they want in life. If he chooses a program  
16 and finds out that it is not where he or she wants to be,  
17 it only gives him limited time to choose another area.  
18 Thus, the result is he does not retain a full standard  
19 of a program. If he does choose to go into another program,  
20 once again he has a partial standard of both programs.  
21 The choice of the student should remain with the student  
22 and the government, through the obligations of the treaty,

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1 should fund according to the needs of the students.

2 I attempted to address some of the needs  
3 of our people that we see. I work very closely with people  
4 on the reserve. I see the problems that they face in  
5 education and I am sure that we are not the only Band who  
6 faces these types of problems.

7 In the area of women's issues, my first  
8 issue I will be speaking on is the Bill C-31 impact. I  
9 am I guess a victim -- well, not me, but my child is a  
10 victim of the Bill C-31 impact. I am a status Indian.  
11 I belong to the Wahpeton Band. I have children. I am  
12 a single parent by choice. I have two children, one is  
13 13 and the other is 9 and they are classed as 6(1). I  
14 have a daughter who is two-years old. She is classed as  
15 a 6(2). Should my daughter have children out of wedlock,  
16 her children will not retain the status that she has.

17 I believe that my freedom I guess of  
18 choice has resulted in the fact that my daughter has status  
19 only for herself and not my future grandchildren. I  
20 believe that this policy should be relooked at because  
21 I feel they are infringing on my human rights as a person,  
22 as a Band member and most of all as a woman.

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1                   I chose not to put the name of my child's  
2 father down, for reasons that I will not disclose. The  
3 result of this is my daughter is classed as a 6(2). I  
4 use myself as an example, but I know there are a number  
5 of our young mothers on this reserve who are in the same  
6 situation as me. That is one issue that women of this  
7 reserve will be facing or are facing at this time.

8                   Another area in women's issues is the  
9 lack of support services for single parents, single  
10 mothers. There is not adequate child care available on  
11 this reserve. There is family available to help, but you  
12 can't depend on your family all the time because they have  
13 other things to do.

14                   I believe that there should be some  
15 policies in the area of social development that would --  
16 I guess in a way they do help the woman on welfare, the  
17 woman who qualifies for welfare, but there are also women  
18 who do not qualify for welfare and who are working and  
19 they still require these services.

20                   These are some of the issues that we face  
21 in Wahpeton. At this time I would like to thank the Royal  
22 Commission for hearing my presentation and, most

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1 important, I would like to thank the Chief and Council  
2 and the Band members of my Band for allowing me to represent  
3 them in this forum. Thank you.

4 **COMMISSIONER CY STANDING:** I guess we  
5 will listen to the two presenters and then introduce  
6 questions.

7 Darlene McLeod, I forget how old she is,  
8 a little over 18 I think. Darlene worked with us ten years  
9 ago as a secretary. She went on to get her Commerce degree  
10 and worked for a number of other bands, Fort Chip, she  
11 worked in the Northwest Territories and now we are  
12 fortunate enough to have her here as our Band  
13 Administrator. Our next presenter is Darlene McLeod.

14 **DARLENE McLEOD, BAND ADMINISTRATOR,**  
15 **WAHPETON BAND:** Good morning, Cyrus.

16 Good morning, ladies and gentlemen,  
17 respected elders, Chief and Council, members of the  
18 Commission and the visitors. As Cyrus was saying, I worked  
19 for the Band in the 1970s and many things have changed  
20 here at Wahpeton in the ensuing time and in other respects  
21 many things have stayed the same.

22 Health has always been a major issue here

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1 on this reserve, better facilities for the members. In  
2 speaking to that, housing has always been a major  
3 consideration, being considered that adequate and good  
4 housing would definitely tend towards better health  
5 conditions for the members.

6 In trying to achieve adequate housing  
7 on the reserve it becomes a major hurdle for all Bands.  
8 The housing problems have changed in many aspects over  
9 the years, but the problems that remain are still a direct  
10 result of policy, a policy at the federal government level.

11 In the 1992-93 housing policy, the  
12 department requires you construct a fully modern home.  
13 This poses a major problem. The actual dollars supplied  
14 by INAC do not allow you to construct a home. Here at  
15 Wahpeton we receive \$35,000. It is virtually impossible  
16 with that limited funding to construct a home that is  
17 complete with sewer and water.

18 If you were a large Band, the department  
19 suggests you may, for example, receive funding for ten  
20 homes and construct five homes that are complete with sewer  
21 and water. This doesn't solve your housing problem, but  
22 it does look good for statistics for INAC.

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1                   If you are a small band, as I say, you  
2 receive one house per year and the funding is difficult,  
3 if not impossible, to build a home.

4                   CMHC has a program that allows you to  
5 have funding to build on the reserve. It is considered  
6 to be an alternative, although there are many pros and  
7 cons to that. First, CMHC prefers to do a project on the  
8 reserve to have it involve many houses. If you are a small  
9 Band and only receiving one house a year, it's very  
10 difficult to qualify under this guideline. It's a good  
11 consideration for large Bands. It's a very major hurdle  
12 for a small band.

13                   The second difficulty with the CMHC  
14 policy is the repayment of the mortgage dollars. This  
15 poses no problem if the houses are occupied by social  
16 assistance recipients because if you are receiving  
17 assistance the program allows you to charge the rental  
18 fee and, therefore, cover off your mortgage dollars.

19                   If the recipient of the house is not on  
20 assistance, it becomes a major problem because  
21 traditionally housing has never been charged for on  
22 reserves and people that suddenly have to start paying

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1 housing costs are very much against it and they are very  
2 vocal about it.

3                   If the Band is unable to collect from  
4 the non-social assistance recipients, they must make up  
5 the deficit out of their Band funds. There is no  
6 alternative. These mortgage payments must be met.

7                   One more problem with regard to the  
8 housing and the funding, if you are in a Band house and  
9 by this I mean a Band-owned house and one that is not  
10 financed by CMHC, you are not allowed to charge a rental  
11 fee. Under the social assistance policies, they feel that  
12 if they paid rent for houses that were constructed with  
13 Band dollars that they are topping up the housing dollars  
14 and they will not consider doing this. Yet, they will  
15 pay rent for a house in town that is owned by any number  
16 of different people and they do not ask if there is a  
17 mortgage involved there.

18                   I think this is very unfair. If the  
19 people are forced to go to town for housing, their housing  
20 is paid for. If they choose to remain on the reserve,  
21 unless they go into a CMHC house, there is no rental  
22 allowance. There is just absolutely no equity there

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1 whatsoever.

2                   The dollars that are given for  
3 administration in the housing area for renovations are  
4 also very inadequate. Under INAC policy you are allowed  
5 to renovate a home once a year, or once every five years  
6 rather, to a maximum of \$5,000. For anybody who is a  
7 regular homeowner, you would realize that \$5,000 is a very  
8 inadequate amount of money to upkeep a home for a five-year  
9 period.

10                   In the view of the reserve housing, where  
11 the Band is attempting to maintain the homes, you are not  
12 only talking about material dollars, but labour dollars  
13 in that \$5,000. It becomes a question of, quite frankly,  
14 being able to manipulate and be a very creative financier  
15 to meet your housing dollars and not come out in a deficit  
16 at year end in your audit.

17                   The straight administration dollars  
18 that come to a band are also very inadequate. As the years  
19 have gone by, the department has chosen to have Bands take  
20 over many of their own programs. In the past, these  
21 programs have been given in the view of PYs or person years,  
22 but there were no O&M dollars that came with the positions

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1 and there were no capital dollars that came with the  
2 positions. The department retained both of those sets  
3 of dollars and they disappeared somewhere within their  
4 budgeting capabilities.

5                   When you speak to the department on these  
6 issues, they assure you all the money has been put out  
7 and yet it is very obvious that the PY dollars comes, but  
8 no O&M and no capital.

9                   Also, over the years, there have been  
10 a number of program cuts which have directly affected the  
11 reserves. One of those particular programs is fire  
12 prevention. In the Saskatchewan region in the early 1980s  
13 there was a very large training program that went on for  
14 approximately five years, where the department trained  
15 fire-fighters and over a period of time provided fire  
16 trucks and firehalls.

17                   The person out of Regina that worked for  
18 the department that headed this up retired. When he  
19 retired, the program simply melted into the woodwork.  
20 It no longer exists.

21                   When questioned on it, regionally they  
22 admitted that this had happened. They could give no reason

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1 why or no assurance that it would come back.

2                   Being in a rural area, fire insurance  
3 is very expensive. We are required to have our houses  
4 insured. CMHC in their subsidy payments gives you a  
5 certain amount that allows housing to be insured. Within  
6 your INAC budget you receive no funding. An example is  
7 this building that we are sitting in is valued at \$1.5  
8 million. We are expected to ensure it and yet we receive  
9 no funds to do so. So, we must find it within the yearly  
10 allotment when it comes to the Band.

11                   This continual search for dollars within  
12 the yearly budgets means that although we are underfunded  
13 in program areas to begin with, we are forced to be further  
14 underfunded and take dollars from each program area to  
15 meet the needs of things such as insurance.

16                   Beverly mentioned the problem with  
17 daycare. In the last number of years, Wahpeton has  
18 attempted to look at the childcare and the daycare issue.  
19 It becomes a very mixed problem of jurisdiction. Within  
20 the Province of Saskatchewan, the provincial government  
21 has jurisdiction over daycare legislation. To have a  
22 subsidy in a daycare centre you must fall under provincial

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1 legislation. When you are on the reserve, you are  
2 considered in federal jurisdiction and, therefore, the  
3 province will not subsidize a daycare on the reserve  
4 because it is outside of provincial jurisdiction. It  
5 becomes very much a catch-22 situation. You may have a  
6 daycare, but you are unable to get subsidy. The reality  
7 of that is the working people on the reserve are simply  
8 unable to afford the services.

9                   We have tried in a number of ways to work  
10 around these problems, one being the use of WOP dollars  
11 through the social assistance program, that is where you  
12 can take a person and put them to work in a job and the  
13 social assistance program will pay a proportionate amount  
14 of their wages.

15                   We have tried to combine this with the  
16 use of dollars through CEIC or the new Pathways programs.

17 This has become a major hurdle with the change in the  
18 level of funding this year. For example, Wahpeton had  
19 a training program that as of August of 1991 had been  
20 approved in excess of \$100,000. It was put on hold due  
21 to lack of funding. We were told the program would go  
22 at the beginning of the new fiscal year because it was

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1 approved.

2                   The beginning of the new fiscal year  
3 Pathways came about and the finance reverted to the Chiefs,  
4 the decisions for the finance. The very long and short  
5 of it is this year Wahpeton will receive less than \$20,000.

6       The training program which was approved as of August last  
7 year has now been totally cut and lost in the paper shuffle.

8                   From a small band point of view, the  
9 training programs and the training dollars that we were  
10 in the past able to access through CEIC are absolutely  
11 vital to running our office and getting our people into  
12 training. We receive very inadequate education dollars,  
13 as Beverly mentioned prior, and those education dollars  
14 speak to post secondary in a very limited way. They do  
15 not speak to technical training.

16                   Technical training to this point has  
17 been available through CEIC. That is not becoming  
18 virtually impossible to access.

19                   I would like to thank the Commission this  
20 morning for listening to my many complaints and my views  
21 on the subject of finance for small bands.

22                   **CO-CHAIR GEORGES ERASMUS:** Thank you

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1 for your two presentations. We will open the floor for  
2 the Commissioners to make comments or ask questions.  
3 Bertha.

4 **COMMISSIONER BERTHA WILSON:** Thank you,  
5 Georges.

6 We have been hearing the same complaints  
7 in these areas in almost every community that we have gone  
8 into, so we are reasonably familiar with what the general  
9 situation is. It's a sad scene is the way that I would  
10 sum it up.

11 I would like to ask a bit more about the  
12 school here. If you could give us an idea of the number  
13 of students, how many teachers there are, how many go on  
14 to post-secondary, I think if you could give us a general  
15 idea of how the school operates I think that would be very  
16 helpful.

17 **COUNCILLOR BEVERLY WADITAKA:** At this  
18 time we have 38.5 students in our school -- 38.5. Where  
19 you get the .5 from is nursery. They are funded at half  
20 time

21 **CO-CHAIR GEORGES ERASMUS:** So, it's  
22 38.5?

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1                   **COUNCILLOR BEVERLY WADITAKA:** That's  
2 what we have. I base it on the formula

3                   **COMMISSIONER BERTHA WILSON:** My  
4 colleague is having difficulty with the idea of a half  
5 a student.

6                   **COUNCILLOR BEVERLY WADITAKA:** In the  
7 past two years we've hit a 60 enrolment, the past couple  
8 of years. But with the fact that parents are moving off  
9 the reserve for employment and education, our enrolment  
10 has dropped and we have been funded accordingly to our  
11 drop in our enrolment.

12                                 In the Grade 7 to 12 program, at this  
13 time we are busing into town 24 students.

14                                 In our post-secondary education system  
15 we have 15 students who are in a program to date.

16                   **CO-CHAIR GEORGES ERASMUS:** I didn't  
17 catch that, 15 what?

18                   **COUNCILLOR BEVERLY WADITAKA:**  
19 Students.

20                   **CO-CHAIR GEORGES ERASMUS:** In what?

21                   **COUNCILLOR BEVERLY WADITAKA:**  
22 Post-secondary.

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1                   **CO-CHAIR GEORGES ERASMUS:** How many  
2 teachers?

3                   **COUNCILLOR BEVERLY WADITAKA:** We have  
4 two teachers with B.Ed. We have one kinder-garten/nursery  
5 instructor who has her Early Childhood Development  
6 Certificate. We have a Dakota language instructor. We  
7 have a library, cultural arts instructor which we also  
8 use as an associate and at this point we just acquired  
9 a reading recovery tutor based at half time.

10                  **COMMISSIONER BERTHA WILSON:** You  
11 mentioned that you had some equipment but that you needed  
12 a lot more. Would you give us an idea of what kind of  
13 equipment you are talking about?

14                  **COUNCILLOR BEVERLY WADITAKA:** For  
15 example, in our physical education program we do not have,  
16 as you can see visible in our school, we do not have the  
17 climbing apparatus that are required for a good structural  
18 program. We do not have the gymnastic equipment that is  
19 required. When we do track and field, we have to borrow  
20 a lot of that equipment.

21                  **COMMISSIONER BERTHA WILSON:** What about  
22 books, library, that sort of thing?

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1                   **COUNCILLOR BEVERLY WADITAKA:** We have  
2 a library and we fund it when we have a surplus. All our  
3 books, our supplies, are all purchased with our  
4 instructional dollars.

5                   We put the majority of the money towards  
6 the needs of the academics in the system.

7                   **COMMISSIONER BERTHA WILSON:** Thank you  
8 very much.

9                   **CO-CHAIR GEORGES ERASMUS:** Paul.

10                  **COMMISSIONER PAUL CHARTRAND:** Thank  
11 you.

12                  To Councillor Waditaka first, you  
13 mentioned that you have one Dakota language instructor.  
14 Did I hear that correctly?

15                  **COUNCILLOR BEVERLY WADITAKA:** Yes.

16                  **COMMISSIONER PAUL CHARTRAND:** One of  
17 the problems that was brought to our attention elsewhere  
18 was the fact that there was a difficulty in getting  
19 aboriginal language instructors accepted, having their  
20 qualifications accepted so that they could be paid on a  
21 par with teachers, as it were. Do you have a problem in  
22 that area? Can you describe the situation briefly?

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1                   **COUNCILLOR BEVERLY WADITAKA:** Yes, we  
2 do. There is very little development in the language area  
3 for curriculum. Our Dakota language instructor is an  
4 elder from this reserve. A lot of his teachings are oral.  
5 There is no textbooks, no worksheets and the oral teaching  
6 comes from the fact that he is not a certified teacher  
7 and he cannot develop the program.

8                   He is at this time the only one that we  
9 see that is able to do the job. When we were signing our  
10 CADs we were in a meeting and there was a point that came  
11 out that in the future, maybe not the year, but the  
12 following year, that they probably will be needing a  
13 certified instructor for the Dakota languages and the  
14 kindergarten/nursery.

15                   If we are forced into that situation,  
16 there will be not enough money in there because we would  
17 have to look for outside resources out the reserve  
18 possibly, out of Saskatchewan, into Canada and also across  
19 the border.

20                   **COMMISSIONER PAUL CHARTRAND:** One more  
21 question. It has to do with the information you gave us  
22 about the effect of the Indian Act Membership Code. My

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1 question follows on an earlier one that I put to Councillor  
2 Standing earlier.

3 I think your suggestion, if I understood  
4 it, was that the Indian Act Membership Code should be  
5 changed. On the other hand, I heard earlier that the  
6 Dakota were working on establishment of Dakota rules of  
7 membership.

8 It seemed, if I understood your  
9 argument, that you were arguing not for the establishment  
10 of a Dakota membership quota, but rather for a new Indian  
11 Act Membership Code. I wonder if you might elaborate on  
12 your views of the idea, if I can use that word, Membership  
13 Code that you would like to see or that you would perceive  
14 the community would like to see established? I did not  
15 have a good understanding of that. The earlier reference  
16 was to bloodlines, for example, and yet if I understood  
17 your presentation I think there were other arguments made  
18 not having to do with bloodlines, but with other issues.  
19 You talked about the fact that there was a distinction  
20 made between children, depending on who the parents might  
21 be.

22 It occurred to me that there would be

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1 other factors than bloodlines. I wondered if you had given  
2 any thought to this issue and if you have given any thought  
3 to the kind of membership rules, if I may use that word,  
4 that you would like to see apply here. Again, I will repeat  
5 this once more in my question to try to make myself as  
6 clear as I can. Is it correct to understand you to be  
7 saying that what you wished to see is a reformulated Indian  
8 Act membership system or, alternatively, are you concerned  
9 to see something else, or is it a combination of both or  
10 what is your position on that. Thank you.

11 **COUNCILLOR BEVERLY WADITAKA:** When I  
12 brought up this issue I saw two different I guess ideas  
13 here. First of all, my concern is directly with the  
14 federal government in the area of status. That is one  
15 area.

16 It is true, we are looking at our  
17 membership code.

18 First of all, I see two different issues  
19 here. First of all, there is the federal government that  
20 says who is a member of your Band and that's what I was  
21 talking about, referring to Bill C-31. Then, there is  
22 a membership code for the Band.

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1                   At this point, my daughter is a member  
2 of this Band based on our Code. She is on the Band list  
3 from Indians Affairs, from the government.

4                   What I am concerned about is her child.  
5 With our Band Code, her child will be a Band member of  
6 this Band, but she will not have the status, if my daughter  
7 chooses to have a child out of wedlock.

8                   **COMMISSIONER PAUL CHARTRAND:** If I may  
9 intervene to clarify my question. What you are saying  
10 is that for the next two generations you wish to see the  
11 continued application of the Indian Act Membership Code,  
12 for at least that long?

13                   **COUNCILLOR BEVERLY WADITAKA:** To be  
14 recognized as a status Indian.

15                   **COMMISSIONER PAUL CHARTRAND:** Yes,  
16 right.

17                   I wonder, Mr. Chairman, if I may ask one  
18 more brief question to Darlene McLeod. It has to do with  
19 your reference to CMHC houses and with the mortgage  
20 repayment situation. I didn't quite understand that quite  
21 well. One of the reasons I didn't understand this quite  
22 well is my unfamiliarity with what one might call

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1   bureaucratise. I call it that for my own purposes, O&M  
2   dollars and so on. I find that a little difficult to  
3   follow. I wonder if you might assist me.

4                    You made a distinction between two sorts  
5   of mortgage repayment schemes, if I followed your argument.  
6   One, if people were on what you termed assistance, then  
7   there was not a requirement for repayment and, if I  
8   understood you, the other category was this, that for other  
9   individuals, that is for individuals not on welfare schemes  
10  then there was a requirement for repayment of the mortgage.

11  Did I get that part right so far?

12                   **DARLENE McLEOD:** No.

13                   **COMMISSIONER PAUL CHARTRAND:** I didn't.

14  I wonder if you might explain that and I may not have  
15  a question once you've explained that, or I might have  
16  more, I don't know.

17                   **DARLENE McLEOD:** Yes. With CMHC, if  
18  you attain a mortgage for reserve housing, it must be paid  
19  back regardless of who lives in the house. If the people  
20  living in the house are on social assistance, within the  
21  social assistance program you are allowed to charge a  
22  rental fee and, therefore, there is no problem making the

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1 subsidized payment back to CMHC. It's built into your  
2 social assistance dollars.

3                   If the people are not on social  
4 assistance, say they work for the Band, they work outside  
5 of the Band, et cetera, you must collect rent from them  
6 and that's based on a sliding scale according to income  
7 as provided by CMHC.

8                   **COMMISSIONER PAUL CHARTRAND:** All  
9 right. I think I follow that, but I still do not understand  
10 your concern. What policy recommendations are you  
11 recommending to us here? What is it that you would like  
12 to see? I am not sure, houses have to be paid. Houses  
13 cannot be made out of thin air. I am not sure who it is  
14 should pay and I am not sure if your concern is that the  
15 community does not have the funds to pay for the houses  
16 or if your concern is rather a consideration of the fairness  
17 of an existing program. I am not sure. Would you  
18 elaborate the nature of your concern for me, please.

19                   **DARLENE McLEOD:** My concern is the fact  
20 that if the house is funded through CMHC on the reserve,  
21 there is a payback mortgage involved. If the Band  
22 builds the house out of Band funds, or mortgages say through

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1 the bank, social assistance recipients that live in those  
2 houses, the policy states you can only charge rent if it  
3 is a CMHC home. If the house has been built in any other  
4 way you cannot charge rent.

5 My complaint is this: If they are in  
6 the city and they are on assistance, no matter where they  
7 live or what the rent is within a reasonable rate, social  
8 assistance pays it. That is policy.

9 But if you live on the reserve, unless  
10 the house is CMHC mortgaged, social assistance will not  
11 pay a rental fee.

12 **COMMISSIONER PAUL CHARTRAND:** All  
13 right. I think I understand. Your concern is with the  
14 perceived inequities of an existing program and not with  
15 the more general and fundamental issue of the economics  
16 and perhaps we will hear from someone else about that.

17 **DARLENE McLEOD:** Not the payback of it,  
18 Paul. It is the fact that if the reserve builds, like,  
19 for instance, with Wahpeton we get roughly \$37,000 a year  
20 to build a house. That's not enough dollars to build a  
21 modern home.

22 What we are forced to do is use either

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1 two consecutive years of housing dollars to build one house  
2 or find another method of financing it.

3 If we use two consecutive years to  
4 finance the house and a family moves in, if those people  
5 living in it are on social assistance, we are not able  
6 to charge them a rental fee which will allow us to maintain  
7 and upkeep the home.

8 If, in turn, we get the mortgage money  
9 from CMHC, then we are allowed to charge a rental fee and  
10 social assistance will pay it. I see that as a very large  
11 inequity because if the people live in the city, social  
12 assistance pays a rental charge and there is no question  
13 whatsoever. **COMMISSIONER PAUL CHARTRAND:** Who stops  
14 you from doing this?

15 **DARLENE McLEOD:** Policy does.

16 **COMMISSIONER PAUL CHARTRAND:** Which  
17 policy?

18 **DARLENE McLEOD:** The social assistance  
19 policy within the federal government. We have charged  
20 rents and sent it in on our monthly statistics and they  
21 will not reimburse us for houses that are not CMHC  
22 mortgaged.

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1                   **COMMISSIONER PAUL CHARTRAND:** I think  
2 I understand your concern. I think it is in a different  
3 category from the other question that I mentioned, that  
4 is the general question of the affordability of housing  
5 and the capacity of a community to build those houses.

6                   Thank you for your elaboration.

7                   **CO-CHAIR GEORGES ERASMUS:** On the  
8 question of housing, when the Band receives the other  
9 funding, not the CMHC funding to build houses once a year  
10 and they are built, are they Band owned or are they  
11 individually family owned when the individual moves in?

12                   **DARLENE McLEOD:** They are Band-owned  
13 houses at this point.

14                   **CO-CHAIR GEORGES ERASMUS:** So, this is  
15 why you are saying that it's not right that you can't go  
16 back and charge rent on those houses if those people are  
17 on social assistance. Is that how it comes together?

18                   **DARLENE McLEOD:** That's correct. I see  
19 a very divided and inadequate system. When you are trying  
20 to administer from the reserve level and provide adequate  
21 housing, it becomes very difficult. Here on this reserve  
22 we have 18 CMHC houses. With the subsidies that they allow

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1 you, we can upkeep those homes. We can paint them. We  
2 can fix walls, we can change carpeting, et cetera.

3 If the people live in a Band-owned house,  
4 we have to attempt to do the repairs through yearly  
5 renovation dollars which don't begin whatsoever to meet  
6 the need.

7 If we were able to charge rent in a Band  
8 subsidized house rather than the CMHC home, we'd be able  
9 to keep the standard of housing at a level where the people  
10 and the Chief and Council demand it to be. What I am saying  
11 is because of the differing policy within assistance it  
12 does not allow you to do that on the reserve and yet in  
13 the city it doesn't matter what the condition of the home  
14 or whether the mortgage is paid or not, rent is still paid  
15 to the homeowner.

16 **CO-CHAIR GEORGES ERASMUS:** Could you  
17 explain for me some background. How is the land managed  
18 on this reserve? Do you have individual lots or are they  
19 just collectively owned and people just decide to use a  
20 particular part of it? How is the land actually managed?

21 **DARLENE McLEOD:** The land is managed in  
22 two different manners. The farmland on this reserve is

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1 leased out on a straight cash basis. That money is  
2 collected through INAC and kept in a trust account in  
3 Ottawa, where the Chief and Council have access to those  
4 dollars via BCR.

5                   The areas of housing on the reserve,  
6 people build their homes or have their homes built where  
7 they choose to live. In our recent land use study that  
8 was finalized last fall, our five-year plan, the suggestion  
9 was for a more urban type of housing to facilitate sewer  
10 and water into homes. This was rejected outright by both  
11 the people and the Chief and Council.

12                   The members at this time of this Band  
13 are not prepared in any way to live in a more urban setting.

14  
15                   **CO-CHAIR GEORGES ERASMUS:** Are there  
16 certificates of ownership issued on this reserve?

17                   **DARLENE McLEOD:** No, there are not.

18                   **CO-CHAIR GEORGES ERASMUS:** If you were  
19 to get all the money you needed for housing on this reserve  
20 now to get caught up, how many homes would you need to  
21 build?

22                   **DARLENE McLEOD:** I would venture to

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1 guess at this point, with the young families we have that  
2 are non-housed, that we would need a minimum of ten houses  
3 to meet our current requirements.

4 **CO-CHAIR GEORGES ERASMUS:** You also  
5 stated that some families left the reserve for employment  
6 elsewhere. Do these families just leave their homes  
7 standing until they come back?

8 **DARLENE McLEOD:** No. The houses are  
9 occupied by someone else while the family is away.

10 **CO-CHAIR GEORGES ERASMUS:** If these  
11 Band members and the others that are living off reserve  
12 wanted to come home, then you would need yet more homes?

13 **DARLENE McLEOD:** Yes. We would need at  
14 least ten more homes. At this point we have a number of  
15 people that would like to come back to the reserve and  
16 there is no place for them to live.

17 **CO-CHAIR GEORGES ERASMUS:** On the  
18 language program that you were telling us about, I am  
19 wondering if the program that you have here if you believe  
20 it is adequate for people to actually regain their language  
21 again or would you try and get an improvement? Perhaps  
22 you could tell me how many hours a week the language is

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1 actually taught.

2 **COUNCILLOR BEVERLY WADITAKA:** We have  
3 three classes. It is taught a half an hour each day.  
4 That is based on the number of minutes that is set aside  
5 from the Board of Education.

6 **CO-CHAIR GEORGES ERASMUS:** Do you  
7 believe it is adequate enough to bring back a language?

8 **COUNCILLOR BEVERLY WADITAKA:** I do not  
9 believe that it is adequate enough. Not only do we have  
10 to reach the little ones, but we have to go back one step  
11 and try and teach the adults also. It is not enough for  
12 us to come to retain our language through the school system.  
13 We need to look at a program that would help the adults  
14 also learn the language.

15 I believe that along with the funding  
16 that we get from the federal government, there should be  
17 our own pot of language and cultural curriculum development  
18 available, so that we do not have to dip into our education  
19 dollars to try and promote and retain our Dakota language  
20 among the adults.

21 **CO-CHAIR GEORGES ERASMUS:** Thank you.  
22 Paul, did you have another question?

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1                   **COMMISSIONER PAUL CHARTRAND:** No, thank  
2 you.

3                   **COMMISSIONER BERTHA WILSON:** May I ask  
4 another question?

5                   **CO-CHAIR GEORGES ERASMUS:** Yes, go  
6 ahead, Bertha.

7                   **COMMISSIONER BERTHA WILSON:** In some  
8 places we have been to, the parents of the children do  
9 not speak the language, but the grandparents do. In some  
10 situations the elderly people are encouraged to spend time  
11 with the grandchildren and the advantage of this being  
12 that it gives the elderly people a role which is meaningful  
13 and important and satisfying to them and also helps in  
14 the educational process of the grandchildren. Does that  
15 situation obtain here or do very few of the adults speak  
16 the language?

17                   **COUNCILLOR BEVERLY WADITAKA:** When I  
18 was talking about generations, the second generation I  
19 consider our age. We do not understand the language at  
20 all. The ones I referred to as the five are elders. Our  
21 elders are the younger elders and are in a position where  
22 they are supporting their own families and they have a

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1 job to do. That limits it to about three elders on this  
2 reserve.

3                   At this point we have only one active  
4 elder. The other elders that we go to for resources for  
5 specific reasons, they are physically incapable and  
6 health-wise it does not allow them to come and participate  
7 in such with our school system.

8                   **COMMISSIONER BERTHA WILSON:** Thank you.

9  
10                   **CO-CHAIR GEORGES ERASMUS:** You were  
11 talking about the fact that when this elder is involved  
12 in your language program he delivers an oral program and  
13 that he hasn't really any books or material or sheets of  
14 paper. I wonder, are you considering using the resources  
15 of the rest of the Dakota/Lakota/Nakoda people elsewhere?  
16 If the language and the culture is important to all parts  
17 of the larger nation, there must be an ability to pool  
18 resources from other parts. Has that been looked into?  
19 Has that been planned?

20                   **COUNCILLOR BEVERLY WADITAKA:** Yes, it  
21 has been planned. In the past, we have attempted to retain  
22 staff with the language ability and with this whole

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1 structuring of the Dakota Nations we are beginning to  
2 utilize some of the resources that they have available.

3

4 **CO-CHAIR GEORGES ERASMUS:** Is there any  
5 looking forward to perhaps an immersion program where the  
6 first two or three years perhaps, or even the first year  
7 is taught in the Dakota language?

8 **COUNCILLOR BEVERLY WADITAKA:** Yes, we  
9 are looking at programs like what you are talking about.  
10 We have attempted -- in the past we have attempted to  
11 have a cultural type of immersion program, but with limited  
12 dollars it can only go so far.

13 I know that there is material available  
14 in the States. They have the programming available. They  
15 have language programs and it is the accessibility of it  
16 dollar-wise I guess.

17 **CO-CHAIR GEORGES ERASMUS:** Thank you.

18 I guess we are finished with our questioning. I thank  
19 you both for your presentations this morning.

20 **COUNCILLOR BEVERLY WADITAKA:** Thank  
21 you.

22 **DARLENE McLEOD:** Thank you.

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1                   **CO-CHAIR GEORGES ERASMUS:** We will go  
2 to our next presenter.

3                   **COMMISSIONER CY STANDING:** Our next  
4 presenter is April Waditaka. She is from Wahpeton here  
5 and presently she is going to Carlton High School in Prince  
6 Alberta. She is a Grade 11 student. April Waditaka.

7                   **MIRANDA PROSPER, STUDENT:** Good  
8 morning, elders, Chief and Council, Band members, Royal  
9 Commission and visitors.

10                  **CO-CHAIR GEORGES ERASMUS:** Would you  
11 make sure that the microphone is right in front of you.  
12 Put it right in front of you so that we can hear you.

13                  **MIRANDA PROSPER:** My name is Miranda  
14 Prosper. I am 11 years old and I am in Grade 6 and I live  
15 on the Wahpeton Reserve. I am speaking on behalf of the  
16 children now attending Wahpeton Reserve. I am speaking  
17 on behalf of the children now attending Wahpeton School  
18 from ages 5 to 13.

19                  I will begin by introducing the school  
20 and its functions, then I will give you the needs and wants  
21 of the children and offer solutions. Wahpeton School  
22 operates for 32 children. There are three teachers, a

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1 resource teacher and a librarian here to meet the needs  
2 of the children on a day-to-day basis.

3 Dakota language instruction is --

4 **CO-CHAIR GEORGES ERASMUS:** Could you  
5 please speak into the microphone or maybe just move the  
6 light a little more this way, about six inches or so.

7 **MIRANDA PROSPER:** Wahpeton School  
8 operates for 32 children. There are three teachers, a  
9 resource teacher and a librarian here to meet the needs  
10 of the children on a day-to-day basis. Dakota language  
11 instruction is minimal.

12 There are tests for each grade, a  
13 classroom for each three grades, a small playground for  
14 all seven grades, five playing balls for all grades, one  
15 water fountain, two bathrooms and a small library and gym.

16 One of our major needs is school equipment. There isn't  
17 any physical education equipment for a proper program.

18 We would require renovated classrooms  
19 with air conditioning for comfort and more space. There  
20 are no computers here, which leaves us computer illiterate  
21 when we leave this school for Grade 7. The play area is  
22 inadequate for seven grades of children. We have only

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1 three teachers and no audio-visual aids and we require  
2 extra classrooms for art and science.

3                   There are a lot of needs in this school  
4 and the only solution appears to be that a major amount  
5 of money be allotted to the school to function as other  
6 schools in Canada.

7                   Another area of importance for us is to  
8 attend school here until Grade 12. That would mean a new  
9 school and more teachers. The solution again would be  
10 dollars to obtain our needs.

11                   As you know, our language is quickly  
12 deteriorating. We would like to get back our language.  
13 One solution would be to bring Dakota speakers to teach  
14 us on the reserve or implement a program similar to the  
15 Maori way of retaining your language and culture and that  
16 would be Dakota immersion and a language nest for one to  
17 four-year olds in a daycare setting. Then our future  
18 children would be Dakota speakers.

19                   We would like this to be a safer reserve.

20 We need a better working firehall, a safer bus stop,  
21 pollution control and our school taken care of better.

22                   We would like to be an alcohol-free

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1 reserve and policing for it. The police would be good  
2 to stop outside traffic from coming in and bothering us.

3 A solution to make this a safe reserve would be money,  
4 to put signs out, make bigger roads and sidewalks and to  
5 make a police force here.

6 The money shouldn't be a problem. We  
7 should have the same opportunities as other children in  
8 Canada. If the school were bigger and there were more  
9 kids, we could get more money for everything that we want.  
10 Thank you.

11 **CO-CHAIR GEORGES ERASMUS:** Thank you  
12 for making your presentation to us. I will ask the  
13 Commissioners if they have any questions.

14 I'm sorry, did you want to make a  
15 presentation also at this time?

16 **APRIL WADITAKA:** Yes.

17 **CO-CHAIR GEORGES ERASMUS:** Perhaps we  
18 will listen to you first. Perhaps you could introduce  
19 your partner.

20 **APRIL WADITAKA, STUDENT, CARLTON**

21 **SCHOOL, PRINCE ALBERT:** She is Miranda Prosper. She is  
22 a Grade 6 student here at Wahpeton. We thought it would

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1 be better to hear it from one of the students, instead  
2 of an older student who is travelling to town to go to  
3 school.

4 **CO-CHAIR GEORGES ERASMUS:** Thank you.  
5 Go ahead.

6 **APRIL WADITAKA:** Good morning, Chief  
7 and Council, members of the Commission, elders, fellow  
8 speakers and visitors. I am April Waditaka. I am a  
9 17-year old student. I am in Grade 11 at Carlton High  
10 School. I am representing the youth of Wahpeton Dakota  
11 Nations.

12 As a youth of this Band, there are a  
13 number of needs that need to be looked at. First, in  
14 education, the students from Wahpeton have to attend school  
15 in Prince Albert. These students face a lot of problems.  
16 The majority of the students drop out by Grade 10. Some  
17 areas that create these problems are: racial  
18 discrimination, no academic support for homework. Some  
19 of the curriculum is not relevant to Indian life.

20 There needs to be more Indian staff in  
21 the city system to help Indian students. On the reserve  
22 there are a number of areas that we need to see happen.

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1 As a youth, we find it hard to have activities that we  
2 want because of a lack of recreational facilities. We  
3 need to upgrade the recreation program to help the youth  
4 of the Band to become active participants of this Band.

5 The social issue of home life needs to  
6 be addressed. The youths struggle at home because there  
7 are not other parents to turn to when they need help, an  
8 example is babysitting. When an event happens for this  
9 reserve, there are not enough people to help babysit.  
10 Everyone has something to do. There should be programs  
11 developed to provide these services. Too often the youth  
12 are asked to babysit when parents are gone to bingo,  
13 drinking, shopping, et cetera. Sometimes students  
14 miss school just to babysit.

15 Some students do not have a stable home  
16 life. This does not provide the teaching to succeed in  
17 education and self-development as a person. There needs  
18 to be services to help these students.

19 I am also providing some possible  
20 suggestions for a solution to help in these problem areas.

21 Money is needed to construction education facilities to  
22 accommodate Grades kindergarten to 12, be a more

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1 comprehensive blend of native studies in curriculum to  
2 help offset social pressures, to build understanding and  
3 acceptance in the non-native community, an expansion of  
4 the teaching level so that the tutors may be available  
5 in this area if needed.

6 As an example, we have a reading recovery  
7 out here. A significant expansion of programs and funding  
8 in the health and welfare area, programs that address  
9 parenting skills, family violence and child abuse.

10 In closing, I would like to thank my Band  
11 for giving me the opportunity to speak on behalf of the  
12 youth of Wahpeton. I would like to thank the Royal  
13 Commission for patiently listening to my presentation.  
14 Thank you.

15 **CO-CHAIR GEORGES ERASMUS:** I would like  
16 the two of you for your presentations.

17 I will now ask the Commissioners if they  
18 have any comments or questions. I will start with Bertha.

19 **COMMISSIONER BERTHA WILSON:** Most of  
20 the things that you are complaining about with respect  
21 to the schools are things that could be solved by more  
22 money or are there other things that just supplying more

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1 money wouldn't fix?

2 **APRIL WADITAKA:** I didn't quite  
3 understand the question.

4 **COMMISSIONER BERTHA WILSON:** I was  
5 really asking, having heard what you both have had to say,  
6 so many of the things that you are complaining about could  
7 be solved if there was more money available for education,  
8 but I am wondering whether there are any other things that  
9 just supplying more money wouldn't fix?

10 **APRIL WADITAKA:** I have no idea.

11 **CO-CHAIR GEORGES ERASMUS:** I will ask  
12 Paul if he has any questions.

13 **COMMISSIONER PAUL CHARTRAND:** Thank  
14 you.

15 Thank you for telling us about these  
16 difficulties. I am not going to ask you many questions  
17 about how they might usefully be addressed. I see some  
18 people here coming up on the agenda though and I might  
19 ask them, but there is one question. It follows on  
20 something that Commissioner Wilson said.

21 I want to tell you about something that  
22 we heard in other places from young people. It had to

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1 do with recreation programs and you talked about that.  
2 It might be easy to assume that if young people have  
3 recreational facilities available then they will use them  
4 and this will be very useful to them.

5                   What we have been told elsewhere,  
6 however, by young people is that one of the difficulties  
7 that they had was not so much with the unavailability of  
8 recreational and sports equipment, but rather with  
9 something else, with the difficulty, if not impossibility,  
10 of getting adults to support them. That is, they could  
11 not get adults interested in running the programs and  
12 helping them with these programs. I think that would be  
13 one of the things that might fall into the category of  
14 things that Commissioner Wilson referred to.

15                   I wonder if you have any thoughts about  
16 that. What about the recreational programs? Do you have  
17 the facilities here or what is missing about your  
18 recreational program or your sports program?

19                   **MIRANDA PROSPER:** What's missing? Did  
20 you say what was missing?

21                   **COMMISSIONER PAUL CHARTRAND:** Yes.  
22 What is missing? I think you referred or I have a note

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1 here that April made, there is a need to up-grade the  
2 recreational program. What do you mean by that? What  
3 should be done?

4 **APRIL WADITAKA:** If the students were  
5 to participate there might be more sports-type people.

6 **COMMISSIONER PAUL CHARTRAND:** If they  
7 were to participate. So they are non-participating. My  
8 question is how would you get them to participate? What's  
9 missing? Is it the equipment or is it something else?

10 **APRIL WADITAKA:** There is not very much  
11 equipment. There are a lot of youths on this reserve who  
12 would like to participate, but not enough equipment.

13 **CO-CHAIR GEORGES ERASMUS:** If you were  
14 to go beyond the school and you were to just speak about  
15 the young people in the community, what are the major issues  
16 that concern young people in this community?

17 **APRIL WADITAKA:** I'm not sure.

18 **CO-CHAIR GEORGES ERASMUS:** We heard  
19 just before you from people that run this school. One  
20 of the things they want to do is try to bring back the  
21 Dakota language. Do you think young people would be  
22 interested in learning the original language?

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1                   **APRIL WADITAKA:** Yes, I do, because from  
2 the reserve school they would go to school in town and  
3 they have languages out there, like French for example.  
4 I have been taking French for quite a while now because  
5 I've been going to a white community school and then taking  
6 French and trying to learn your language I think that might  
7 be a little more difficult.

8                   I think they might be more knowing  
9 themselves if they do know their language -- they might  
10 know themselves more.

11                   **CO-CHAIR GEORGES ERASMUS:** I would like  
12 to thank the two of you for having the courage to come  
13 to talk to us. Thank you.

14                   I think we will try and have maybe one  
15 more presenter before we break for lunch.

16                   **COMMISSIONER CY STANDING:** Our next  
17 presenter is Warner Goodvoice. Warner attended student  
18 residence in Prince Albert. Following that he went to  
19 college in Calgary and then he worked for many years as  
20 a child care worker at the Prince Albert Indian Student  
21 Residence. From there he came to work at Wahpeton as our  
22 social development administrator. Warner Goodvoice.

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1                                   **WARNER GOODVOICE, SOCIAL DEVELOPMENT**  
2   **ADMINISTRATOR, WAHPETON BAND:** Good afternoon, Chief of  
3 Council, Commission members and visitors.

4                                   My first few comments I guess are  
5 strictly my own in regards to funding and the bureaucracies  
6 created by it or for it. These bureaucracies, I feel like  
7 the Tribal Councils, create more hoops for the Bands to  
8 jump through to access already limited funding. This is  
9 after they have taken a substantial and in their eyes I  
10 imagine a fair share for administration. This  
11 administration appears to be increasingly top heavy with  
12 the top people's friends and cronies, be it by design,  
13 I am sure the funding agencies are chuckling up their  
14 sleeves when the money is tossed into a pot then the Bands  
15 start to squabble over it, this limited money which is  
16 never enough for people to do what needs to be done.

17                                   This time can better be spent on treaty  
18 rights and entrenchment thereof, economic development,  
19 health care, social development and I think we can't  
20 seriously have self-government when 40 or 50 people all  
21 have a say in how you spend your money or how to run your  
22 programs.

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1                   I can't say too much about the FSIN, that  
2 we see no money that is funnelled into that organization.  
3       There are no programs at the reserve level or grassroots  
4 level I guess is the buzzword now, nor do we have a say  
5 on who is elected to serve in that organization.

6                   If funding were directed to the Bands  
7 directly, the amount of money available for programs of  
8 the Band's choosing would be available. If the Bands  
9 choose to be a part of tribal council's SIIT, FSIN or any  
10 of these money-eating organizations, they could and would  
11 pay an appropriate amount to support those organizations.

12       These bureaucracies would then be accountable to the Bands  
13 that support them.

14                   Aside from all that, the Band would be  
15 able to do some constructive programming. Given the high  
16 dropout rate which you have heard about amongst our young  
17 people on the reserve, training programs and adult  
18 education programs could be implemented. This could  
19 include cost-sharing arrangements with employers off the  
20 reserve.

21                   The lack of an economic base on the  
22 reserve, a resource base, coupled with a high drop-out

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1 rate paints a very bleak employment picture.

2                   Preventive programs, I believe, could  
3 be implemented and are much more constructive than  
4 treatment centres and recycling people through those types  
5 of programs. A day care program to assist young parents  
6 with educational employment and training goals assists  
7 employed persons with equality, low cost and good quality  
8 childcare facility. It also would create employment.

9                   Youth programs. We just heard some  
10 questions on recreation. I will deal with that a little  
11 later. I was listening there and that's one of the areas  
12 I try to deal with also.

13                   Youth services, alternatives to  
14 courts and possible incarceration. Family support  
15 systems, young mothers, teaching parents, young parents  
16 parenting skills, when they come from broken homes or have  
17 spent a number of years in institutions off the reserve,  
18 their parenting skills aren't there.

19                   Family violence and counselling, child  
20 abuse, neglect, detection, counselling and feeling.

21                   We receive a quarter of a million dollars  
22 annually for welfare. When we run short, there is more

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1 available. This does not enhance the quality of life on  
2 the reserve. What it does do is promote dependency on  
3 welfare and perpetuate the cycles of poverty, alcohol  
4 abuse, violence and all the things that go along with those.

5  
6                   With the Band having more control over  
7 the dollars and on how the dollars are expended, these  
8 constructive programs could be implemented and in the long  
9 term not only would they be much less expensive, but they  
10 would actually benefit the people it was intended to  
11 benefit. I believe bands have enough competent leaders  
12 and support staff that this could be done. I don't think  
13 there is a need for the higher priced "degreed" or pedigreed  
14 consultants that we have running around telling us what's  
15 good for us.           Who better than ourselves knows what our  
16 needs are. Thank you.

17                   **CO-CHAIR GEORGES ERASMUS:** Thank you.

18           I will see if the Commissioners have any comments or  
19 questions. Bertha.

20                   **COMMISSIONER BERTHA WILSON:** Do I take  
21 it from what you have said that you think then that the  
22 basic unit for self-government would be the Band itself?

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1 We have heard quite a lot of talk about the evils of the  
2 Indian Act and that some native people want to get rid  
3 of the Indian Act and don't want to base their concept  
4 of self-government on what they think of as the artificial  
5 structures that have been created under the Indian Act.

6 I gather from what you've just been saying about the Band  
7 running its own show and deciding what the needs of the  
8 members are in making their own decisions that you are  
9 really contemplating that the Band would be the unit of  
10 self-government under the new self-government regime.  
11 Am I reading you right on that?

12 **WARNER GOODVOICE:** That's what I  
13 believe Indian government would mean. I don't think --  
14 you made reference to the Indian Act, which I refer to  
15 as the whiteman's act regarding Indians. I am not sure  
16 if we had any input into that or not.

17 **COMMISSIONER BERTHA WILSON:** But you  
18 would be quite happy to continue with that structure as  
19 being the sort of institution of self-government, would  
20 be the Band --

21 **WARNER GOODVOICE:** Until we have  
22 developed our own.

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1                   **COMMISSIONER BERTHA WILSON:** Until you  
2 have developed your own.

3                   Could you give us some idea of what your  
4 own might look like or have you not had a chance to think  
5 about that?

6                   **WARNER GOODVOICE:** Actually, I have not  
7 prepared in that regard whatsoever.

8                   **COMMISSIONER BERTHA WILSON:** Thank you.

9                   **CO-CHAIR GEORGES ERASMUS:** Paul.

10                  **COMMISSIONER PAUL CHARTRAND:** Thank you  
11 for your presentation. There is one point that I didn't  
12 understand and I wonder if you might clarify it for me.

13

14                  I have something here, you made a  
15 reference to not having a say on who speaks for you. I  
16 am not sure at what level that was. You referred to the  
17 FSIN, but you also referred to the Tribal Council. At  
18 what level are you perceiving a difficulty in lack of  
19 representation?

20                  **WARNER GOODVOICE:** At the Band level.

21                  **COMMISSIONER PAUL CHARTRAND:** How is  
22 that? I don't follow.

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1                   **WARNER GOODVOICE:** I guess it's  
2 supposed -- I'm not sure how it's supposed to run. We  
3 have three delegates I guess that would go to these meetings  
4 and they would vote as they see fit.

5                   **COMMISSIONER PAUL CHARTRAND:** Who  
6 meets?

7                   **WARNER GOODVOICE:** The FSIN in General  
8 Assemblies or whatever they call them, like when they have  
9 their annual elections. Three delegates would go from  
10 the Band and they would vote as they see fit.

11                   **COMMISSIONER PAUL CHARTRAND:** Who  
12 decides who are the delegates? Is this your concern, that  
13 you do not have a say in who the delegates are? Is that  
14 the concern?

15                   **WARNER GOODVOICE:** No. We don't have  
16 any say period.

17                   **CO-CHAIR GEORGES ERASMUS:** Your concern  
18 is the numbers of delegates, that's what your concern was?

19                   **WARNER GOODVOICE:** Pardon?

20                   **CO-CHAIR GEORGES ERASMUS:** You are  
21 concerned with the number of delegates?

22                   **WARNER GOODVOICE:** No. The average

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1 person at the Band level has no say as to who is elected  
2 as the Chief or Vice-Chief and so on and so forth, all  
3 the way down.

4 **CO-CHAIR GEORGES ERASMUS:** At the FSIN  
5 level?

6 **WARNER GOODVOICE:** Yes. My  
7 under-standing would have been that it would be discussed  
8 at prior or -- well, it would have to be prior, but a lot  
9 of times that doesn't happen.

10 **COMMISSIONER PAUL CHARTRAND:** How are  
11 these delegates chosen or appointed or whatever?

12 **WARNER GOODVOICE:** They are elected by  
13 the delegates that are there from the various Bands.

14 **COMMISSIONER PAUL CHARTRAND:** Who puts  
15 their names forward?

16 **WARNER GOODVOICE:** I guess when they are  
17 elected it's the Chief and Council would vote on our behalf,  
18 I guess.

19 **COMMISSIONER PAUL CHARTRAND:** The other  
20 question I have is to ask for your views on the desirability  
21 of co-operation between groups, to use a neutral word,  
22 in order to promote the capacity of let's call it service

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1 delivery. You are responsible or you have some  
2 responsibility for social development.

3                   It may be fair to assume that a community  
4 this size, I think the population was described to us this  
5 morning as 101, there are it seems to me certain limits  
6 to what can be done by a community of that size and so  
7 it means that there must be some sort of co-operation with  
8 other communities. One of the earlier presenters  
9 suggested that the only good development for the future  
10 is amongst the Dakota people. Is your social development  
11 branch structured that way? Are you developing that way  
12 or are you presently associated with the P.A. Tribal  
13 Council or are you responsible and do you have  
14 responsibility only to the local community? What's the  
15 situation there? I wonder if you could explain that.

16                   **WARNER GOODVOICE:** If we go back about  
17 six or seven years, we began developing our own Indian  
18 child and family agency. One of the hoops that the  
19 department put up in front of us was that we had developed  
20 our program to the point where the province would be willing  
21 to sign an agreement, which we did. It took us about four  
22 years to get to that level. We had developed our Indian

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1 child and family agency, the FSIN and P.A. Tribal Council  
2 by choice or by mission or had no part in it, nor would  
3 they attend any of the meetings we invited them to, the  
4 ongoing meetings we had with the department and provincial  
5 social services.

6 We got to the point where the province  
7 was willing to sign the agreement and then Indian Affairs  
8 stopped us at that point by saying there were no funds  
9 available and a moratorium placed on the funding of new  
10 programs. It kind of died there.

11 At this point we are proceeding as  
12 situations occur under a protocol with the province in  
13 terms of Indian child and family services. Social  
14 development, what's there to say, the department has the  
15 manual and sticks to it to the letter pretty well.

16 **COMMISSIONER PAUL CHARTRAND:** Do you  
17 have an agreement with the province? I am trying to follow  
18 your description. Is it that the Band has an agreement  
19 to deliver child welfare services?

20 **WARNER GOODVOICE:** No. The province  
21 was willing to sign that agreement.

22 **COMMISSIONER PAUL CHARTRAND:** With

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1 whom?

2 **WARNER GOODVOICE:** The Band.

3 **COMMISSIONER PAUL CHARTRAND:** With the  
4 Band.

5 **WARNER GOODVOICE:** Yes.

6 **COMMISSIONER PAUL CHARTRAND:** The  
7 federal government required you to do it at the Tribal  
8 Council level, is that so?

9 **WARNER GOODVOICE:** No, at the Band  
10 level.

11 **COMMISSIONER PAUL CHARTRAND:** The  
12 federal government required it to be done with the Band  
13 alone.

14 **WARNER GOODVOICE:** Since then the rules  
15 have changed, as you are aware, and now they will fund  
16 only certain population levels or Tribal Council.

17 **COMMISSIONER PAUL CHARTRAND:** So they  
18 no longer fund you?

19 **WARNER GOODVOICE:** No.

20 **COMMISSIONER PAUL CHARTRAND:** So, you  
21 do not have a system any more?

22 **WARNER GOODVOICE:** No. All that work

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1 so far has gone for nothing.

2 **COMMISSIONER PAUL CHARTRAND:** Is this  
3 for economic reasons?

4 **WARNER GOODVOICE:** Population,  
5 political.

6 **COMMISSIONER PAUL CHARTRAND:** Thank  
7 you.

8 **CO-CHAIR GEORGES ERASMUS:** What's the  
9 level of population that is needed before the department  
10 will recognize the community and fund their social  
11 development program, the child care program?

12 **WARNER GOODVOICE:** One thousand  
13 children I believe.

14 **COMMISSIONER PAUL CHARTRAND:** The other  
15 part of my query was whether there were any steps being  
16 taken now amongst the Dakota to establish such institutions  
17 amongst the Dakota?

18 **WARNER GOODVOICE:** Yes, I believe they  
19 are working on that now, the problem being continuity I  
20 believe with a new Chief and Councils being elected and  
21 then they have to be brought up to date. So, it's kind  
22 of a slow process at this point in developing a Dakota

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1 Tribal Council in Saskatchewan.

2 **CO-CHAIR GEORGES ERASMUS:** You made  
3 mention about alternatives to court proceedings. Is that  
4 something you wish to get into, some kind of justice program  
5 or is it something you already have underway? You listed  
6 a number of things that you wanted to do at some point  
7 and under youth services you had alternatives to the court.  
8 Is that something you desire to have or is that something  
9 underway now?

10 **WARNER GOODVOICE:** Initially, that came  
11 under we felt it might be a good idea to have a facility  
12 here like a group home that would address those situations  
13 where supervision is required or emergency care,  
14 short-term care is required. A facility like this would  
15 have been a good idea, but again that never happened.

16 **COMMISSIONER PAUL CHARTRAND:** For my  
17 assistance, what is this group home that you are referring  
18 to? I don't know what that means.

19 **WARNER GOODVOICE:** I am not sure if  
20 "group home" is the right word to use. It would be just  
21 a facility where supervision and care could be given to  
22 young people as it was needed, whether it was short term

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1 because of neglect or accident or illness or placement  
2 by the courts or social services.

3 **COMMISSIONER PAUL CHARTRAND:** For young  
4 people who are not being cared for by their families, do  
5 I have that right?

6 **WARNER GOODVOICE:** Yes.

7 **COMMISSIONER PAUL CHARTRAND:** Thank  
8 you.

9 **CO-CHAIR GEORGES ERASMUS:** And also if  
10 they've come into contact with the courts or they are in  
11 care by social services?

12 **WARNER GOODVOICE:** Yes.

13 **CO-CHAIR GEORGES ERASMUS:** Thank you.

14 I think those are the questions. Thank you.

15 **WARNER GOODVOICE:** Thank you.

16 **CO-CHAIR GEORGES ERASMUS:** We are going  
17 to take a lunch break now and we'll try and get back either  
18 just a little bit before 2:00 or definitely at two o'clock.

19 Thank you.

20 --- Lunch Recess at 1:10 p.m.

21 --- Upon Resuming at 2:10 p.m.

22 **CO-CHAIR GEORGES ERASMUS:** We are going

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1 to begin again and I will have the Commissioner for the  
2 day, Cy Standing, introduce the next speaker.

3 **COMMISSIONER CY STANDING:** There will  
4 be a small change in the agenda, only our first small change  
5 so far today. The next presenter will be Tom Iron.

6 Tom Iron was born in Canoe Lake and he  
7 went to Beauval Residential School and the LaBrequé  
8 Residential School. Presently he is the Fourth Vice-Chief  
9 of the Federation of Saskatchewan Indians and he is  
10 responsible for the Health and Social Development  
11 portfolio. Tom Iron.

12 **FOURTH VICE-CHIEF TOM IRON, FEDERATION**  
13 **OF SASKATCHEWAN INDIAN NATIONS:** Thank you. I want to  
14 thank the Commission members and the people here for making  
15 accommodations to hear my presentation first. I was  
16 slated to be on at 4:30, but because of other meetings  
17 that are coming up and I have to be in Meadow Lake later  
18 on this evening.

19 Elders, Commission representatives,  
20 Chiefs, ladies and gentlemen, I am grateful for the  
21 opportunity to speak about the concerns and challenges  
22 we face as First Nations' citizens in the area of health

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1 and social development. I believe the perspective that  
2 Saskatchewan First Nations bring to this issue is one which  
3 is unique in Canada, and ultimately will be of great  
4 assistance to the Royal Commission on Aboriginal Peoples  
5 in its final deliberations.

6                   As the original peoples of this land,  
7 the provision of health services are interpreted  
8 differently by the many First Nations in Canada. In  
9 Saskatchewan, and in particular that area encompassed by  
10 numbered Treaty Six in which we now meet, health issues  
11 are viewed in the context as a treaty guarantee; a sacred  
12 promise that our grandfathers ensured would exist for us  
13 in perpetuity. I want to elaborate on this concept as  
14 I progress through my text, but for now I will merely say  
15 that the role of treaties is paramount and sacred for  
16 Saskatchewan First Nations.

17                   The reality of our health rights and the  
18 circumstances under which they will reach fruition have,  
19 in the pass, been shaped in part by the economic and social  
20 conditions of Canada. As the poorest of the poor,  
21 Saskatchewan treaty Indians are familiar with the current  
22 economic challenges confronting the citizens of this

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1 province and nation. For our people, it has been and will  
2 continue to be a difficult task to rebuild our social and  
3 cultural fabric, while maintaining our opposition to  
4 government initiatives which restrict our treaty rights.

5 We can ill afford that the Canadian governments be allowed  
6 to perpetuate the lie that our treaty rights to health  
7 or education exist at the pleasure of the Crown, as special  
8 benefits to "disadvantaged" Canadians.

9                   The treaty nations are all too aware that  
10 a benefit can be revised or rescinded. It is always  
11 pre-defined by the giver and places the recipients at a  
12 real legal and practical disadvantage. As First Nations'  
13 citizens, we have always shouldered the heaviest burden  
14 during difficult times in this country. We cannot,  
15 however, continue to be asked to accept further  
16 infringements of our treaty guarantees for there is a real  
17 fear amongst my people that these rights will follow the  
18 same path as our traditional territories. They will  
19 shrink and shrink until they can no longer sustain our  
20 needs.

21                   We must, therefore, ensure that our  
22 treaty rights are properly construed as rights. By doing

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1 this, we will guarantee that the rights will not diminish  
2 with trying economic times and that any amendments to the  
3 manner in which treaty services are delivered will be  
4 controlled by First Nations who will, in time, return to  
5 our self-governing status.

6                   The Royal Commission on Aboriginal  
7 Peoples has set out 16 terms of reference as guidelines  
8 for the discussions like this that are taking place  
9 throughout the nation. While I find that health issues  
10 have been assigned their own place among the terms, I  
11 believe that the wellness of our people, including their  
12 social, economic and spiritual well-being crosses the  
13 boundaries of many of the separate terms.

14                   Indeed, wellness is a community issue,  
15 a national issue, a women's issue. It touches youth  
16 concerns, family considerations and even self-government  
17 and historical concerns.

18                   I firmly believe that no other right so  
19 fundamentally relates to the survival of our people as  
20 that of health. Our strength and our future turns upon  
21 the well-being of our people. Without healthy, socially  
22 developed youth, we have no leaders for the future.

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1 Without available, high-quality care for the elderly, we  
2 have no guidance or wisdom from the past. Without strong,  
3 committed people acting today to champion our rights and  
4 to further our nations' interests, we have no guarantees  
5 for anyone beyond today.

6 I am grateful that a forum like the Royal  
7 Commission on Aboriginal Peoples exists for the voicing  
8 of our concerns and the enunciation of our goals. It is  
9 a process that at every stage is being managed and written  
10 or researched by the many First Nations' people that have  
11 worked and studied in the areas of the terms of reference.

12 The process may be singularly unique in this aspect.

13 It gives our leadership a chance to set  
14 out its vision of our Nations' role in the Canadian state.

15 Equally as important, it provides the opportunity for  
16 consultation from and among our own people.

17 In fact, it is a rare example of true  
18 consultation. We are all too familiar with the old process  
19 of consultation through instruction; that is, the case  
20 where the non-aboriginal members of government present  
21 us with a completed version of their work on the very issues  
22 that affect us and then seek our input or, more accurately,

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1 our acquiescence.

2 We have moved beyond that stage in our  
3 relationship with the Canadian state, and closer to the  
4 true relationship of mutual respect and consideration that  
5 we as First Nations have always asserted.

6 It is this relationship between  
7 sovereign states, the nation-to-nation partnership and  
8 co-operation that Saskatchewan First Nations have always  
9 maintained forms the basis of our treaty and our aboriginal  
10 rights. It is the true nature of this relationship,  
11 including its legal implications, that I want to speak  
12 to you about next, as it relates to the treaty right to  
13 health. Saskatchewan First Nations have always  
14 maintained the sanctity of our treaty relationship with  
15 the federal Crown. The numbered Treaties Two, Four, Five,  
16 Six Eight and Ten were all signed after Confederation and  
17 before the introduction or even consideration of the Indian  
18 Act. The primary documents outlining our relationship  
19 to the Crown are the treaties. Entered into on a  
20 nation-to-nation basis, and recognizing the sovereignty  
21 of First Nations over the territories occupied, the  
22 treaties are an internationally recognized way of securing

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1 guarantees and regulating conduct between two nations.

2                   In addition to establishing a  
3 nation-to-nation relationship, our treaties provide  
4 protection and preservation of our rights in areas such  
5 as education, social and economic development, and health.

6       What each of these rights have in common is an over-riding  
7 concern for and connection to the survival of our people.

8       Chief Sweetgrass voiced this sentiment when negotiating  
9 Treaty Six in 1876. He said:

10 "When I hold your hands and touch your heart, as I do now,  
11                   let us be one. Use your utmost to help  
12                   me and help my children, so that they  
13                   may prosper."

14                   The language employed by the treaties  
15 and the intentions of our forefathers clearly envisioned  
16 the survival of our peoples as distinct political  
17 communities in Canada. The representations of the Treaty  
18 Commissioners that this would indeed occur, combined with  
19 the Crown's fiduciary obligations arising from treaties  
20 ensures the responsibility the Canadian state must take  
21 to help our communities to not only survive, but to thrive.

22                   Unfortunately, as with many agreements

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1 that have been made between our people and the federal  
2 government, we have been forced into the courts to enforce  
3 our rights under the treaties. The judiciary has had a  
4 checkered history in its recognition of treaties and treaty  
5 rights. Only recently, interpretation of the treaties  
6 by the courts has more closely mirrored that of First  
7 Nations. I want to briefly outline the highlights of the  
8 most important cases.

9 In 1990, the Supreme Court of Canada set  
10 out the strongest endorsement of the nation-to-nation  
11 concept. In R v. Sioui, Chief Justice Dickson noted that  
12 the conduct of both Great Britain and France indicated  
13 that they saw the First Nations of Canada as having autonomy  
14 over identifiable territory. It says:

15 "...the Indian nations had sufficient independence and  
16 played a large enough role in North  
17 America for it to be good policy to  
18 maintain relations with them very close  
19 to those maintained between sovereign  
20 nations.

21 This clearly indicates that the Indian nations were  
22 regarded in their relations with

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1                   European nations which occupied North  
2                   America as independent nations.

3           The papers of Sir William Johnson...who was in charge  
4                   of Indian Affairs in British North  
5                   America, demonstrate the recognition by  
6                   Great Britain that nation-to-nation  
7                   relations had to be conducted with the  
8                   North American Indians."

9                   The question of what factors are to be  
10           considered in the adjudication of a treaty right has been  
11           considered in a number of cases. Contemporary authority  
12           holds that not only should treaties be considered in light  
13           of their "spirit and intent", but they should also be  
14           interpreted conceptually. This means that when a treaty  
15           right, for example, to agricultural implements, is  
16           invoked, the court will look to the concept of this kind  
17           of guarantee. It will see the concept of a plough and  
18           training in farming techniques to be the assurance that  
19           economic development for the First nation is encouraged  
20           as of right.

21                   In deciding what representations were  
22           made that may not have found their way into the final text

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1 of the treaty, the Court of Appeal in Ontario spoke in  
2 1981 of the criteria. Their decision in R. v. Taylor and  
3 Williams opened the door for the admission as evidence  
4 of a treaty right, the oral promises that were made:

5 "It is of importance to consider the history and oral  
6 traditions of the tribes concerned, and  
7 the surrounding circumstances at the  
8 time of the Treaty.

9 ...if there is evidence by conduct or otherwise as to how  
10 the parties understood the terms of the  
11 Treaty, then such understanding and  
12 practice is of assistance in giving  
13 content to the term or terms."

14 In 1983 the Supreme Court of Canada had  
15 set out the practice that strict concepts of contract law  
16 were not to be used in treaty interpretation. In the  
17 Nowegijick v. The Queen case, the court said that treaties  
18 were to be "liberally construed and doubtful expressions  
19 resolved in favour of the Indians." This principle was  
20 repeated in R. v. Sioui which held that when a treaty was  
21 proved, it must be given "a just, broad and liberal  
22 construction."

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1                   Of course the 1990 Sparrow decision made  
2 it clear that the Supreme Court of Canada would not limit  
3 the definition of treaty and aboriginal rights to those  
4 "existing" at the pleasure of the Crown; a full range of  
5 rights was to be expected, and with them, their protection  
6 under the law.

7                   Having surveyed the nature of the rights  
8 we as First Nations possess according to the Canadian  
9 judiciary, I want to turn now to the content of these  
10 rights. In particular, I want to address my primary  
11 concern here today: The treaty right to health, and its  
12 implications for the future of our peoples' health,  
13 wellness and social development.

14                   I will begin with the treaty  
15 enunciations of the right to health and address how they  
16 may be seen in light of the current liberal definitions  
17 given to treaty rights.

18                   What I have attempted to make clear in  
19 my presentation is that a treaty right finds its definition  
20 in both the text of the treaty, and the oral representations  
21 made during the negotiations. It was during the  
22 treaty-making process that most of the concerns our

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1 forefathers had were communicated to the Governor and to  
2 the Treaty Commissioners.

3                   During the making of treaty, the Crown  
4 did its utmost to make the Indian negotiators feel  
5 confident that the treaties were intended to be lasting  
6 document and that they were being made in good faith.  
7 The negotiator for the British Crown at the time of the  
8 Saskatchewan treaties was Lieutenant Governor Alexander  
9 Morris, who offered the following assurance:

10 "I told you also that what I was promising was not for  
11                   today or tomorrow only, but should  
12                   continue as long as the sun shone and  
13                   the river flowed."

14                   The provisions of the treaties that  
15 relate to health and social development must be read in  
16 light of the oral promises that were made by the Crown  
17 representatives. They must also be understood in the  
18 context that the Indian negotiators understood them.

19                   The Crown made a number of important oral  
20 promises that form the complete definition of the health  
21 and social development guarantees. What emerges from both  
22 the written records which document the treaty process and

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1 the oral tradition of our people is that the treaties were  
2 not to disrupt our way of life. The written record of  
3 Lieutenant Governor Morris reflects this fact:

4 "A spokesman, Poundmaker, then addressed me, and asked  
5 assistance when they settled on the  
6 land, and further help as they advanced  
7 in civilization.

8 I replied that they had their own means of living, and  
9 that we could not feed the Indians, but  
10 only assist them to settle down....I  
11 explained that we could not assume  
12 charge of their every-day life, but in  
13 a time of great national calamity they  
14 could trust the generosity of the Queen.

15 The Honourable James McKay also addressed them, saying  
16 that their demands would be understood  
17 by a white man as asking for daily food,  
18 and could not be granted...

19 At length the Indians informed me that they did not  
20 wish to be fed every day, but to be helped  
21 when they commenced to settle, because  
22 of their ignorance how to commence, and

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1                   also in case of great famine....

2           They saw the buffalo, the only means of support, passing  
3                   away. They were anxious to learn to  
4                   support themselves by agriculture, but  
5                   felt too ignorant to do so, and they  
6                   dreaded that during the transition  
7                   period they would be swept off by disease  
8                   or famine - already they have suffered  
9                   terribly from the ravages of measles,  
10                  scarlet fever and small-pox."

11                  It seems clear that the context in which  
12           our forefathers saw the right to health and social  
13           development was one of anxiety about the effects of deadly  
14           epidemics on their people, and concern that the settlement  
15           process would be able to help the people to adapt to new social  
16           and economic realities. Our negotiators realized that  
17           our nations would require help to achieve a successful  
18           transition, and that the honour of the Queen meant that  
19           in times of dire need, help would be forthcoming.

20                  It was in this context that the treaty  
21           rights were established. Poundmaker, speaking during the  
22           Treaty Six negotiations put forward a clear vision of his

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1 expectations and understandings of treaty:

2 "When I commence to settle on the lands to make a living  
3 for myself and my children, I beg of you  
4 to assist me in every way possible - when  
5 I am at a loss how to proceed I want the  
6 advice and assistance of the Government;  
7 the children yet unborn, I wish you to  
8 treat them in like manner as they advance  
9 in civilization like the white  
10 man...this is the voice of the people."

11 The Governor made a very significant  
12 statement in response to our negotiator's fears that they  
13 would be wiped out by some unforeseen epidemic. He said  
14 that the case of "great sickness or famine" would be a  
15 case of "special consideration" and so would attract  
16 additional attention and assistance from the Crown.

17 Morris subsequently described the circumstances that would  
18 attract special attention from the Crown.

19 "The only occasion when [special] help would be given,  
20 would be if Providence should send a  
21 great famine or pestilence upon the  
22 whole Indian people included in

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1 treaty...something unforeseen."

2 It is the position of the Saskatchewan  
3 First Nations that notwithstanding the fact that the  
4 so-called "medicine chest clause" appears only in Treaty  
5 No. Six, the similar right to health was guaranteed through  
6 the negotiations and the promises made at the time of other  
7 treaties. The concerns expressed about the need for  
8 comprehensive health care were common among all the Chiefs,  
9 many of whom chose to adopt the articulation of this concern  
10 made by other Chiefs like Poundmaker.

11 Treaty No. Six does require that a  
12 medicine chest be kept at the office of the Indian agent.  
13 Properly understood, this embodies the concept of overall  
14 health maintenance for all First Nations' people. It  
15 means that as the negotiators were concerned for the  
16 well-being of future generations, they wanted to ensure  
17 that all practical steps were being taken to protect the  
18 health of all their people. This kind of interpretation  
19 clearly makes health a treaty right, and not a privilege  
20 granted by the federal government. As we can all  
21 appreciate, making it a right changes everything about  
22 health, from delivery of services to funding questions

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1 to coverage comprehensiveness.

2                   On the issue of the treaty right to  
3 health, a possibility exists that an innovative turn could  
4 be taken on the special help guaranteed from the Crown  
5 to First Nations in times of unforeseen pestilence or  
6 epidemic. No other epidemic has so quickly captured the  
7 attention and concern of the North American continent as  
8 the AIDS epidemic.

9                   The AIDS epidemic might be comparable  
10 to the arrival of smallpox to our close-knit societies  
11 100 years ago; an arrival which historians and  
12 anthropologists estimate wiped out half of our  
13 populations.

14                   The promise of the Crown to assist in  
15 times of "famine and pestilence" might well be necessary  
16 to combat the AIDS crisis now. Such help would include  
17 immediate measures to respond to the current threat and,  
18 more importantly, preventative measures that are needed  
19 to defeat this deadly disease.

20                   I have endeavoured to make a number of  
21 points about the treaty-making process clear to you today.

22       That is, I wanted the panel to understand that not only

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1 are the treaties sacred documents to First Nations' people  
2 in Saskatchewan, but they are living legal documents that  
3 guarantee rights and compel action by the federal Crown.

4 I wanted to make it clear that as we fight  
5 for the rights afforded us on a nation-to-nation basis  
6 in the treaties, we have not only the written text to rely  
7 on, but the important oral representation made to our  
8 treaty negotiators.

9 Finally, I wanted to make clear that the  
10 concept of health for First Nations people in Saskatchewan  
11 is the actual treaty guarantee, and that this  
12 interpretation is the legal one that is upheld in courts  
13 of law. The interpretation includes any service or  
14 guarantee that is necessary to ensure the healthy  
15 development and survival of our people.

16 The health and social development of our  
17 people is inextricably tied to our survival. Our  
18 forefathers and our chiefs saw this and that reality was  
19 never any clearer than today. If we are to survive as  
20 a vibrant culture and as strong and independent nations,  
21 we must attend to the health of our people. It is the  
22 issue of First Nations' health in general that I would

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1 like to address now.

2                               It is a fact of life that reserve living  
3 is a combination of below average social and economic  
4 conditions and less than average prospects for the future.

5 We have seen the spirit of our people threatened by the  
6 passing away of the honour of the treaties.

7                               We must stop the epidemic of substance  
8 abuse and hopelessness that envelop our young people today  
9 and result in the highest suicide rates among them in the  
10 nation today. Of the 200 to 275 deaths by injury and  
11 poisoning that have occurred among First Nations in the  
12 last decade, fully three-quarters were in the 10 year to  
13 20-year age group. Those deaths compare to the 65 to 70  
14 deaths that occurred in the same category nationally.

15                              The leading causes of injury and death  
16 were poisoning, motor vehicles, drownings and fires.  
17 Factors that were identified as contributing to the deaths  
18 included poorly maintained roads and vehicles, poorly  
19 maintained equipment, greater use of wood stoves, lack  
20 of fire protection and drug or alcohol impairment. These  
21 factors show how health and social and economic conditions  
22 are related.

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1                   We must assert that our elders have a  
2 right and that we have an obligation to deliver effective  
3 health services to them. This includes making services  
4 accessible and less intimidating to them by accommodating  
5 language differences and cultural barriers.

6                   Our elders have more health-related  
7 problems that the general aged population, but fully half  
8 of the problems go untreated. This is due to many factors,  
9 including lack of transportation to larger centres where  
10 health care was available, and reticence among the elderly  
11 to seek care due to language and cultural barriers.

12                   The opportunities for more non-hospital  
13 intervention have to be increased, since too many elders  
14 fear the isolation and the trauma of a long hospital stay,  
15 where they would encounter unfamiliar language, and be  
16 cut off from their families.

17                   We must ensure that the treaty right to  
18 health includes practical services like increasing the  
19 number of health care representatives and providing the  
20 opportunity for programs of at-home care, which already  
21 exist outside of our reserve communities.

22                   For our general population, the reality

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1 is that a right to health has become another empty promise.  
2 Despite the fact that Canada has been a signatory to  
3 numerous international treaties and covenants on the right  
4 to health, the federal and provincial governments have  
5 continued to thwart their responsibilities to provide  
6 health to Canada's original peoples. They have reneged  
7 on their promises by off-loading health guarantees, by  
8 forcing First Nations' governments who are responsible  
9 for their own health services to deliver them with less  
10 and less financial resources.

11 They have tried to subscribe how the  
12 health right will be identified by setting out those  
13 services and needs that will be dealt with as related to  
14 health. They have offered programming guidelines that  
15 all but negate the traditional holistic approach to  
16 wellness, and then made the monies that will be available  
17 for health, contingent upon our following their  
18 prescription.

19 As a result, the general health and  
20 welfare of First Nations' people in Saskatchewan is an  
21 international disgrace. First nations' people have a  
22 higher mortality rate than the national average. We die

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1 younger than other Canadians. Our life expectancies at  
2 birth are nearly a decade less than those of the general  
3 non-native population.

4 Cancer, diseases of the circulatory and  
5 respiratory systems, infectious diseases like  
6 tuberculosis which has been all but wiped out in the  
7 non-aboriginal societies, diabetes and heart disease occur  
8 at the minimum of twice the national average among First  
9 Nations.

10 Factors that contribute to the illness  
11 and mortality rate include poor quality housing, lack of  
12 adequate infrastructure (such as clean water supply and  
13 sewage facilities), poor access to medical services and  
14 increased exposure to disease.

15 Even our future generations, the source  
16 of our potential and our strength, our children, do not  
17 escape the irony of being a status Indian in Saskatchewan  
18 guaranteed health as a treaty right, and yet suffering  
19 such inferior quality of health services that they would  
20 do better to have never been born to the "advantage" of  
21 a treaty guarantee.

22 Fetal and infant death among First

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1 Nations' babies was nearly twice the national average  
2 reported since 1987. Once again the social and economic  
3 factors of poor housing, lack of sewage disposal and  
4 potable water, and poor access to health services were  
5 considered factors in the higher rate. As well, the poor  
6 health of the mother, inadequate nutrition, and lack of  
7 pre-natal care as well as the adverse effects of drugs  
8 and alcohol also contributed.

9 I want to pause here to make the point  
10 that I believe an implicit link exists between the health  
11 of our people and the proper social and economic  
12 development of our communities. I have made indirect  
13 reference to it throughout my remarks today. Therefore,  
14 I want to briefly touch on the social development that  
15 I think must accompany the right to health.

16 First, I want to make the point that I  
17 believe that the right to social development exists within  
18 the text of the treaties, although it has been less the  
19 focus of judicial and academic review.

20 Implicit in the negotiations was an  
21 assurance by the Crown that the children of future  
22 generations would be cared for and assisted as they grew

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1 up in a new society. Our forefathers were concerned that  
2 our children would have all the advantages that the white  
3 society afforded to other Canadians.

4                   The Treaty Commissioners heard these  
5 concerns and responded to them in the recognition of a  
6 right to education, but also in representations made to  
7 our leaders that:

8 "...your children will be taught, and then they will be  
9                   as well able to take care of themselves  
10                  as the whites around them."

11                  Only by ensuring that our children and  
12 our people have equal opportunity to develop their physical  
13 and social potential will this promise reach fruition.  
14 The right to social development is implicit in all of the  
15 language of our treaty negotiators; they signed treaty  
16 for the sole purpose of ensuring our future survival in  
17 every sense of the word.

18                  If the true delivery of health services  
19 includes some kind of commitment to keeping First Nations'  
20 people and their communities capable of achieving good  
21 health, then the infrastructures of reserve life must be  
22 improved; access to health services must be increased;

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1 education as part of the health right must be a  
2 consideration. that would include nutrition information,  
3 information on inoculation, hygiene and family planning.  
4 It would also have to include an element of mental health,  
5 preventative medicine, and most importantly, a commitment  
6 to the holistic and traditional methods of treating disease  
7 and achieving wellness.

8                   As First Nations' people assume greater  
9 control over the mechanisms of self-government, the  
10 delivery of health services will include greater elements  
11 of holistic healing, and a greater respect for the  
12 traditional approaches to treatment. However, for now,  
13 our goal must be to ensure that the health of our people  
14 becomes a realistic and an achievable goal.

15                   This is, of course, only one aspect of  
16 the social development right, which also includes the  
17 education and socialization of our people, as well as our  
18 culture's revitalization and transfer to our youth, and  
19 the empowerment of all of our citizens through adequate  
20 job and life skills training.

21                   The health right is then, as envisioned  
22 by the Federation of Saskatchewan Indian Nations, truly

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1 guaranteed only when it is recognized as a treaty  
2 obligation, part of the sacred trust between the Crown  
3 and Saskatchewan First Nations. It must be recognized  
4 in the spirit in which our forefathers intended it; that  
5 is, it must act to guarantee the survival of a strong,  
6 distinct culture and people.

7                   Our goal then is two-fold: First, we  
8 will work to attain the recognition of our treaty guarantee  
9 to health. From there our goal will be to realize the  
10 full spectrum of the health right in all its  
11 manifestations.

12                   To First Nations' people in  
13 Saskatchewan, guaranteeing the right to health is just  
14 another of our roles in the sacred duties we maintain as  
15 the keepers of the treaty. Achieving the right is as  
16 imperative to our survival as the struggle against  
17 assimilation was to the generations that came before us,  
18 and those that will follow.

19                   Historically, our elders have spoken of  
20 a balance that existed between the relationships of First  
21 Nations and the British Crown. We dealt with each other  
22 as equals, with respect for each other's distinctiveness.

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1 The next constitutional amendments should ensure that  
2 the balance is restored.

3 In spite of the fact that the most recent  
4 constitutional negotiations have recognized in principle  
5 the right of First Nations to self-government, we must  
6 endeavour to make certain that the recognition does not  
7 compromise the integrity of the sacred trust between the  
8 First Nations' governments and the Canadian state in  
9 treaty.

10 It is our treaties that form the basis  
11 of our relationship with the Crown and, notwithstanding  
12 the significant progress made to reaching the goal of  
13 self-determination, we will continue to champion the  
14 realization of our treaty guarantees. We cannot afford,  
15 nor allow, the federal government to circumvent its  
16 obligations for health services under treaty by continuing  
17 to refer to these services as benefits, or diverting these  
18 issues to the self-government forum.

19 The words of Chief Sweetgrass ring as  
20 true today as they did 116 years ago at the treaty  
21 negotiations:

22 "...use your utmost to help me and my children, so that

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1                   they may prosper."

2                   My forefathers have already made their  
3 contribution to this nation, so that it too could prosper.  
4 They offered their homelands. Homelands for which their  
5 love and relationship was so strong they referred to them  
6 as "ki-kow-we-now," "our mother".

7                   The trust my forefathers placed in this  
8 nation to care and provide for the health needs of their  
9 unborn is not one that can be summarily dismissed. Our  
10 nations and peoples have only recently begun to heal from  
11 the wounds inflicted by British and Canadian colonialism.

12                  Our peoples have not prospered in the past, and frankly,  
13 I believe we will only prosper in the future if this Royal  
14 Commission forces the Government of Canada to contribute  
15 to the prosperity of our nations with that same honour  
16 which my peoples have contributed to the great wealth of  
17 this land.

18                  With that, that is my presentation. I  
19 want to thank the panel and the Commission members again  
20 for having me here today.

21                  **CO-CHAIR GEORGES ERASMUS:** Thank you  
22 for your presentation. Do the Commissioners have any

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1 comments or questions? Bertha.

2 **COMMISSIONER BERTHA WILSON:** I would  
3 like to thank you very much for a very comprehensive and  
4 eloquent presentation on the subject of health. I very  
5 much like the holistic approach. I like the idea that  
6 health really encompasses everything that involves a  
7 congenial way of life for your people.

8 I would just like to say I enjoyed very  
9 much listening to you. I have no questions. I found it  
10 extremely persuasive and I think you covered practically  
11 everything that you could possibly have covered. Thank  
12 you.

13 **VICE-CHIEF TOM IRON:** Thank you very  
14 much.

15 **CO-CHAIR GEORGES ERASMUS:** Paul.

16 **COMMISSIONER PAUL CHARTRAND:** Your  
17 reference to negotiations between your nations and the  
18 Treaty Commissioners reminded me of something that was  
19 said to me some time ago in Ottawa with respect to the  
20 same Treaty Commissioner Morris. One of the elders from  
21 Treaty One wondered out loud to this particular individual  
22 who was telling me the story whether these Commissioners

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1 that are now coming to the community would do better in  
2 dealing with them than Commissioner Morris did.

3 I was anxious then, as I am now, to make  
4 the great distinction between the Treaty Commissioners  
5 and the Commissioners and on this Commissioner and,  
6 particularly so, when you suggest that the Commission might  
7 be able to force the Government of Canada to take particular  
8 endeavours in that field. I think that might be a little  
9 bit difficult for us to achieve.

10 I want to thank you for your presentation  
11 and I would like to ask if you are prepared to entertain  
12 questions on the substantive presentation itself?

13 **VICE-CHIEF TOM IRON:** Yes.

14 **COMMISSIONER PAUL CHARTRAND:** One or  
15 two only, you referred to nation-to-nation negotiations  
16 or discussions. How is a nation defined for these  
17 purposes? Who is a relevant nation?

18 **VICE-CHIEF TOM IRON:** My understanding,  
19 as we sit here today on this Wahpeton Reservation, I believe  
20 it to be a nation of its own distinctiveness and culture,  
21 its own tradition. I believe that to be of each reserve  
22 because they each have their own distinctiveness and they

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1 are autonomous and sovereign in every way.

2 The Treaty Nations and the reserves of  
3 Canada to me are the Treaty First Nations.

4 Did I answer your question?

5 **COMMISSIONER PAUL CHARTRAND:** The  
6 distinction is not clear between Treaty Nations and let's  
7 say a community like Wahpeton or, take your pick, whichever  
8 community. You talked about nation-to-nation  
9 discussions. Are you talking about in a treaty? Do I  
10 understand that to mean Treaty Six, for example, which  
11 is something different from any one of the individual Band  
12 communities comprised within the area of Treaty Six?  
13 That's what I am trying to sort out.

14 **VICE-CHIEF TOM IRON:** Treaty Six --

15 **COMMISSIONER PAUL CHARTRAND:** As an  
16 example. you can take whichever treaty you want.

17 **VICE-CHIEF TOM IRON:** -- crosses over  
18 and encompasses a lot of reserves I believe. It  
19 encompasses bodies.

20 To my understanding and the way I believe  
21 that this nation-to-nation concept is it's between the  
22 First Nations themselves. I can't, or the Federation of

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1 Saskatchewan Indicants cannot tell Wahpeton or my band  
2 from where I come from what are they are who they are.  
3 They are First Nations within their right.

4 **COMMISSIONER PAUL CHARTRAND:** So, for  
5 your purposes then a nation is each individual Band?

6 **VICE-CHIEF TOM IRON:** Yes.

7 **COMMISSIONER PAUL CHARTRAND:** Thank  
8 you. That answers that.

9 The other question, I would like to check  
10 a point if I may. If I understood your presentation, you  
11 are vigorously opposed to a national federal policy with  
12 respect to health and education. That observation flows  
13 from what I understood to be your statement that health  
14 rights and education rights are derived from the treaties,  
15 when I associate that with the observation that not all  
16 aboriginal peoples in Canada have entered into treaties,  
17 then it seems to me to follow that what you are advocating  
18 is something other than a national policy with respect  
19 to health and education.

20 I suppose it's possible that the  
21 elements of the policy might end up being the same, but  
22 if I understood your presentation, you are suggesting that

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1 in arriving at a policy that each treaty area or each  
2 community involved with the treaty must somehow be uniquely  
3 involved in the design of that policy for that area only,  
4 for the people comprised within that treaty area alone?

5 **VICE-CHIEF TOM IRON:** Let's take for  
6 example here in Saskatchewan, we have five tribal groups  
7 and they are different. Their needs are different and  
8 the way they begin to deal with their needs or the way  
9 they begin to deal with their wellness, for example, is  
10 to them their own. When we talk about a national  
11 policy, we have to have as treaty nations our input to  
12 that national policy. Where I referred to the policies  
13 always being made for us up in Ottawa and then they are  
14 forced upon us and we react. What we want, I guess, is  
15 proper consultation as to how we can best, for both levels  
16 of government, how best the process can go forward. We  
17 need to be a part of all of that consultation because it's  
18 different. Nobody is the same right across Canada.

19 You talk about the treaty and I referred  
20 to the treaty population when I speak. I believe we make  
21 up 35 per cent of the population in Indian communities.

22 **COMMISSIONER PAUL CHARTRAND:** Thank

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1 you.

2 **CO-CHAIR GEORGES ERASMUS:** I don't have  
3 any questions. You have an excellent and comprehensive  
4 presentation. I certainly hope you are leaving us a copy  
5 of your written presentation. Perhaps you can make sure,  
6 if you haven't already given a copy to our staff, that  
7 you do that.

8 **VICE-CHIEF TOM IRON:** Yes.

9 **CO-CHAIR GEORGES ERASMUS:** Once again,  
10 for the Commissioners, I would like to thank you for your  
11 time and very excellent presentation. Thank you.

12 **VICE-CHIEF TOM IRON:** I thank you again.

13 **CO-CHAIR GEORGES ERASMUS:** We are going  
14 to go back to our last presenter who was going to present  
15 just before lunch. I will have Commissioner Cy Standing  
16 introduce her.

17 **COMMISSIONER CY STANDING:** Our next  
18 presenter is Darlene Spiedel. She is from the Standing  
19 Rock Reservation. She went to boarding school on the  
20 reservation and went to South Dakota State University where  
21 she received her Master's Degree in Education  
22 Administration with emphasis on biculturalism and

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1 bilingualism.

2 She worked with the Wahpeton Band in the  
3 area of curriculum development. She has worked with the  
4 Dakota Nations in curriculum development and  
5 self-government. Presently she is employed with the  
6 Saskatchewan Indian Cultural Centre in language and  
7 curriculum development.

8 **DARLENE SPIEDEL, DAKOTA NATIONS OF**  
9 **CANADA, SASKATCHEWAN CULTURAL CENTRE:** Good afternoon,  
10 Chief and Council, Commissioners, fellow speakers,  
11 relatives and visitors. This afternoon I will be speaking  
12 I guess from two points of view, one from the Dakota Nations  
13 and the other from the Saskatchewan Indian Cultural Centre.  
14 I might have to switch hats here once in a while.

15 I think this morning there was quite a  
16 bit of information relayed to you on the various problems  
17 that our Dakota Bands encounter. I believe the history  
18 was outlined for you of our Dakota Bands.

19 During recent years we have been given  
20 small amounts of funding from the Department of Indian  
21 Affairs to engage in research to hopefully lead to a  
22 comprehensive claim. This research is extremely

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1 important to us, not only from the claims perspective,  
2 but also in clarifying who we are in Canada. I think it  
3 came out this morning that the Government of Canada  
4 persists in viewing the Dakota and Lakota Bands as being  
5 refugees from the States. It has refused the Dakota and  
6 Lakota Bands to sign treaty adhesion. It has not treated  
7 them equally in giving them reserves and land entitlement.

8 And, in many cases, we have experienced a number of other  
9 inequities. Therefore, we feel this research is of utmost  
10 importance.

11 At the close of this past fiscal year  
12 we were promised that we would be once again funded. We  
13 were even led to believe that the funding level would be  
14 increased from the \$50,000 that we had been getting, but  
15 only provided for very minimal research activity. It came  
16 April 1, April 15 and now today it is into the end of May  
17 and we still have not been funded. I guess one of the  
18 things that we would encourage is that this funding be  
19 reinstated, so that we can continue the documentation  
20 process and that it be funded at a level that allows for  
21 us to do the in-depth type of research that is needed.

22 There is information regarding our

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1 people, not only in various repositories across Canada,  
2 but in England and France as well because of the  
3 relationship we had with those two countries, also all  
4 throughout the United States and in many other sectors  
5 of the world. So, the task that lays before us to really  
6 fully document Canadian land usage and that is going to  
7 require an extensive amount of travel which is very costly  
8 and it requires many, many man hours of time.

9                   Along the line of claims, another issue  
10 that was not tabled with you as of yet today is the factor  
11 that not only has the Canadian government refused to  
12 recognize the Dakota and Lakota of Canada, but the American  
13 government as well does and they have numerous outstanding  
14 claims with our people, claims that have been adjudicated  
15 and funds that are sitting in Washington, D.C., but they  
16 have denied the Canadian Dakota and Lakota access to those  
17 funds, on the very grounds that they are not residents  
18 of the territorial United States.

19                   These claims need to be resolved. Many  
20 of the people amongst the nine Dakota/Lakota Bands here  
21 in Canada can even demonstrate to whomever that they are  
22 lineal descendants of signers of specific treaties from

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1 which these judgment funds have been garnered.

2 Another issue is again relating back to  
3 the United States and that needs to be resolved is the  
4 fact that either through direct allotment or airship, a  
5 number of our families up here hold title to lands on U.S.  
6 reservations. We have been denied in recent years the  
7 right to pass on those titles. When the person who was  
8 the present title holder passes on, the land is then taken  
9 back by the government because they have decided now, after  
10 many years, that they don't have a responsibility to take  
11 care of lands that don't belong to residents of the United  
12 States.

13 This will take me into another issue  
14 which is the borders issue, which in a sense ties back  
15 to the land claim and airship. Our people held lands in  
16 what is now Canada and the United States. Our people never  
17 were consulted about creating the medicine line or the  
18 border that exists today. Subsequently, our Dakota,  
19 Nakoda and Lakota people are not allowed free passage  
20 within their own aboriginal territory and later on today  
21 you will hear from a gentleman who was asked to come here  
22 to help with these Commission Hearings and Immigration

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1 did not want to allow him across the border.

2 We have relatives and families on both  
3 sides of the border and we are not able to freely pass  
4 back and forth.

5 When it comes to commerce, Canadian  
6 Bands can take various products to the States and either  
7 barter or sell them to one of our fellow tribes in the  
8 States. Our American relatives cannot do that. We have  
9 even had offer from one of our American tribes to give  
10 us buffalo, but we haven't figured out a conceivable way  
11 to bring them across the border, which could be even an  
12 economic venture for us.

13 Another issue that comes into play is  
14 the whole things of residence. Because of the family ties  
15 and relationship that exist, often extended family members  
16 want to come and live with family members in one or the  
17 other country. If they go into the States there is no  
18 problem, but coming over to the Canadian side we just can't  
19 pick up and decide "I'm going to go and live at Standing  
20 Buffalo for the next little while," whether it be short  
21 term or long term. You have to come through Immigration.

22 Inter-marriage. This is where the

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1 residents' problem really becomes evident. I think you  
2 can appreciate that our people would like to marry within  
3 our own culture and language group. At present the small  
4 bands that we have here are quite inter-related and our  
5 traditional kinship does not allow for marriage in that  
6 plane, so we need to be able to go out to the other side  
7 to be able to keep those bloodlines alive.

8                   What happens is if they marry an American  
9 they have to bring that person through Immigration if they  
10 are going to bring them to live up here. That person then  
11 loses status. The Canadian government will not recognize  
12 that person as having any status and, therefore, is treated  
13 as a non-Indian, even though they may be a full-blooded  
14 Indian and they do have aboriginal and treaty rights.

15                   Membership. This morning Ms Waditaka  
16 spoke to you about what was happening with her child.  
17 This same scenario happens when one of our people marries  
18 an American. If a person from Wahpeton here or from  
19 Standing Buffalo took a spouse from the American side,  
20 the child that they have, if they want to have that child  
21 be a member in one of these Canadian Bands, it comes in  
22 as a 6(2). If that child then in turn marries another

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1 Dakota or Nakoda or Lakota from the State's side and they  
2 have a child, that child will be bumped off the Indian  
3 status listing here in Canada. It's cultural genocide.  
4 That is what ;is happening with Bill C-31.

5 This isn't only true for the Dakota  
6 people. It is true for others, such as the Blackfeet and  
7 the Mohawks. There has to be a re-examination of Bill  
8 C-31 and what it is doing to our Indian cultures, our Indian  
9 nations.

10 Another issue is employment. I think  
11 when Ms Waditaka did her presentation this morning, we  
12 do not have all the trained people that we need amongst  
13 our small Bands here. On the other hand, there are some  
14 trained people who are available on our Dakota, Nakoda,  
15 Lakota Bands in the States who could come here and provide  
16 some of those services or help train some of the people,  
17 but in order to come here they have to go through  
18 Immigration. This is what I did.

19 It's not everybody who can get through  
20 Immigration. This morning she talked about needing a  
21 Dakota language instructor. Immigration will not  
22 recognize the Dakota language as being a cause for someone

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1 to have to immigrate to Canada. They say the Dakota  
2 language is not an official language of Canada and,  
3 therefore, language cannot be used as a factor.

4 Another issue that needs to be probably  
5 brought up again is the whole idea of self-governments.  
6 Dakota Bands worked extensively for some years on  
7 self-government, looking at the option that is available  
8 through Indian Affairs. It could not really satisfy what  
9 it is that we wanted. It is too limited, so we have kind  
10 of put it on a back burner. But the whole endeavour of  
11 our Bands is to be in a situation where Canada recognizes  
12 our inherent right to self-government. We have never  
13 given that right up.

14 We have developed two other  
15 organizations which are part of our self-governments.  
16 One is the Saskatchewan Dakota, Nakoda, Lakota Chiefs  
17 Committee. It has been functioning for five years without  
18 any funding, other than a few small programs that we have  
19 been able to get here or there. We have tried for Tribal  
20 Council funding, but that has never panned out because  
21 of the regulations that Indian Affairs has.

22 Yet, there are certain things that it

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1 is more advantageous for our Bands here in Saskatchewan  
2 to work together on, things that have to deal with language,  
3 culture, self-governments because of our similar history  
4 and background. Things that have to do with service  
5 delivery, such as child welfare programs in order that  
6 they can be delivered in a manner which is culturally and  
7 linguistically adequate.

8                   We worked quite extensively in trying  
9 to set up a child welfare agreement, but that was not able  
10 to become a reality because they had a number set. You  
11 have to have "x" number of children in order to create  
12 a child welfare agency. Well, the number they had, we  
13 barely had that many people between the Bands that were  
14 working together of a total population.

15                   Yet, in order to provide an adequate  
16 social service delivery, it would be best if we could work  
17 together and deliver it in a cultural and linguistically  
18 relevant manner.

19                   Along the line of self-government also  
20 comes the issue of the constitutional talks. As the issue  
21 comes more and more forward, there is a lot of emphasis  
22 on treaty and I think many of our people are afraid of

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1 what is that going to do to us, the Dakota and Lakota.  
2 The government has consistently, as I said, took the stance  
3 that they are refugees and have no right to treaty. Where  
4 will they fit in the whole scheme of things?

5 Another issue related to  
6 self-governments is the funding level for small Bands.  
7 Our Bands are very small and I think as through the  
8 testimony this morning, it was evidenced to you that we  
9 are having a very difficult time providing minimal service  
10 delivery, a minimal level of programming that can meet  
11 the needs of our people. One of our Bands in the southern  
12 part of the province, Wood Mountain, doesn't even generate  
13 enough funds to build one house in a year. They get funded  
14 for one-quarter of a house.

15 I, myself, have more expertise in the  
16 area of education. I think one of the things that was  
17 sort of brought out this morning, the small schools that  
18 we have, we do not generate enough funding under the formula  
19 to hire professionally trained staff in all areas. Is  
20 that being equitable?

21 Indian Affairs has come forward and  
22 really put a push on that bands need to take over their

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1 schools. Bands need to administer their own schools, but  
2 yet they don't provide the funding to do it at an adequate  
3 and professional level.

4 Administration for these schools, we all  
5 have small schools and so we can't, other than the Wahpeton  
6 Band, afford to hire an education administrator. Even  
7 Wahpeton cannot afford to hire a professionally trained  
8 educator to hold that position.

9 You go to one of the Bands, such as Moose  
10 Woods, you have one teacher and one teacher's aid and they  
11 have to cover everything that deals with education, the  
12 administrative, the instructional delivery, the  
13 counselling, everything. It's not really a system that  
14 is providing what needs to be provided. The system has  
15 to be reviewed and it has to be based on actual need.

16 Whether you have 30 students or 300  
17 students, there are some basic things that every school  
18 needs to have, both administratively and program-wise.

19 Facilities, because of the small school  
20 size, Moose Woods, Standing Buffalo, cannot get funded  
21 for gymnasiums. So, there goes the whole physical  
22 education program or any programming that would require

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1 a large area to deliver the instruction.

2                   Programming also is limited because of  
3 the formula in areas such as special education. When I  
4 used to be the Education Co-ordinator here at Wahpeton,  
5 we generated about \$6,225 for special education. That  
6 wasn't even enough to hire a half-time teacher to provide  
7 for the needs of our children. The same exists with Moose  
8 Woods and Standing Buffalo.

9                   Given the language loss that has been  
10 expressed to you, we need to go to immersion programming,  
11 as Mr. Erasmus had inquired about. We spoke with Indian  
12 Affairs four years ago and tried to get something like  
13 that in place, but in order for us to deliver immersion  
14 programming, we would have needed extra funds so that we  
15 could develop the curriculum, we could train staff to  
16 deliver a program of that nature and then to facilitate  
17 the implementation so that we would have to have extra  
18 teachers for a few years until it was worked into the whole  
19 system, but they couldn't provide that.

20                   Teacher training program. We need a  
21 Dakota teacher training a program, a program that will  
22 take our people and not only train us to be teachers, but

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1 to teach us to be proficient in our language. Indian  
2 Affairs did that for the Mohawks at "Caugnewaga",  
3 "Kanasedogi", but when we came and asked for that they  
4 said no, that's not an option. We don't have funds for  
5 that. Yet, each day our language is being lost a little  
6 more and a little more.

7                   We also had a thing set up with Indian  
8 Affairs at one time when they were not willing to provide  
9 us the type of programming that we sought for here, that  
10 they would allow us to send people to the States to either  
11 take university programs at our tribal controlled  
12 universities in the States, such as "Ogalla-Lakota",  
13 "Scientik-Glashka" or others.

14                   Another one was to let our junior high  
15 and high-school students go and attend a school down there  
16 so that they could be involved in cultural programming  
17 and language programming, but in the recent years with  
18 the cutback of funding that high school option was taken  
19 out and with the cap on post-secondary that is no longer  
20 an option to us.

21                   Funding for the students that are bused  
22 into the city to go to Grade 7 through 12 also has serious

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1 limitations. I think there was some reference made this  
2 morning to drop-out rates and student achievement. For  
3 the students to really become part of that school, they  
4 need to be able to participate in it fully and to be able  
5 to take part in all the extra-curricular activities.  
6 There isn't funding allowed for that. They need to be  
7 part of a tutoring program. There isn't funding for that.

8                   The students who go to the city, the  
9 young girl this morning told you how she feels like she's  
10 discriminated against. Well, it's very hard to come from  
11 the reserve and go into the city and particularly into  
12 an environment where the economic standard is much higher  
13 than you have here on the reserve. The children need to  
14 have money to be able to buy lunches and be able to buy  
15 the clothing that is in style and that, but those things  
16 are not allowed for.

17                   Our student allowance is \$10 for  
18 children under 14 and \$20 for children over 14. That's  
19 can't even buy you a lunch for one week.

20                   The student supply monies, \$60 for a  
21 junior high/elementary student and \$100 for a high school  
22 student. One hundred dollars with the cost of what runners

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1 are today could probably at best buy you a pair of runners  
2 for the school term.

3                   Another problem we face too is our Bands  
4 are located closer to urban areas, so that there is a high  
5 transience, people moving back and forth and trying to  
6 capitalize on opportunities. When our families are in  
7 the city, they still depend on the Band for assistance.

8     If you are not on social assistance, there is no program  
9 in the city to help you pay the caution fees, buy student  
10 supplies or provide an allowance for the children going  
11 to school. It's a very difficult situation to face.

12 There needs to be some consideration, I believe, for  
13 helping out those who are living in the urban setting that  
14 are there for educational purposes, employment purposes,  
15 so that we are sure that those children's needs are met.

16                   Another area in regard to education and  
17 which was brought up this morning was the whole area of  
18 curriculum development. As Cy, when he introduced me,  
19 mentioned that I was a curriculum developer for first the  
20 Band here and then for Dakota Nations.

21                   We struggled along for seven years  
22 trying to develop curriculum, but there isn't any funding

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1 out there. Every place we went we were told, like if we  
2 went to Indian Affairs, they said go to the Secretary of  
3 State, he has money for you. Go to the Saskatchewan Indian  
4 Culture Centre, they get money for you. They then, if  
5 we went to one of them, they would refer us back to the  
6 one who just previously sent us.

7                   It costs a lot of money to develop  
8 curriculum and the funding that has been allocated here  
9 in Saskatchewan is not adequate for even one Band.

10                   Indians Affairs for the Saskatchewan  
11 Region gets \$100,000 for curriculum development for all  
12 72 Bands. The Secretary of State's Native Secretariat  
13 funding for language and culture programming is \$72,000.  
14 That's what you need for one Band's program to develop  
15 local curriculum initiatives a year.

16                   Another issue I would like to bring up  
17 from the Dakota Nations' perspective is the sacred sites  
18 issue. We have been for about a year now working on trying  
19 to get two sites in particular preserved, one of them being  
20 Sitting Bull's last sundance site which is down in the  
21 Wood Mountain area. The other is a rock effigy site down  
22 by Avonlea, Saskatchewan.

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1                   What we find as we work at this is that  
2 there is no legislation in place that allows for the  
3 declaration of a sacred site, whether it be at the  
4 provincial or national level.

5                   The second thing we find is that there  
6 is no funding for a Band or a group of Bands to designate  
7 a site as being sacred and sort of limiting who can have  
8 access to that site.

9                   That will bring me to some  
10 recommendations on the Dakota Nations' part. Number one  
11 is to reinstate the research dollars as had been indicated  
12 earlier on. Number two is to develop a tripartite compact  
13 between the U.S., Canada and the Dakota, Lakota, Nakoda  
14 nation to resolve, one, outstanding claims; two,  
15 facilitate world citizenship; three, establish a border  
16 commission to resolve border issues and set up a compact  
17 which allows for free passage and free commerce; four,  
18 self-governance needs to be recognized and along with that  
19 self-governance that it be the right of the Band to decide  
20 how they wish to structure that and if they would like  
21 to regroup with other Bands. Those different levels that  
22 they decide are appropriate be adequately funded, based

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1 on actual need.

2                               The other is funding for a Dakota teacher  
3 training program, specific for our people in order to  
4 assure that our language is not lost. I think given the  
5 situation as it is, when I get into the Saskatchewan Indian  
6 Cultural Centre report, our language just here in  
7 Saskatchewan is in a most critical state of the languages.

8 I think we need some special help for a time period to  
9 help sort of raise the level of where we are at.

10                              The other one would be for sacred site  
11 legislation.

12                              Number seven would be the negotiation  
13 of a land settlement with the Dakota, Lakota Bands, which  
14 would include some form of treaty recognition.

15                              I will now go on to the cultural centre  
16 presentation. The Saskatchewan Indian Cultural Centre  
17 is funded through the Indian Cultural Centres Program.  
18 Our goals and our objectives are the preservation of the  
19 language, culture and history of the Cree, Soto, Dene,  
20 Dakota, Nakoda and Lakota people of Saskatchewan.

21                              The promotion of retention and  
22 rejuvenation of the language, culture and history of our

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1 five language culture groups, fostering the development  
2 of bilingual, bicultural education programs and assisting  
3 education authorities to deliver such programs and,  
4 fourth, to produce and disseminate instructional and  
5 resource material which are culturally, linguistically  
6 and historically accurate.

7                   Within the Cultural Centre we have five  
8 departments; the administration and finance department,  
9 the elders department, the technical unit, the library  
10 and information services and the language curriculum  
11 development unit.

12                   In regards to preservation I would raise  
13 the issue of sacred sites. The Cultural Centre as well  
14 has been working on trying to get a number of the sacred  
15 sites and traditional usage sites preserved. Again, there  
16 needs to be legislation.

17                   We have been working on developing a  
18 museum. Originally it started out as a cultural centre,  
19 but we found that there is no money for cultural centre  
20 facilities and have been guided to the museums route, but  
21 that also has a number of limitations. There really isn't  
22 funding out there for establishment of Indian museums.

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1 So, it's a big task in trying to find the funding for this  
2 facility for us.

3                   We have outgrown the facility we are in  
4 and if we are to adequately provide service to the people  
5 of Saskatchewan, we need to get such a facility in place,  
6 plus if we are to meet our objective of preservation of  
7 the language, culture and history, we need a central  
8 repository for the research and various things that are  
9 gathered, artifacts and so forth.

10                   Now I'd like to get into an area that  
11 has to do with preservation and also with rejuvenization  
12 and retention. In 1988 the Saskatchewan Indian Cultural  
13 Centre undertook to do a research study on the status of  
14 Indian languages in Saskatchewan. It was not possible  
15 to research every reserve, every Indian community, every  
16 urban area in Saskatchewan, so a number was selected in  
17 sort of like a random sampling. Then, the research was  
18 conducted from there. An extensive survey was developed  
19 and at that this point I'd like to bring up some of the  
20 findings.

21                   We came up with a coding system for this.  
22 The first level is extremely critical condition; very

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1 few or no fluent speakers under the age of 50, no strong  
2 pattern of indigenous language use in the community,  
3 English used in most cases, English main home language  
4 in most homes, infrequent use of language of those under  
5 30.

6                   The Cody Soto Reserve, "Carry-the-  
7 Kettle Nakoda Reserve, the Muskeg Lake Cree Reserve, the  
8 "Pepikis" Cree Reserve, Saskatoon Urban Centre, with all  
9 its language possibilities, Standing Buffalo Dakota,  
10 Wahpeton Dakota, White Bear which has four languages there,  
11 Cree, Soto, Dakota, Nakoda and Wood Mountain Lakota were  
12 determined to be in this real critical state. The language  
13 loss was so significant that there were few or no speakers  
14 under 50.

15                   In the next category was the critical  
16 condition. This one here is where you have few or no  
17 speakers under 30, no strong pattern of language use,  
18 English is the main language of use in the home and  
19 infrequent use of the language by people under 17;  
20 "Attakoop" Cree Reserve and Moose Woods Dakota Reserve  
21 were found to be in that situation.

22                   Serious condition, where there are few

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1 or no fluent speakers under 17, Cumberland House Cree  
2 Nation, Ile-a-la-Cross Cree Nation, Keniston Soto Nation  
3 and Water Hen Cree Nation.

4 Fair but deteriorating condition; the  
5 majority of those under 17 are fluent speakers, but a  
6 significant minority speak only English, strong pattern  
7 of indigenous language use in community, but shifts to  
8 English among children and indigenous language main  
9 language in most, but not all homes. That's Onion Lake  
10 Cree Reserve and "Patrenack" Dene Reserve.

11 Good health, but a few symptoms of ill  
12 health, the majority of fluent speakers in all age  
13 categories, strong pattern of indigenous language use in  
14 community, indigenous language main home language in all  
15 but very few homes, some children reported as infrequent  
16 speakers of indigenous language in several contexts or  
17 some social contexts characterized by more use of English  
18 than might be expected and that's Stanley Mission Cree,  
19 Whitefish Cree Band and Wollaston Lake Dene.

20 I know you are not familiar with the  
21 geographical location of these Bands I have named off,  
22 but in general what it comes out to be is that in the

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1 southern part of Saskatchewan, basically Prince Albert  
2 and south, there are almost no young people who know the  
3 language. It is only in the north where the language is  
4 still somewhat healthy.

5                   Each day that is being further  
6 threatened with the exposure to television, the exposure  
7 to the non-Indian influences of the school system, of the  
8 community and of economics. At the Cultural Centre we  
9 have been trying to encourage the Bands to develop language  
10 retention plans for their communities and such a plan would  
11 encompass from birth to old age. Many of the bands have  
12 been working on these, but what we are experiencing takes  
13 us back to the issue I had brought up with the Dakota  
14 situation with trying to find curriculum development  
15 funding. There are no funds available to fund these  
16 programs. Almost daily at the Cultural Centre we have  
17 one Band or another coming to us, asking for help with  
18 finding funding for language or a culture program. We  
19 really have no place to refer them to, given what I told  
20 you earlier.

21                   Many of them have some beautiful plans  
22 that they have come up with, plans that I know could work,

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1 but they can't happen without funding.

2                   Another area that ties into this  
3 language and is part of our mandate too is to help Bands  
4 in developing bilingual/bicultural education programs and  
5 building their capacity to deliver those programs. It  
6 puts us in a technical assistance mode, but our funding  
7 at the Cultural Centre is so limited that we can't meet  
8 the demand. The requests are coming in from the Bands  
9 and from the schools, not only from the Band level either.  
10 It is coming in from the public schools.

11                   For quite some period of time now we have  
12 only have two people in our department which is the  
13 languages and curriculum development department. It is  
14 not possible for us to cover the whole entire province  
15 and all the various language cultural groups that need  
16 help. What it brings us back to is the need for funding  
17 for technical assistance units to help the Band controlled  
18 schools implement such -- not only plan and implement such  
19 programs and this becomes really important when you go  
20 back and consider some of the things I said about the  
21 formula not providing enough funding for all the various  
22 positions to be staffed by trained professionals.

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1                   This becomes especially true in  
2 Indian language programming. There are schools out there  
3 which can't afford to hire a professionally trained  
4 language instructor, provided there is one available.  
5 There are other schools out there which can't provide the  
6 funding to hire someone on a full-time basis that isn't  
7 a trained professional even, to provide language  
8 instruction.

9                   Earlier there was a question raised by  
10 trained professional in regard to language instructors.  
11 There are very few.

12                   Cree has the most of our language groups  
13 here in Saskatchewan, but it's not enough to meet the need  
14 for every one of the schools to have a trained language  
15 instructor, provided they did have the funding to hire  
16 him.

17                   We need a training program which will  
18 train people to be bilingual/bicultural instructors.

19                   Also, along that line, training funds  
20 so that existing staff who have their degrees can be  
21 upgraded in order to be able to implement  
22 bilingual/bicultural programs.

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1                   I talked already about the dilemma with  
2 curriculum development funding. That \$100,000 pot is  
3 magical. The only thing is we all have to fight over it  
4 and in the end nobody really gets to do a good quality  
5 project because it is getting torn this way and that way.

6       I just came from a meeting yesterday of our education  
7 council. We spent half of our time debating over who is  
8 going to get ten cents out of there. It's not enough to  
9 meet the need.

10                   Another issue I'd like to bring up is  
11 in regards to elders. The Cultural Centre through our  
12 funding provides funding to the Tribal Councils in  
13 Saskatchewan, so that they can employ the services of an  
14 elder. We have one staff person at the Cultural Centre  
15 who co-ordinates this program, but the funding is not  
16 adequate to again meet the need. The funding basically  
17 allows for each Tribal Council to have one elder on staff  
18 to service their big massive area. That is not really  
19 addressing the need at the Tribal Council level or at the  
20 Band level.

21                   At the Cultural Centre we get calls on  
22 a weekly basis from Social Services, the RCMP and other

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1 agencies, asking can you provide an elder to counsel this  
2 family or to counsel this individual. We need a whole  
3 staff of elders on hand right at the cultural centre to  
4 meet those kind of needs, to assist us with curriculum  
5 development, but the funds aren't adequate to do that.

6 Another issue I will bring up is  
7 libraries. There is no program in existence that provides  
8 funding for Bands to establish libraries. There is no  
9 program in existence for Bands to be able to get a grant  
10 to update or enhance their libraries. Therefore, the  
11 Cultural Centre has been trying to fill that gap, but our  
12 resources again are limited.

13 As the Bands have become aware of us  
14 providing that service, we find ourselves really  
15 scrambling to come up with enough books to send out to  
16 these Bands that are asking for help. Yet, the only  
17 resource we have to get books is whatever we can set aside  
18 in our Cultural Centre's budget.

19 What this brings me to is there needs  
20 to be a national program for libraries. I would like to  
21 put a little dig in here. In the Province of Saskatchewan  
22 a Band like Wahpeton, if we want to use that library in

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1 Prince Albert we have to pay. I think that is very  
2 contradictory to other policies that have come out in  
3 promotion of literacy. I think there needs to be free  
4 access to libraries for our Bands.

5                   One more area that we have been trying  
6 to work in is to promote the Saskatchewan Indian artists,  
7 whether they be visual artists, performing artists or  
8 whatever field they are in. Our funds are limited to do  
9 this and we've tried to help a number of the artists go  
10 after funding from the provincial level and from the  
11 national level, but we find that the way the criteria in  
12 these art programs are set up that they systematically  
13 deny our people access. I will use, for example, Indian  
14 dance. There was a recent announcement back a few months  
15 ago, funding for dance, theatre dance troupes. We tried  
16 to get some funding for an Indian dance troupe and they  
17 said we weren't a professional dance, so we got cut off.

18                   Another example is we tried to get some  
19 funding from the Saskatchewan Arts Board for the  
20 publication of a book on Indian dance. They said that  
21 was not a recognized art, that you couldn't go anywhere  
22 to any university and get a degree in Indian dance, so

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1 it was not a recognized art.

2                   These are just a few of the issues that  
3 we face. Hopefully it has been enough to give you some  
4 idea of what we face on a daily basis in trying to provide  
5 for the preservation and retention of our cultures and  
6 language and providing for the educational needs that  
7 exist.

8                   I guess again I would have a couple of  
9 recommendations. One is the National Cultural Centres  
10 Program be increased, so that the Secretary of State's  
11 funding be increased.

12                   INAC be given the mandate to fund  
13 technical assistance units to assist Indian education  
14 authorities in the implementation of bilingual/bicultural  
15 programs, that the Indian educational funding formula be  
16 revamped so that it allows for the special programming  
17 dollars that are needed to implement immersion and other  
18 bilingual/bicultural programs and that INAC be mandated  
19 and funded and whatever for curriculum development, so  
20 that we can end this scenario of chasing around all over  
21 the countryside to find \$10 to bring back and really get  
22 down to the serious business of developing instructional

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1 materials that are needed for our children and are needed  
2 to be able to provide an effective Band control education  
3 program.

4                   With the existing program we have done  
5 nothing more but take over the administration. To really  
6 get down into serious Band control it means that we have  
7 our own curriculum, our own instructional materials.

8                   Another one is for legislation regarding  
9 sacred sites and for museums. Bilingual/bicultural  
10 teacher training program funding and a review of the  
11 various arts programs to ensure that our Indian people  
12 can have access to these programs and that there isn't  
13 some type of systemic discrimination happening there.

14                   A libraries program and I guess one of  
15 the other ones that we wanted to put a plug in for from  
16 the Cultural Centre was for funding for a national centre  
17 that would serve as a central clearing house and networking  
18 agency for bilingual/bicultural education Indian language  
19 program and curriculum development.

20                   I would like to thank the Chief and  
21 Council for asking me to speak on behalf of the Dakota  
22 Bands, also for having had the opportunity to speak on

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1 behalf of the Cultural Centre. I would like to thank the  
2 Commissioners for hearing what I have said. Thank you.

3 **CO-CHAIR GEORGES ERASMUS:** Thank you  
4 for a very thorough presentation. I will ask the  
5 Commissioners if they have any comments or questions.  
6 I will start with Bertha.

7 **COMMISSIONER BERTHA WILSON:** Yes, you  
8 have outlined a great many problems, many of them perhaps  
9 would be solved by funding, some perhaps not and as we  
10 have been crossing the country and hearing from native  
11 groups, we've learned that many native people see native  
12 self-government as a solution to many of these programs,  
13 in that it would get rid of the federal and provincial  
14 bureaucracy and allow the native people to establish their  
15 own priorities in a lot of these areas.

16 You've outlined some special problems  
17 of the Dakota Nation in Canada and the need for a  
18 cross-border relationship with the Dakota people in the  
19 United States. I am wondering if native self-government  
20 comes to pass in Canada, how will this impact on that  
21 north-south relationship of the Dakota Nation? Will it  
22 be helpful? Will it be harmful or will it be completely

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1 neutral?

2 **DARLENE SPIEDEL:** I think it would  
3 really depend on what type of parameters were set around  
4 the self-government that is given to the Bands. If we  
5 are allowed to truly determine our own statutes and so  
6 forth, I think it could be a great help and we could really  
7 develop some good working relationships with the relatives  
8 from the south and also maintain working relationships  
9 with the Bands that surround us, the Cree, the Dene, the  
10 Soto.

11 One key issue though will be the whole  
12 border issue. As I suggested, if some kind of an agreement  
13 could be put in place and it's not just our Dakota people  
14 who face that. So that those border restrictions I think  
15 self-government won't let us say who can cross the border.

16 **COMMISSIONER BERTHA WILSON:** Thank you.

17 **CO-CHAIR GEORGES ERASMUS:** Paul.

18 **COMMISSIONER PAUL CHARTRAND:** I only  
19 want to thank you for your presentation. With reference  
20 to the many plans on language development that you have  
21 talked about, I know that we would be interested in seeing  
22 those plans to assist us in developing our foundations.

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1 Thank you.

2 **DARLENE SPIEDEL:** I think one of our  
3 plans is to try to put a more in-depth presentation to  
4 the Commission at a later date. Hopefully, in that we  
5 can really get down and get into some specific cases of  
6 what is happening and specifics on these different needs.

7

8 **CO-CHAIR GEORGES ERASMUS:** I presume  
9 you are aware that we have an Intervenor Funding Program?

10 **DARLENE SPIEDEL:** Yes, we are aware.

11 **CO-CHAIR GEORGES ERASMUS:** You might  
12 try an application in a collective way on a number of  
13 things. You might find that it's possible to get some  
14 dollars there.

15 We set up the program to assist  
16 organizations in looking to solutions to their particular  
17 situation and also situations that might be used as  
18 examples for other places, for other First nations. I  
19 encourage you to see if you can get some assistance there  
20 to come back at a later time with some further presentations  
21 to us.

22 Thank you for your time.

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1 **DARLENE SPIEDEL:** Thank you.

2 **CO-CHAIR GEORGES ERASMUS:** We were  
3 supposed to have a break, but since we are so far behind  
4 I am kind of reluctant to do much more than maybe have  
5 a two-minute stretch. We will break for a walk around  
6 the room and then come back to your seat.

7 --- Short Recess at 4:03 p.m.

8 --- Upon Resuming at 4:12 p.m.

9 **CO-CHAIR GEORGES ERASMUS:** I would ask  
10 everybody to take their seats again. It looks like,  
11 according to the agenda, that we are at one o'clock now.  
12 I will ask Cy to introduce the next speaker.

13 **COMMISSIONER CY STANDING:** Very  
14 briefly, our next presenter is Gerald One Feather. Gerald  
15 is from the Mato Mna Sni Ta Tiospaye and that is from the  
16 Oglala Oyate. He went to school on the Pine Ridge  
17 Reservation and went to the University of South Dakota  
18 and the University of Oklahoma. He has a degree in  
19 political science. He has spent 22 years in tribal  
20 government and also that many years in traditional  
21 government. Gerald One Feather.

22 **GERALD ONE FEATHER, MATO MNA SNI, TA**

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1 **TIOSPAYE OGLALA OYATE:** Thank you for being invited to  
2 participate in these discussions. I feel it an honour  
3 being up here to speak to the Royal Commission on the  
4 subject of Lakota views and the Lakota world and as to  
5 what should be the future of Lakota people.

6 I have been working with the different  
7 Bands up here for the past three years. We have an  
8 organization called "Echishasha Ta Mnicha" and that's a  
9 term that is used to identify themselves as Lakota people.

10 The Lakota people believe that  
11 sovereignty comes from within themselves, so when they  
12 collectively come together and form a community we call  
13 Tiospaye or Band and the exercise of this collective  
14 thinking is the process of serenity.

15 The Lakota Nation as a Nation always had  
16 the ability to delegate or place power responsibility in  
17 smaller groups, so you look at our own history and the  
18 Bands are no longer than maybe 50 to 70 families in a Band.

19 Each Band has to have certain characteristics to exist  
20 and one is they have to be self-sufficient. They have  
21 to have all the mechanics for self-government.

22 The Band is the basis for the Lakota

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1 Nation. We exist throughout this country. We speak one  
2 language with three dialects. We have one spiritual  
3 relationship which is based on our sacred pipe and our  
4 sacred fire, but we respect our relatives and being related  
5 to each other is the most important thing in our  
6 relationships with each other, whether we act as  
7 individuals or act between Bands.

8                   This was pretty much the glue that kept  
9 the Lakota Nation intact for many years, for centuries,  
10 these values or self-government.

11                   The experience that we had in the United  
12 States, in the United States Constitution it establishes  
13 the relationship that exists between the Indian tribes  
14 and the United States government and that was through  
15 treaty making. So, the Indian tribes are outside of the  
16 United States Constitution. They passed amendments to  
17 the United States Constitution that never applied to Indian  
18 tribes because treaty making was the basis of policy from  
19 the time of contact. This has established them with a  
20 government-to-government relationship and that is still  
21 the policy of today's federal government, a  
22 government-to-government policy.

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1                   The thing that has gone wrong with our  
2 governments and I'm talking about Band governments or  
3 tribal governments is that for a time we allowed  
4 institutions to determine who we are and what we are.  
5 We lost the ability to determine who we are and to control  
6 our membership. So, we have lost this to institutional  
7 and the bureaucracy of government.

8                   I think this is basically the problem  
9 that exists in all Lakota societies. In more recent years,  
10 because of our treaty relationships, in 1934 the United  
11 States government gave us constitutional governments by  
12 Act of Congress. In more recent years, the Supreme Court  
13 of the United States asserted aboriginal rights which were  
14 rights which existed away before the United States was  
15 ever created and these inherent rights are now in conflict  
16 with tribal government because one arm of government is  
17 saying one thing and another arm of government is saying  
18 another thing. This is why the traditional people have  
19 emerged because of their relationship was based on treaty  
20 law rather than constitutional law.

21                   As I work with these Bands up here, there  
22 seems to be a confusion over what should be the political

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1 status of these Bands. On the one hand you make treaties  
2 with some Bands and yet you have created a legislative  
3 law to overturn or in conflict with the traditional treaty  
4 that was established. So, at one time you recognized them  
5 as independent states and somewhere along the line that  
6 legal status was changed to a constitutional relationship.

7 As a result, I think the Indians themselves are quite  
8 confused because at this point I am confused too as to  
9 who is a status Indian and who is a non-status and who  
10 is a treaty Indian or non-treaty Indian. So, the Indians  
11 themselves are confused as to what their relationship  
12 should be.

13 On the other hand, there is an  
14 opportunity to develop and recognize who they are as people  
15 because treaty upholds peoplehood and this is a thing that  
16 is lacking and as a result of all of this confusion I felt  
17 that the Bands have really no protection against  
18 unwarranted government actions.

19 We look at history and we look at the  
20 traditional government. Tiospaye is what we call the  
21 Band. Again, they have accepted responsibility to be  
22 independent within the nation. They determine who is

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1 going to be a member of that Band. They determine wherever  
2 they want to go, but generally they come together every  
3 so often, the head men and the Band Council is comprised  
4 of all the family heads in that Band. In other words,  
5 everybody is represented at the General Council, every  
6 family. The most important person and who has an automatic  
7 seat in the General Council, whether it is at the Band  
8 level or at the Nation level is what we call "Okanchasa",  
9 the holy man because he is the one that speaks with the  
10 spirit people. Even the spirit people are represented  
11 at a General Council. This man knows things that the  
12 ordinary man doesn't know. He knows things that we don't  
13 know as human beings because he interprets for the spirit  
14 people. He is able to bring the spirit into the  
15 discussions of issues.

16                   The head man in a traditional government  
17 speaks to "Okanaga", the Great Spirit, on behalf of the  
18 people. He voices the opinion, he voices the help or he  
19 voices thanksgiving or whatever it is, this man speaks  
20 for his people to the Great Spirit. So that the Great  
21 spirit would have a part in that decision, in that  
22 responsibility. This is one of the things that

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1 constitutional government prohibited. Two things  
2 happened in constitutional government and one was the  
3 spiritual life of the people were separated from the  
4 Council. The other one was we went from family  
5 representation to geographic representation by popular  
6 vote.

7                   So, either the man with the most  
8 relatives or a man that is most popular seems to win the  
9 election, not the man who has the wisdom and the knowledge  
10 to help his people. In this way what we know as traditional  
11 government begins to weaken over the past 100 years.

12                   The elements of this traditional  
13 thinking still exists among Bands. They still  
14 philosophically have this ideal, but how to implement these  
15 is a whole question because at this point here in Canada  
16 there is really no option for the Bands to innovate  
17 self-government and there are no provisions to allow  
18 changes, maybe drastic changes in the way they govern  
19 themselves.

20                   I think the second issue is we talk about  
21 funding, money and so forth. I think there has to be an  
22 inventory of our resources. First of all, many of the

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1 reserves are situated where very little natural inventory  
2 is available and how they are placed there I don't know,  
3 I mean decisions, but the basic thing now is to look and  
4 see what they have and see where the resources they have  
5 can be increased or developed towards an economic  
6 self-sufficiency, but you basically need the resource  
7 inventory. This is part of being self-governed.

8 More recently, and I am going to leave  
9 two documents with the Commission. The first one is the  
10 International Gathering of the U.S. and Canadian Dakota,  
11 Lakota and Nakoda Bands and Tribes. This is an  
12 organization again that got started up here in Canada,  
13 but we have a unification of a code that was signed by  
14 all the head men, the chiefs of the Bands participating  
15 in this. So far there are nine on the States side and  
16 nine on the Canadian side who are members of this.

17 It's an arrangement where we hope to work  
18 out and share resources and share knowledge and share  
19 wisdom and share things that we have in common because  
20 there are things they have up here that we don't have down  
21 there. We have things down there that they don't have  
22 up here. As a result, we need to work together on these

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1 issues. I will leave a copy with you and you guys can  
2 whatever.

3                   The other one I would like to leave is  
4 a treaty that was made in 1781 between the Sioux, the  
5 Chippewas and the "Oddawa". This was a treaty between  
6 Bands or between Nations.

7                   In the beginning the Lakota Nation  
8 signed treaties with other tribal nations and in some place  
9 along the line in the United States the United States  
10 government began to sign treaties with Bands rather than  
11 a Nation. They didn't sign treaties with Nations, but  
12 they signed it with Bands and that's how the Lakota Nation  
13 for a period of time was divided because each Band was  
14 on its own signing a treaty with the United States  
15 government. So, we went from a nation of treaty making  
16 to Band treaty making and so we have many treaties that  
17 way in the States right now where the Bands have different  
18 treaties with the United States government. We still have  
19 Bands that never signed a treaty with the United States  
20 government.           One of the things we hope to do is somehow  
21 try to have these non-treaty people begin to work for  
22 signing new treaties. At the present time, as non-treaty

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1 people, they enjoy the same rights as the treaty people.

2 There is really no distinction at the present time, but

3 I think for the matter of legal principle there should

4 be a time when formal relationships should be established.

5

6 For the record, I am placing these here

7 and I will read this treaty.

8 "Apart from the historical significance as a record

9 of treaty making of Indian tribes which

10 occurred during the time period, the

11 document has historical and legal

12 significance. It was sponsored by

13 England at the time when the United

14 States did not have its full

15 independence. The Treaty of Paris

16 which closed the American Revolution,

17 the provisional articles of peace

18 between Great Britain and the United

19 States could not have been signed until

20 November 3rd, 1787.

21 The Treaty of Peace ending the

22 Revolution would not have been ratified until September

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1                   3rd of 1783. Although the British  
2                   Colonial Office sponsored this treaty,  
3                   the English role was primarily that of  
4                   recording secretary for the Indians  
5                   involved and Great Britain had no power  
6                   to force the Indian Nations to agree to  
7                   this treaty or to enforce its  
8                   provisions.

9           Great Britain is therefor acting in an arbitrary or  
10           mediation role and the treaty can be  
11           cited as evidence of the independence  
12           of those nations at this time in American  
13           history. It should be therefor  
14           regarded as a valid and binding treaty  
15           by the Indian Nations who are  
16           signatories."

17                   So, this was evidence of a treaty that  
18           the Indians made before the United States government  
19           replaced and this was on the States' side. Of course,  
20           things like this happened where many of the Lakota tribes  
21           on the east sided in with the British against the United  
22           States. I felt these kinds of things are still pretty

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1 much alive.

2                   Every so often down there we have  
3 interpretation of our court systems, reaffirming these  
4 aboriginal rights or these treaty rights that were  
5 established in those times. We have like detection power  
6 down there, tribes taxing. It was ruled several years  
7 ago that this right always relies with the tribe, to tax  
8 people who come into their reservation or their territory.

9       So, the tribes then reaffirmed their taxing powers because  
10 it is always there, it's an inherent power to tax.

11                   Lately, the Wisconsin area, the court  
12 reaffirmed the fishing rights up in that area and this  
13 treaty was signed in the 1800s, that even though the land  
14 went out of trust and into non-Indian hands, the lakes  
15 are still under their control under treaty law.

16 Therefore, the present tribal governments in those areas  
17 have that right to regulate fish on all of those lakes  
18 that were aboriginally held by the Indian tribes.

19                   One of the things in this relationship  
20 between the Lakota on each side of the international  
21 boundary, I would like to see some sort of a national  
22 commission or however it should be dealt with to deal with

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1 this issue because I see more and more traffic of Indian  
2 people back and forth. I really feel that there needs  
3 to be a positive development on this.

4 I know we are going to be meeting in a  
5 few weeks, all the Lakota tribes, and hopefully we would  
6 recommend to our government in the United States for  
7 legislation to deal with this issue from our part of it  
8 and that maybe we can amend the Free Trade Act and be a  
9 part of that or some alternative like that. This involves  
10 commerce too. The Indians from up here have an easier  
11 time going down there to sell products and so forth, but  
12 coming up this way it's much tougher because you have to  
13 pay your total inventory before you can cross the border.  
14 We have a lot of problems, but we need to resolve that  
15 somehow.

16 I would like to thank the Commission for  
17 allowing me to speak on these issues. If there are any  
18 questions I would answer them.

19 **CO-CHAIR GEORGES ERASMUS:** Thank you  
20 for this presentation. Once again I'd like to thank you  
21 for helping us with the opening ceremonies this morning  
22 and the Sweat that you helped conduct last night.

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1 I am going to ask the Commissioners here  
2 if they have any questions. I will start with Bertha.

3 **COMMISSIONER BERTHA WILSON:** As we have  
4 been going across the country receiving presentations from  
5 different groups, one of the things that has arisen quite  
6 often is the nature of Band government, the question has  
7 been posed. What is the nature of Band government?  
8 Usually it has been raised in the context of accountability  
9 for the government of the members of the Band. I wonder  
10 as a political scientist whether you could help us, how  
11 would you describe the nature of Band government and in  
12 particular what is the mechanics for accountability with  
13 respect to the running of Band affairs? Could you help  
14 us with that, please.

15 **GERALD ONE FEATHER:** As I explained, the  
16 traditional form as to how it once functioned, but in more  
17 recent times it's a constitutional form of government now  
18 and it's recognized under a constitutional set-up.

19 I think the thing that I see, to go back  
20 and put some of those traditional values in their system  
21 and by that I mean representation probably by families  
22 and so everybody will have representation in the system.

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1 They operate on unanimous consent traditionally, not on  
2 majority but on unanimous consent.

3 The accountability is a spiritual  
4 accountability in the traditional government. So the man  
5 that is most trusted is the one who usually handles the  
6 most valuable information or the most valuable things of  
7 the Band Council. The people among themselves, the pipe  
8 carriers and mostly all head men are pipe carriers in a  
9 traditional manner, means that they vow to carry on the  
10 public work in the context of a spiritual relationship.

11  
12 I don't know how that -- probably like  
13 the Jesuit priests I guess. That's their life's work,  
14 but when you bring in the white man's context of democratic  
15 government, what we did is we put in majority rule and  
16 we put in geographic representation and we brought these  
17 into that, which almost destroyed what was there.

18 For us to reconstruct this we are going  
19 to have to re-educate and re-institute or restructure a  
20 new whole system. Maybe some of the values are gone  
21 forever, but in place we are going to have to figure out  
22 how, like what is the consent rule and whether that should

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1 still be a practice, unanimous consent.

2                   Whether having the prayers be a part of  
3 the government because the separation of church and state  
4 is a conflict in government, so basically it means sitting  
5 down and restructuring what are those things that the  
6 people can exercise. We are then going to have to deal  
7 with these principles.

8                   The leaders, like I said, in a  
9 traditional structure are lifetime people. They don't  
10 get elected every other year, but they are service-oriented  
11 people. That's what they -- and the accountability  
12 factor, there is usually a person who practices his  
13 spirituality, but again -- so that relationship between  
14 them and the federal government and I guess it would be  
15 up to the federal government to allow how much independence  
16 or if you are going to recognize them as a total separate  
17 entity within Canadian society, like we do in the States.

18 I think that's a major decision because the Bands if they  
19 get into a constitutional set up here, then they are going  
20 to be in any constitutional conflict that arises. But  
21 if they remain outside of it, then they have to deal with  
22 them on a treaty basis, on a special relationship basis

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1 with each Band.

2 I think that decision to me is probably  
3 the most challenging because that is going to set the  
4 development of the Lakota or other tribes here for the  
5 next 100 years, how you recognize them. They themselves  
6 are going to have to upgrade themselves and re-educate  
7 and restructure their own system because they lost that,  
8 many of these for the last 100 years because of under the  
9 present situation. That's why many of them look to  
10 yourself for help to restructure and to be able to function  
11 again in those manners that traditionally and culturally  
12 happened before.

13 But the Band Council, the ingredients  
14 for a Band Council is still pretty much alive in some of  
15 these Bands, like being related to each other and which  
16 is one of the criteria for making self-government is the  
17 relationship.

18 Then we have, for instance, they talk  
19 about one of the tribal traditional laws was "Wichocha"  
20 and that means the future generation. So the whole aspect  
21 of government and people is to see that the children develop  
22 so that they can be the future people. That was one the

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1 basic laws and some of the Bands still have that in order  
2 to look after the children. But, in the process again,  
3 the language and things to make it happen, it has been  
4 lost, to make that thing happen.

5                   Philosophically it's there, but  
6 practically it is diluting. So, some of the philosophical  
7 thinking is still present and to me I think it is a matter  
8 of being able to say we are going to recognize your  
9 government, however you want to do that and accept what  
10 is there, instead of saying that you can do this or you  
11 can do that, according to our principles and set up  
12 accountability. How are you going to set up  
13 accountability?

14                   You can say that you can have spiritual  
15 people in your Council. They can say that. There is a  
16 pipe, you know, if that's what you want to do. But we  
17 have a whole generation of Christian people and some of  
18 them went through this Band too, so they say that's past  
19 and we are over here now and we can't go back. We have  
20 that argument too.

21                   When we go beyond that we have this whole  
22 problem of identity, who we are and then they go back to

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1 the pipe and when they realize that then they realize they  
2 are in that pipe. So, this is what provokes these  
3 conflicts that we have in the Indian world because it's  
4 a conflict of values and there is no consistency.

5 **COMMISSIONER BERTHA WILSON:** Thank you.

6 **CO-CHAIR GEORGES ERASMUS:** Paul

7 **COMMISSIONER PAUL CHARTRAND:** I have no  
8 questions, but I want to thank you for your presentation.

9 I heard what you said and you made quite a number of very  
10 useful remarks, both in your presentation and in response  
11 to Commissioner Wilson's question.

12 You touched upon some large questions  
13 that we will undoubtedly have to face in crafting our  
14 recommendations. As a student of political science, not  
15 a political scientist, I am particularly interested in  
16 exploring the role of both religion and nationalism and  
17 that process of integration of small societies into larger  
18 societies for the purpose of gaining political power.

19 In addition to that, as you have  
20 indicated today, also in the role that religion might play  
21 in the actual establishment of governmental structures.

22 We do have a long way to go. I thank you for your

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1 assistance.

2 **GERALD ONE FEATHER:** Thank you.

3 **CO-CHAIR GEORGES ERASMUS:** Thank you.

4 We will go to our next presenters, the  
5 Dakota Nation Chiefs and I will have Cy Standing introduce  
6 them to us.

7 **COMMISSIONER CY STANDING:** Chief Calvin  
8 McArthur is the next presenter. While you are coming up,  
9 briefly, Wayne Goodwill went to school in LaBret and went  
10 to Regina. He has severed 22 years on Council before he  
11 became Chief.

12 Calvin McArthur went to school on the  
13 White Bear Reserve and the Saskatchewan Indian Cultural  
14 Centre and he is the Chief of Pheasant Rump now.

15 There is an old guy now also, the  
16 consultant.

17 **CHIEF CALVIN McARTHUR, CHIEF, PHEASANT  
18 RUMP NAKODA BAND, DAKOTA NATION CHIEFS:** Good afternoon,  
19 Commission members, elders, Chiefs, youth, ladies and  
20 gentlemen. My name is Calvin McArthur and I am Chief of  
21 the Pheasant Rump Nakoda Band. We are located in southeast  
22 Saskatchewan and we are part of the Dakota Nation, the

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1 "Ihunaktua". There are the Seven Council Fires and we  
2 are part of that.

3 I have numerous topics that I'd like to  
4 make a presentation on today and the first one would be  
5 that this year Canada and the United States are celebrating  
6 the 500th anniversary of the arrival of Christopher  
7 Columbus. I see that for the Indian people as celebrating  
8 500 years of survival.

9 We have had many hurdles to cross in  
10 these 500 years. We had many battles to fight and  
11 different battlegrounds. Each time we were pushed back  
12 and we always got back up and moved forward. Today we  
13 are entering into another era with this constitutional  
14 change, whereas we will be recognized as the nations that  
15 we are. We signed treaties as nations. Only nations can  
16 make treaties. With these treaties came many rights and  
17 yet many of these rights have never been lived up to.  
18 I believe we have lived up to our end of the bargain.

19 At times, very many times, our people  
20 have stood up for our treaty rights. Last September I  
21 took a stand and that stance I took was in the protection  
22 of our treaty rights. As a result of that stand, I was

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1 given a nine month suspended sentence because I took a  
2 stand to protect my rights, the rights of my people and  
3 the rights of the generations yet to come.

4 I believe my position as the Chief of  
5 the Band is that I must speak for the people who cannot  
6 speak for themselves and act for those people who cannot  
7 act for themselves.

8 We had signed a treaty in 1876. We  
9 signed as an adhesion to Treaty No. 4. Between 1876 and  
10 1901, members of the federal government came to our reserve  
11 and they forced us off and they sold the land. They forced  
12 us to amalgamate with the White Bear Band, which was a  
13 Cree and a Soto Band. We were a Nakoda Band. So, from  
14 1901 right up to 1990 we were off our reserve. We weren't  
15 even a Band. However, during the 1970s a land claim was  
16 launched and an agreement was finally signed in 1986 which  
17 had the provision for returning our lost acreage to us,  
18 as well as compensation.

19 On August 23rd, 1990 we were finally  
20 given an Order-in-Council and once again recognizing us  
21 as a Band. Throughout this 90 years many of our people  
22 passed on, but it was their dream that the Band and the

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1 reserve would one day come back to us.

2 We are fortunate that our reserve is the  
3 site of a medicine wheel, as well as over 200 teepee rings.

4 According to our spiritual leaders and elders that the  
5 territory was occupied by the Dakota people. The Dakota  
6 people, as was said previously, occupied quite a large  
7 area of land. There is no 49th parallel. When the 49th  
8 parallel was put into effect, the original members of the  
9 Pheasant Rump Band moved back and forth between Wood  
10 Mountain, Pheasant Rump and into Montana. When that  
11 border was put on, many of the people were left in the  
12 States.

13 By the Dakota people being in this area  
14 since the beginning of time, I believe in my mind and in  
15 my heart that their claim to the land is valid.

16 There are many options available,  
17 comprehensive claims, treaty adhesions. I feel if the  
18 Dakota Bands wish to sign as adhesions to treaty they should  
19 be given the full complement of the treaty rights as well  
20 as the land, border rights. Border rights is another issue  
21 in itself too.

22 With us today a gentleman came up from

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1 South Dakota. I believe he is a spiritual leader. Yet,  
2 when he came to the border they asked him what he was coming  
3 up for. So he told them. He got a rough time. He spent  
4 two and a half hours at the border. I wonder how the Pope  
5 will feel if he is to come to Canada and they stop him  
6 at the border and give him a rough time.

7                   For many years the lives and the futures  
8 of our people have always been governed by the standards  
9 as set out by the government, that we must do things this  
10 way, that we can't do things that way, that these are the  
11 official languages, not these ones. When they are sent  
12 to boarding schools English was the language that was to  
13 be spoken, not your own tongue. As a result of that, many  
14 of our people lost the language and the culture. By losing  
15 language and culture we lost many of the values in life.

16                   I was happy to hear that there are Dakota  
17 classes being taught. I believe that is a step in the  
18 right direction, but there is a lot of work that has to  
19 be done yet and that's in the area of education.

20 Saskatchewan has an Education Act. If you want a school  
21 on the reserve, if you want your education to be recognized  
22 then that is the act you have to follow and that is the

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1 standard.

2                   We have many people who are traditional  
3 and they speak their language, yet they have to live on  
4 welfare because they can't share their knowledge. I  
5 believe the Education Act should be amended to allow the  
6 First Nations to have input into it, that when a school  
7 day starts it is started in the native language and the  
8 classes to be taught in the native language, the resource  
9 material to be of native content.

10                   When I was going to school I was taught  
11 that Christopher Columbus was a right on guy. As time  
12 went on and I listened to other people, I finally got the  
13 full story. That is why I say that we are here celebrating  
14 500 years of survival, that we have been defeated on many  
15 fronts, but we have never been conquered as a people.  
16 We stood back up and we stood proud, proud of who we are,  
17 where we came from, where we are going.

18                   With respect to the treaties, I believe  
19 the federal government likes to say that the reality of  
20 the situation is that they cannot afford to implement the  
21 treaties. I think they should be brought back to reality.

22 I believe the reality of it is that when the federal

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1 government begins to understand, to accept and implement  
2 the treaties and the other rights and wishes of the First  
3 Nations, that Canada can move forward as a country. There  
4 will be no problems with separatism, racism,  
5 discrimination.

6                   As I said, I have many topics here and  
7 I will be jumping back and forth. As part of our land  
8 claim we lost 23,423 acres of land, then we got it back.  
9 When we lost the land we had mineral rights and as well  
10 the rights to the other resources. That's when we lost  
11 it. Now, when we got it back, we haven't even got a mineral  
12 right on it.

13                   Oil companies can come on and give us  
14 a couple of grand a year to drill a well, make themselves  
15 rich, but not us. A lot of the First Nations are Third  
16 World countries living in a First World country. Land  
17 claims and treaty land entitlement should also include  
18 mineral rights. There is also the issue of  
19 self-government. As was stated many times and from things  
20 that I've heard, when treaties were signed we never gave  
21 away our right to govern ourselves. We gave the  
22 opportunity for the immigrants and the settlers to share

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1 the land. We weren't a stingy people. Some people came  
2 over on the boat and they needed a place to live. They  
3 came over on the Mayflower and whatever else and we shared  
4 the land with them in return for certain promises.

5 I believe that when self-government has  
6 been firmly entrenched in the Constitution that  
7 negotiations for each First Nation will then take place  
8 as to the nature and the scope of self-government and not  
9 with the federal government dictating to us what is a right  
10 and what is not a right.

11 Further, in the Constitution they talk  
12 about a distinct society clauses, equality clauses. They  
13 talk about giving Quebec a distinct society. I believe  
14 just before that paragraph a distinct society clause should  
15 be put in, stating that all the First nations of Canada  
16 are distinct and unique and then they can put in Quebec.  
17

18 With respect to education again, many  
19 of our students are graduating from high school. Many  
20 of our other people are wishing to go back to school, but  
21 the federal government said no, there's only so much money,  
22 so you go ahead and do your dirty work for us. You tell

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1 this one and that one that they can go, but the other ones  
2 can't. I believe all caps on education should be lifted.

3

4                   Once again, with respect to border  
5 crossings, there are five Bands of the Dakota, Nakoda and  
6 Lakota in Saskatchewan and there are some in Manitoba and  
7 some in Alberta and some in the States. We wish to make  
8 treaties with these other nations and we will.

9                   At this point that is all I have to say  
10 to the Commission. Thank you very much.

11                   **CO-CHAIR GEORGES ERASMUS:** Thank you.

12                   I think before we ask for questions from  
13 you, Calvin, we will probably hear from the other Chiefs  
14 first and then open up questions.

15                   **CHIEF WAYNE GOODWILL, CHIEF, STANDING**  
16 **BUFFALO DAKOTA BAND, DAKOTA NATION CHIEF:** Good afternoon,  
17 elders, members of the Royal Commission, fellow Chiefs,  
18 Councillors, youth and visitors. I would like to make  
19 my presentation short. I know we have had a lot of good  
20 presentations made by members of our Dakota Nations of  
21 Canada and the United States.

22                   I am Chief Goodwill from the Standing

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1 Buffalo Dakota Band. I was recently elected, about seven  
2 months ago. I served my community for 22 years and when  
3 I first started in the late 1960s we formed the Dakota  
4 Nations of Canada and ever since then we've been trying  
5 to gather information with limited amounts of money to  
6 try to provide enough evidence that we too were part of  
7 this great prairies here of Saskatchewan and Manitoba.

8                   Prior to 1850 our ancestors used to roam  
9 right up to the Saskatchewan Rivers and they migrated with  
10 the buffalo. In the 1860s when the wars began in the  
11 southern area along the Black Hills, most of the people  
12 did not migrate any more. However, there are still  
13 landmarks, there are teepee circles, sacred burial sites  
14 and those are what we believe are ours and were left here  
15 in Saskatchewan. With the limited funds, this year we  
16 were unable to complete any kind of presentation to make  
17 to the Royal Commission. We were still trying to get some  
18 funds to complete our study.

19                   We have lived under treaties for over  
20 100 years, even since we were given a reserve in Standing  
21 Buffalo near Fort Qu'Appelle. The Chief made a pledge  
22 that the treaties were sacred and that he would, although

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1 he wasn't regarded as a treaty Indian, but he said he would  
2 live under the same rights as the treaty people. Ever  
3 since then we've lived under them until today. We never  
4 had elections for chief and council until 1951.

5                   The Wood Mountain Lakota Band never got  
6 a reserve of their own until 1934. These are just some  
7 of the things I thought I would remind you of.

8                   Our land base is very small. Wood  
9 Mountain is two miles by two miles, Standing Buffalo is  
10 three miles by three miles. We got a population of 800.  
11 Our on reserve population is close to 400 people. A large  
12 amount of our Band members are on welfare. We have some  
13 small economic development programs started, but it only  
14 employs about -- with the staff alone we only have about  
15 25 employed.

16                   We have a small school which we hope to  
17 have -- we took our children out from a couple of  
18 neighbouring towns and had them brought to Standing Buffalo  
19 schools in order to increase our roll to almost 100. It's  
20 pretty near 100 today.

21                   Yet, we've made a number of requests,  
22 for a gymnasium, which we think it's essential that kids

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1 have some place to exercise and which I think is part of  
2 the education program in the winter and also some of our  
3 cultural activities for our elders and our youth. Today  
4 that's one of the things we are really trying to get is  
5 to get a gym completed, but we are hoping to get a study  
6 started and maybe funding available by the next fiscal  
7 year.

8 I have been on housing for practically  
9 most of my term in office. I do remember at one time it  
10 used to be housing assistance and one day they changed  
11 it to housing subsidy. I think it was around 1972 and  
12 every since it's been housing subsidy, the amount of  
13 housing funds were limited and now many of our Bands in  
14 order to provide better housing for our people are forced  
15 to go into the CMHC program and which we have to borrow  
16 large sums of money. It has put Bands in debt and I would  
17 say in our case we are in our seventh phase. I believe  
18 we built 53 houses. Each time we would borrow about --  
19 we are over \$2 million in the hole right now. Not in the  
20 hole, but in loans that we have to keep constant track  
21 of our rent collections et cetera and we have limited staff.  
22

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1                   With the limited amount of money they  
2 expect us to hire computer experts and housing  
3 co-ordinators, housing foremen, et cetera, in order to  
4 provide us with adequate -- in order that we may give them  
5 adequate reports.

6                   With the limited amount of money, we have  
7 to have longer amortization periods, over 20 years, which  
8 would mean that we have to really work hard to ensure that  
9 these houses will last from 20 to 25 years, plus there  
10 are taxes and other things that we weren't aware of and  
11 we are faced with today. I think this is one of the things  
12 that the Commission should look into is the housing  
13 problems that the Indian people are facing.

14                   Administration. Again, we are limited  
15 with funding and with meetings and with all the work that  
16 the Chief and Councils are faced with. We are actually  
17 doing our work for nothing. We are just working on per  
18 diems, enough money to travel here and there and provide  
19 us with hotel rooms and gasoline.

20                   I would like to conclude and in the new  
21 Constitution amendments the Dakota people -- a door must  
22 be left open for the Dakota people in order to enter into

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1 a treaty or at least sign an adhesion to treaty. The  
2 FSI Chiefs were 100 per cent behind us a number of times,  
3 but the federal government did not accept this and today  
4 we still aren't recognized as treaty Indians. We are just  
5 recognized as status Indians in Saskatchewan. Thank you.

6 **CO-CHAIR GEORGES ERASMUS:** Thank you.

7 Before we go to questions, we are going  
8 to have a brief ceremony here to deal with the fact that  
9 the staff behind us fell down. I will ask Cy and Chief  
10 here to take care of that for me.

11 **COMMISSIONER CY STANDING:** Mr.  
12 Chairman, since the eagle staff fell -- it's not supposed  
13 to touch the ground and it has. We would like to ask Gerald  
14 One Feather to come up and say a prayer and we will continue  
15 the Hearing after that.

16 **GERALD ONE FEATHER:** Traditionally,  
17 when an eagle feather touches the ground we have to perform  
18 special prayers to allow the eagle to fly again. At this  
19 time I have been asked to invoke the spirit powers to allow  
20 the eagle to rise and fly again.

21 --- Prayer Ceremony

22 **CO-CHAIR GEORGES ERASMUS:** I am going

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1 to open up the floor to the two Commissioners to ask  
2 questions or make comments. I will start with Bertha.

3 **KEN GOODWILL, WHITE CAP RESERVE, DAKOTA**  
4 **NATION CHIEFS:** I had hoped to make a statement.

5 **CO-CHAIR GEORGES ERASMUS:** I'm sorry,  
6 Ken. Go ahead. It's going to be a brief consultant's  
7 paper; right? Very brief?

8 **KEN GOODWILL:** I am the old man in the  
9 middle.

10 What we are trying to say is that  
11 whenever we talk about the kinds of inherent rights, it  
12 is not for anybody to give it to us, those are inherent.  
13 It is not for anybody -- we don't have to get it from  
14 anybody.

15 We are three Dakota people here. When  
16 we were here, or I guess all of our grandparents were here,  
17 there were people who came from different countries and  
18 were not willing to accept a kind of religion which was  
19 other than their own and developed in a relatively similar  
20 environment. They said we were pagans. They said we were  
21 inherently bad because we were not whatever we were  
22 supposed to be, whatever the good thing was supposed to

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1 be we were not that.

2                   We have lived under that for a long, long  
3 time. We were inherently pagan. I guess like there are  
4 lots of things we can say. All the things like when we  
5 talk about treaty, when somebody uses a pipe, when somebody  
6 smokes a pipe, the very fact that they use a pipe invokes  
7 a higher power to come and to be part of that signing or  
8 whatever it is. For us, and I guess for you also, for  
9 Indians when people sign a treaty and they use a pipe,  
10 they burn sweetgrass and they use a pipe, this was a sacred  
11 kind of event. It was not something to be taken lightly.

12                   When people -- I don't know, perhaps my  
13 friend from the U.S. government and he talked earlier about  
14 all the treaties that were signed by the U.S. government  
15 and Indian agents and whomever, they obviously did not  
16 think that was very sacred. But these were sacred  
17 agreements to the Indians who signed those agreements.  
18 Those were sacred kinds of agreements at which you invoked  
19 a sacred presence. Those are not to be taken lightly.

20                   When you see a treaty being done between  
21 the Indians and whomever and you see a sacred pipe, I am  
22 a pipe keeper and that pipe is sacred. No one really has

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1 a right to break those kinds of agreements and yet we know  
2 that several things have happened in the last while, that  
3 those treaties some people have said that they are sort  
4 of administrative kinds of things and it seems to me that  
5 particularly with the former Madam Justice if you would  
6 look at the legal relationship of what that means, it seems  
7 to me that there should be a legal relationship based on  
8 those treaties and of the Government of Canada and of the  
9 Indian people of Canada.

10                   It seems to me that there should be a  
11 residual kind of responsibility that cannot be just thrown  
12 off. Surely if the Government of Canada -- well, we signed  
13 treaties with the Queen and Canada is the successor to  
14 the Crown I suppose, becomes a part of that responsibility.

15 Then there should be a residual kind of responsibility  
16 that the Crown of Canada, the Parliament of Canada,  
17 whomever that is, to maintain that kind of relationship.

18                   My friend here talks about housing and  
19 he talks about education. All of those things were part  
20 of for the concessions that we made, like we gave the Queen  
21 96 per cent of the land and all the rights and surely the  
22 concessions that we made at that point should be least

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1 considered and then the federal government must -- like  
2 we are not asking, we are not whining. We are saying this  
3 is a valid agreement and you owe us. In any of these  
4 situations where -- we always get put into a position where  
5 we seem to be asking for something which is not ours.

6                   What I am saying right now is the federal  
7 government owes that to us. It's a commitment that they  
8 made many years ago and it's still a standing commitment.

9                   I also want to talk about the kind of  
10 things that we are Dakota people -- we did certain things,  
11 like in the War of 1812 and whatever and I don't want to  
12 go into that, but we do have commitments. We have  
13 commitments from the federal government or from the British  
14 Government.           I am getting mad now. We just demand  
15 our rights that's all. Thank you very much.

16                   **CO-CHAIR GEORGES ERASMUS:** Thank you,  
17 Ken.

18                   I will open it up now for the  
19 Commissioners to either make comments or ask questions.  
20 I will start with Bertha.

21                   **COMMISSIONER BERTHA WILSON:** I don't  
22 really have any questions. I found the presentations very

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1 interesting and very informative. I appreciate very much  
2 you coming and delivering them to us.

3 I think as far as Ken's remarks are  
4 concerned, he is, as we might say as non-aboriginal people,  
5 you are talking to the converted. Thank you very much  
6 for your submissions.

7 **CO-CHAIR GEORGES ERASMUS:** Paul

8 **COMMISSIONER PAUL CHARTRAND:** I have no  
9 questions, but I do want to thank you and I support Madam  
10 Wilson's remarks. Thank you.

11 **CO-CHAIR GEORGES ERASMUS:** I was  
12 interested in your presentation, Calvin, when you said  
13 that your people started with a land base and then they  
14 lost it. What actual instrument or what did the government  
15 actually do to take the land away from you? Did they pass  
16 legislation? Did they just take you off your land without  
17 doing anything legally to transfer ownership or what excuse  
18 did they use?

19 **CHIEF CALVIN McARTHUR:** The history of  
20 from what I have gathered is that Clifford Sifton was a  
21 member of the federal government of that time, kind of  
22 a controversial figure. He had three civil servants in

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1 his department. They came out to the reserve in 1889 and  
2 they said that it was like an oasis in the prairies, there  
3 was a lot of land there but not many people and it was  
4 a kind of a waste, why not move them over to White Bear.

5 It would kind of cut the costs down a bit and make more  
6 room for the white people.

7 So, for about 12 years they must have  
8 been scheming, even to the extent of setting up a dummy  
9 company in Omaha or Ohio or one of those places -- Omaha.

10 It was kind of like a land purchasing company. Anyway,  
11 these gentlemen came out, first to Ocean Man and told him  
12 that they wanted to buy their land for "x" amount of dollars  
13 and from there they can go to White Bear. Ocean Man was  
14 also a Nakoda, so for reasons of their own Ocean Man said  
15 they would sell. They went to White Bear.

16 After that, they came to Pheasant Rump  
17 and they asked the people, they gathered all the men and  
18 they said they wanted to buy the land and they said they  
19 wouldn't sell. That went on for a few days. Finally,  
20 the head guy there, I believe his name was Smart or Pedley  
21 or something like that, he got mad and he said "You are  
22 going to sell the land to us or we'll force you off. We'll

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1 use the red coats", which would be the Northwest Mounted  
2 Police at the time.

3                   The people wanted to fight to protect  
4 the land and one of the words of one of the members of  
5 the Band was "You can stand up and fight, but they'll keep  
6 on coming", so it was very reluctantly that the people  
7 moved over to White Bear which is about 20 miles to the  
8 east and spent 90 years there. That's the rest of the  
9 story.

10                   There were a lot of injustices done by  
11 that and we've still got a lot of issues and concerns that  
12 we must bring up with the federal government. They moved  
13 us off the land when we were just nicely establishing  
14 ourselves on it. Now we believe that the federal  
15 government owes us re-establishment funding.

16                   When the original land claim  
17 negotiations were taking place, the figure of \$7.2 million  
18 was raised by one of the federal negotiators. His words  
19 were that to re-establish one band he would have to seek  
20 Treasury Board approval for no less than \$7.2 million.  
21 What we have got to date is -- we've got a few dollars  
22 to date.

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1                   **CO-CHAIR GEORGES ERASMUS:** Was there  
2 any compensation for the fact that you didn't get the  
3 subsurface back?

4                   **CHIEF CALVIN McARTHUR:** We interpret  
5 that to be compensation for the loss of the use of the  
6 mineral rights for that period of time, from 1901 to 1986,  
7 the date of the land settlement agreement.

8                   **KEN GOODWILL:** If you extrapolate that  
9 it comes a hell of a lot more than that.

10                   **CHIEF CALVIN McARTHUR:** Then there was  
11 also general compensation paid.

12                   **CO-CHAIR GEORGES ERASMUS:** So, as far  
13 as you are concerned, that's not sufficient and you are  
14 still working on a bigger settlement.

15                   **CHIEF CALVIN McARTHUR:** That's right.

16                   **CO-CHAIR GEORGES ERASMUS:** Are you also  
17 part of a larger land claim?

18                   **CHIEF CALVIN McARTHUR:** No, we are not.  
19 Ours was a specific one.

20                   **CO-CHAIR GEORGES ERASMUS:** I guess that  
21 will do for now. I would like to thank the three of you  
22 for your presentation.

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1                   We will go to our next presenter and I  
2 will have Commissioner Cy Standing introduce the next  
3 presenters from the Tribal Council.

4                   **COMMISSIONER CY STANDING:** I understand  
5 A.J. Felix is not here. Is that correct? I think in his  
6 place will be Alphonse Bird. He is originally from  
7 Montreal Lake. He is presently a Vice-Chief of the Prince  
8 Albert Tribal Council and Peter Brook is Executive Director  
9 of the Prince Albert Tribal Council.

10                   **VICE-CHIEF ALPHONSE BIRD, PRINCE ALBERT**  
11 **TRIBAL COUNCIL:** Thank you very much.

12                   Today we simply wish to add our voice  
13 of welcome to the Royal Commission members and staff.  
14 The Prince Albert Tribal Council represents 12 First  
15 Nations with a total membership in excess of 20,000 and  
16 the traditional territory is greater than 100,000 square  
17 miles.

18                   On behalf of the First Nations'  
19 leadership and membership we extend our prayers and best  
20 wishes that you will fulfil your comprehensive terms and  
21 reference effectively and your final recommendation will  
22 be generally embraced by the Canadian people and this

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1 government.

2                   In our request to the Commission and  
3 co-Chair Georges Erasmus, we indicated that we intended  
4 to outline a range of specific issues in La Ronge on May  
5 28th, 1992. At this time we are tabling three examples  
6 of current First Nations crises created by Canada through  
7 its refusal to recognize existing inherent and treaty  
8 rights to exercising existing constitutional  
9 jurisdictions and to provide an equitable share of wealth  
10 which is created from our homeland.

11                   Mr. Chairman, we have the opportunity  
12 to present some cases in La Ronge on the 28th. What we  
13 would like to do is table the package with you tonight,  
14 seeing the time that is coming up, so we can do the  
15 presentation in La Ronge in detail and in general. We  
16 are here to welcome the Royal Commission and its very  
17 important mission for aboriginal peoples. We know the  
18 importance of it to First Nations' members to express their  
19 concerns towards the Royal Commission. What we want to  
20 do is, first of all we want to welcome you to one of our  
21 member Bands within the Tribal Council, a unique Band and  
22 their hospitality is forever enjoyable to be here.

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1                   We would like to table some concerns with  
2 you and give you the package to read. On Thursday we will  
3 in detail present it in La Ronge. Some of the areas that  
4 we will be presenting is poverty and northern food costs,  
5 the violation of the Dene homelands through Nunavut  
6 settlement area, the First Nations PATC Canada INAC fiscal  
7 arrangements that go on, the area of social development,  
8 resource revenue sharing, transportation, employment and  
9 training, taxation, the lack of adequate housing within  
10 the north and the surrounding area, water and sewer, the  
11 food subsidy, some justice issues, regional hospital,  
12 several economic development opportunities and also the  
13 area of recreation.

14                   Again, what we want to do is table these  
15 issues and overall present them in La Ronge on May 28th  
16 when we will have ample time to do that.

17                   I would like to give the Executive  
18 Director, Peter Brook, some time.

19                   **PETER BROOK, EXECUTIVE DIRECTOR, PRINCE**  
20 **ALBERT TRIBAL COUNCIL:** Thank you, Chief Bird.

21                   Mr. Chairman, we would like to spend a  
22 minute before we conclude on a question we raised in our

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1 letter to you of two weeks ago, asking for an opportunity  
2 to meet with the Commission. I think certainly you are  
3 aware and other members of the Commission may be aware  
4 that three of our member Bands, three of the Dene Bands  
5 in the Athabaska are in the midst of a major struggle with  
6 Canada over the recognition of their traditional homelands  
7 in the Northwest Territories, in particular that part of  
8 their traditional lands which are within the Nunavut  
9 settlement area.

10                   We have put a question to the Commission  
11 as to whether or not the Commission has the capacity and  
12 the will to undertake a special report or a special  
13 investigation with respect to these issues. We have  
14 provided you with a copy of the latest amended Statement  
15 of Claim and which is now filed both against Canada and  
16 the TFN, as well as the Government of the Northwest  
17 Territories.

18                   We find ourselves in a situation in which  
19 the legal remedy that we are now reluctantly pursuing is  
20 one that may not be even considered before decisions are  
21 taken by Canada to ratify an agreement which has now been  
22 signed in principle and which is awaiting translation and

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1 awaiting a community ratification process in the Inuit  
2 communities within the TFN area.

3                   Last, about two weeks ago now there was  
4 a boundary plebescite in the territories which was yet  
5 another step in this process. It is our understanding  
6 from Canada that we are perhaps somewhere in the order  
7 of six months away from final decisions which we believe  
8 will violate the treaty and the inherent and aboriginal  
9 rights of the members of the Dene Bands that we represent.

10                   We have been attempting for the last six  
11 months to have an opportunity to appear before the Standing  
12 Committee and we received delay after delay after delay.

13                   We have attempted to have the Minister of Indian Affairs  
14 exercise his fiduciary responsibilities which in our view  
15 he continues to deny. He continues to take the position  
16 that there are no treaty or aboriginal rights held by the  
17 people we represent north of the 60th parallel.

18                   All of the remedies that appear  
19 available to us are either closed or that the time lines  
20 to make use of them don't seem to provide a viable option  
21 to us getting some further adjudication, recommendations  
22 as to how we can resolve this, because the issue is not

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1 that our people wish to stand in the way of a settlement  
2 for the Inuit people of Nunavut. It's that we believe  
3 that there are areas in there which are part of the homeland  
4 of the people we represent. Some of that homeland,  
5 described in this map over here, for example, is land that  
6 we believe is exclusively used currently and historically  
7 by Dene people, that we believe that the position the  
8 Government of Canada currently -- not only violates treaty,  
9 but it violates their own comprehensive claims policy.

10 We are looking for remedies other than  
11 the court. We are looking for processes and institutions  
12 that may look at this issue to offer some remedy that  
13 respects both the aboriginal rights of the Inuit and the  
14 treaty and aboriginal rights of the Dene "Southane" of  
15 northern Saskatchewan.

16 We have put that question to the  
17 Commission. We certainly wish to explore that wish you  
18 and I don't know if you are in a position to speak to that  
19 at this point. We would certainly be interested in hearing  
20 at least your initial thoughts and whether you are in a  
21 position to consider this issue. It affects not only Bands  
22 in northern Saskatchewan, but also in northern Manitoba.

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1 "Nakivik" has some concerns on the eastern side and, of  
2 course, the South Slave Tribal Council and the Treaty 8  
3 First Nations of the Dene Nation have concerns as well,  
4 as to whether or not the Commission as it has done with  
5 respect to issuing a special report on the inherent right  
6 to self-government can consider doing one on this issue,  
7 given the urgency and the time lines and the developments  
8 that are currently underway. Thank you.

9 **CO-CHAIR GEORGES ERASMUS:** We are  
10 looking forward to your more extensive presentation in  
11 a couple of days.

12 As to the point of getting involved in  
13 the Nunavut division of the Northwest Territories, Denedeh  
14 in the west, it's not the kind of issue that we would  
15 normally see ourselves getting involved in. We don't see  
16 ourselves getting involved in issues that are being settled  
17 on a day-to-day basis. What we were set up was for  
18 long-term solutions on many issues that hopefully will  
19 be of some significance to people, but we have not had  
20 a chance to take a look at your letter. You said it was  
21 sent to us two weeks ago. It is probably in our offices  
22 while we have been on the road. We have been on the road

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1 for about two weeks now. I was not aware that they actually  
2 sent a letter to us on this question.

3 As a Commission, we will have to take  
4 a look at it. I actually wasn't even aware that it had  
5 been sent until you brought this up.

6 I personally am aware of the issue, but  
7 acting as co-Chair I will have to see if the Commission  
8 as a whole wants to get involved in this particular  
9 question.

10 **PETER BROOKS:** Just a final point,  
11 hopefully one of the things that in the end is going to  
12 come out of the Commission is some recommendations with  
13 respect to institutions that recognize that the treaty  
14 arrangements, the international treaty arrangements that  
15 have been made require institutions that respect the  
16 interests and obligations of both parties that can be used  
17 to resolve these disputes. They don't exist right now.

18

19 The ones that do exist are clearly  
20 institutions of one party. They are not institutions that  
21 are independent of either both parties or are co-dependent  
22 on both parties. I think that's one of the reasons we

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1 are asking you to consider looking at this issue because  
2 there really are no institutions that are independent from  
3 Canada and that can deal with this matter. The very  
4 institution that is supposedly there to protect and advance  
5 the interests and maintain the trust is a party that we  
6 find at this point is refusing to recognize that the rights  
7 exist.

8 Thank you, Mr. Chairman. The letter was  
9 May 16th. I will leave you a copy and we can visit the  
10 issue again in a couple of days when the Dene Chiefs meet  
11 with you in La Ronge.

12 **VICE-CHIEF ALPHONSE BIRD:** Again, thank  
13 you, Mr. Chairman, for giving us the opportunity. We will  
14 see you in La Ronge in a couple of days.

15 **CO-CHAIR GEORGES ERASMUS:** Yes. We will  
16 have more time to ask you questions on your overall  
17 presentation. Thank you.

18 We will go to our next presenter. Cy.

19 **COMMISSIONER CY STANDING:** Our next  
20 presenter is Earl Magnusson. Earl is originally from the  
21 "Kawakatoo" Band, formerly known as Poor Man's. He went  
22 to school in Saskatoon and presently he is the Director

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1 of Urban Development for the Federation of Saskatchewan  
2 Indians. Earl Magnusson.

3 **EARL MAGNUSSON, DIRECTOR OF URBAN**  
4 **DEVELOPMENT, FEDERATION OF SASKATCHEWAN INDIANS:** Thank  
5 you, Mr. Chairman. Good afternoon, elders, Chiefs,  
6 Commission members, ladies and gentlemen. What I will  
7 be speaking on, very briefly, because I realize the time  
8 frame, is in regard to urban Indians. Rebuilding our  
9 nations has been a priority for Saskatchewan's First  
10 Nations; included in this process is addressing the issues  
11 facing treaty and status Indians living in urban settings.  
12 One of the fundamental principles governing our  
13 directions is self-rule or self-government. This  
14 direction must not exclude the citizens of First Nations  
15 whose residence is not on reserve.

16 Our inherent right to self-government  
17 was never put on the table during treaty negotiations.  
18 To reiterate, the position earlier advanced by  
19 Saskatchewan's First Nations, treaty Indian people carry  
20 their treaty rights intact wherever they choose to reside.

21

22 The Government of Canada has continued

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1 reneging treaty obligation to citizens of treaty First  
2 Nations, using the Indian Act legislation to deny them  
3 of their inherent and treaty rights. Therefore, another  
4 principle governing our directions is that the Indian Act  
5 is not referenced in our positions and that this principle  
6 is supported by recent Supreme Court decisions, that treaty  
7 rights are enforceable.

8                   The Federation of Saskatchewan Indian  
9 Nations gave a collective presentation to the AFN  
10 Commissioners at the Urban Constituent Assembly in  
11 February 1992. The FSIN, particularly Vice-Chief Eugene  
12 Arcand, felt it necessary to, for the record, update the  
13 Commissioners on the progress of treaty and status Indian  
14 urban development.

15                   To this point in time the Government of  
16 Canada, the Province of Saskatchewan and some municipal  
17 governments have not even attempted to address the issues  
18 and concerns of First Nation urban Indians. To show the  
19 level of political will and to hopefully somewhat quell  
20 the discontentment of those in off-reserve settings,  
21 acknowledgment and implementation with Indian control is  
22 needed. The urban Indian environment remains explosive

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1 and volatile.

2                   Lip service and a general understanding  
3 of concerns seems to be the only commitment that all three  
4 levels of government are ready to deal with. Human and  
5 financial resources on the part of those three governments  
6 have been non-existent.

7                   During negotiations with all the levels  
8 of government I mentioned, doors have been slammed in our  
9 face when we talk of the jurisdictional question of off  
10 reserve treaty rights.

11                   Providing alternative lifestyles for  
12 our people, especially for our youth, is a priority. These  
13 areas would include and only touch upon the areas we would  
14 like to address; sports and recreation, youth development  
15 and urban justice. These are areas that have been already  
16 prioritized by our Indian governments of Saskatchewan and  
17 have not been, from what I can see and from what our  
18 leadership can see, have not been prioritized by any of the  
19 other levels of government.

20                   To properly address and implement the  
21 needed services and programming, resources must be  
22 channelled directly to Indian control in urban centres,

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1 thus putting the control in the hands of Indian people,  
2 which has been a proven process to best deal with the issues  
3 and concerns I speak of.

4                   As mentioned earlier, the Federation  
5 gave an exhaustive accounting of the issues and concerns  
6 at the Urban Constituent Assembly. Those presentations  
7 I have included in the packages I have given you. Has  
8 our plea fell on deaf ears? To us, the answer is apparent.

9                   At the Government of Canada level, today  
10 presents an ideal time for constitutional change,  
11 reflective in the best interests of treaty and status  
12 Indian people, not only here in Saskatchewan, but in the  
13 rest of Canada as well.

14                   At the provincial government level,  
15 program and service delivery control at the community level  
16 is one appropriate mechanism to better deal with the  
17 ever-increasing numbers of provincial treaty and status  
18 Indian people, as opposed to the non-Indian numbers of  
19 the de-escalating population rate of this Province of  
20 Saskatchewan.

21                   To best highlight the numbers I have just  
22 mentioned, using modest figures, the total treaty and

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1 status Indian population in Saskatchewan by the year 2030,  
2 which is only 38 years away will be 355,460 treaty and  
3 status Indian people in Saskatchewan alone. Of course,  
4 we can look at the impacts of Bill C-31 and how that would  
5 affect that number, but we are using very modest figures  
6 to come up with these figures.

7                   At the municipal government level, again  
8 programming and service delivery control at the urban  
9 community level has to be in place.

10                   From the figure above, treaty and status  
11 Indian people living in off-reserve settings, from the  
12 355,000 I just mentioned, of that 355,000, 266,000 will  
13 be living in off-reserve settings.

14                   How are non-Indian governments  
15 preparing for this? Are they preparing at all? With  
16 those collective numbers, we have to be a force to be  
17 reckoned with as a collective unit.

18                   As I said, my presentation is brief and  
19 to the point. We will be giving a better accounting of  
20 the issues and concerns that we deal with in every-day  
21 life as urban Indian people at the Edmonton urban issues  
22 conference in June I believe, the 22nd and 23rd, where

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1 we will be making an exhaustive report at that time with  
2 our urban groups intact and along with us.

3 In closing, let me say that without the  
4 actual transfer of financial and programming authorities  
5 to accountable Indian controlled groups, the status quo  
6 will remain. Again, it must be reiterated that to become  
7 a part of a productive society as a whole, treaty and status  
8 Indians must control our own destiny.

9 Thank you very much for your time. I  
10 will answer any questions or attempt to.

11 **CO-CHAIR GEORGES ERASMUS:** Thank you  
12 for your presentation. Thank you for the background  
13 documents. We are very pleased to hear that you are  
14 preparing for the round table we are going to have in June  
15 because we are looking forward to that conference to give  
16 us a really good basic understanding of the urban  
17 situation. We want to know the problems.

18 We want to know what solutions have been  
19 attempted, what has worked, what has failed and we want  
20 to know the vision for the future. What are our urban  
21 aboriginal people try to accomplish for themselves in an  
22 urban setting, what institutions do they envisage in the

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1 future, how do they see treaty rights applying to them,  
2 how do they see self-government applying to them, if any  
3 way at all? What kind of services do they want, who should  
4 deliver them, what kind of division should there be between  
5 responsibilities between the federal government, the  
6 province, municipal governments and their own  
7 institutions.

8                   We are really looking forward to that.  
9     We are very glad you have given us this background  
10 material. It will help us prepare for the meeting. I  
11 will see if the Commissioners have any comments or  
12 questions. Bertha.

13                   **COMMISSIONER BERTHA WILSON:** I would  
14 just like to comment that the members of the Commission  
15 are well aware that the portability of aboriginal rights  
16 is a major issue that we have to address and we will be  
17 addressing it. Thank you for your presentation.

18                   **EARL MAGNUSSON:** Thank you.

19                   **CO-CHAIR GEORGES ERASMUS:** Paul.

20                   **COMMISSIONER PAUL CHARTRAND:** Thank you  
21 for your presentation. I would like to begin by trying  
22 to clear up a particular point.

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1                   You have indicated here on the record  
2 that the Federation made a presentation to "the  
3 Commissioners" at a particular assembly in February and  
4 later on you referred to lack of action. I want to check,  
5 you are not referring to us?

6                   **EARL MAGNUSSON:** Not at all, no.  
7 That's the AFN Commissioners. I think I clarified that  
8 when I talked, but it's not in this document. I made the  
9 amendment.

10                  **COMMISSIONER PAUL CHARTRAND:** I wanted  
11 to be sure of that because this is on the record.

12                  **EARL MAGNUSSON:** No, I would recognize  
13 all of your faces, Paul, if I presented it to you prior.

14                  **COMMISSIONER PAUL CHARTRAND:** I wanted  
15 to make sure you weren't referring to us.

16                  **EARL MAGNUSSON:** No, I sure wasn't. To  
17 clarify myself further, I wasn't speaking of the AFN  
18 Commissioners in regard to nothing being done. What I  
19 spoke of is the non-Indian governments and their addressing  
20 our question of jurisdiction in regard to portability or  
21 questions of service delivery and program delivery in urban  
22 settings. So, there is no way I was meaning, if that was

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1 perceived, to mean the AFN Commissioners were stalling  
2 a process in our moving forward as urban Indians.

3 **COMMISSIONER PAUL CHARTRAND:** I have a  
4 question as well about the position of the FSIN with respect  
5 to the portability issue. It is stated here in the first  
6 paragraph:

7 "...treaty Indian people carry their treaty rights intact  
8 wherever they choose to reside."

9 Does that position include -- is that  
10 a position that has been adopted for the present and the  
11 future or, on the other hand, is it a position that would  
12 include those who lost their treaty rights by way of past  
13 governmental policies which took away by law the treaty  
14 rights of those who were disenfranchised by the Indian  
15 Act legislation?

16 If we look at the residence issue alone,  
17 it will be noted that the Indian Act formally stripped  
18 of status, for its purposes, among others, individuals  
19 who resided outside of Canada. So that comes, it seems,  
20 within this general position that you have articulated  
21 here. My question is are those individuals  
22 disenfranchised by such past policies included in your

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1 position?

2 **EARL MAGNUSSON:** I can't speak for the  
3 Bands individually throughout the province. As we speak,  
4 Bands are developing membership and citizenship codes to  
5 properly address their membership. Those codes would  
6 include the dis-enfranchisement policy that has been in  
7 the past and they would then be a part of the treaty package.

8 We cannot make that assumption on behalf  
9 of the Bands. The Bands have to do that themselves. Once  
10 the Bands have their codes in place and once the Bands  
11 have decided upon their membership, through whatever  
12 process their governments allow them to, then they will  
13 be included. That is the position of the FSIN.

14 **COMMISSIONER PAUL CHARTRAND:** If I may  
15 try to get a clarification, those treaty rights that are  
16 referred to in this position, refer to those treaty rights  
17 that are acknowledged and accepted by each individual Band.  
18 Is that what you are saying?

19 **EARL MAGNUSSON:** No. I am saying the  
20 rights to citizenship and membership are determined upon  
21 each particular Band. The overall treaty rights are  
22 generic in the sense that all Bands agree to what we have

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1 in our box of treaty rights, if you wish.

2 **COMMISSIONER PAUL CHARTRAND:** There is  
3 still a question as to who is entitled to those treaty  
4 rights. That issue is going to be determined on a  
5 band-by-band basis you say, is that correct?

6 **EARL MAGNUSSON:** Correct.

7 **COMMISSIONER PAUL CHARTRAND:** That is  
8 a point I was trying to clarify.

9 I thank you very much for that.

10 **CO-CHAIR GEORGES ERASMUS:** One very  
11 brief question on my part. When you were showing us the  
12 population expectation, you then mentioned something about  
13 Bill C-31 not being included? There are no figures in  
14 here for --

15 **EARL MAGNUSSON:** What I referred to is  
16 the long-term process which was spoken to here earlier  
17 on this afternoon of the genocide aspect of the process.  
18 When now, if we look at today and stick with the status  
19 quo and look at how it is going today, we would come up  
20 with those numbers.

21 If Bill C-31 is to be implemented, we  
22 find that the population starts to decline after 20 years.

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1 We have documented impact studies which are available  
2 to you, Commission members, that would clearly show the  
3 genocide aspect of Bill C-31 and that's why I referenced  
4 Bill C-31 in regard to my population numbers.

5 **CO-CHAIR GEORGES ERASMUS:** I think we  
6 would really like to see those numbers.

7 **EARL MAGNUSSON:** That information can  
8 be acquired through the Meadow Lake Tribal Council. They  
9 have done that impact study and it's available in three  
10 volumes.

11 **CO-CHAIR GEORGES ERASMUS:** Thank you  
12 for your information.

13 **EARL MAGNUSSON:** Thank you. Hi, Karen.

14 **CO-CHAIR GEORGES ERASMUS:** We will move  
15 on to our next presenter.

16 **COMMISSIONER CY STANDING:** Our next  
17 presenter is from Wahpeton. He went to the Prince Albert  
18 Indian Student Residence, to high school in Prince Albert  
19 and he worked for many years in Wahpeton as our Band  
20 Administrator. Before he got too old he decided to go  
21 back to university and now he is attending university at  
22 the Saskatchewan Indian Federated College. Gary

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1 Standing.

2 **GARY STANDING, POST-SECONDARY STUDENT,**

3 **WAHPETON:** Thank you, Mr. Chairman.

4 It is an honour to be here today to speak  
5 to the Royal Commission. It is an honour because this  
6 is probably the closest I will ever get to royalty

7 **CO-CHAIR GEORGES ERASMUS:** You are not  
8 going to get very close then obviously.

9 **GARRY STANDING:** I have been a student  
10 since September and before that, as Cy mentioned, I have  
11 lived all of my life on the reserve. I left the security  
12 of the reserve to go off-reserve into the white society  
13 and what will appear in my presentation I guess is my  
14 experiences from the last eight or nine months. Some of  
15 them have been positive and some of them have been negative.

16

17 I have been attending the University of  
18 Regina, SIFC, since September 1992, but I have been forced  
19 to stop attending school after the winter semester which  
20 was after April because of a new Indian Affairs policy.

21 This new policy states that Indian Affairs will only fund  
22 for eight months or for two semesters. As a result, I

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1 have decided to attend the fall and winter semesters only.  
2 This was done only after Indian Affairs revised its policy  
3 to allow the student the option of choosing which two  
4 semesters they want Indian Affairs to fund. This funding  
5 covers the living allowance, like the portion of the  
6 funding from Indian Affairs is the living allowance  
7 portion.

8 What is not mentioned in the  
9 aforementioned paragraph is the red tape and the runaround  
10 we experience because of the implementation of this policy.

11 The Student Association and some interested students met  
12 with officials of Indian Affairs post-secondary program  
13 with I guess the results that were very different.

14 The initial policy introduced by Indian  
15 Affairs would have cut off all students attending SIFC  
16 from their training allowance until September 1992. This  
17 was told to us in early April. If this policy had remained  
18 as such, a lot of students would have been caught in a  
19 difficult situation, with the end of the semester only  
20 weeks away.

21 The students asked Indian Affairs of the  
22 options available to them in light of the present-day

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1 situation. They were told to either find employment for  
2 the spring and summer sessions or they could go on welfare  
3 until September 1st. To ease the situation, Indian  
4 Affairs had said that they already talked to their Social  
5 Development Department and that they were expecting us.

6                   The way in which the welfare situation  
7 or the welfare solution was presented to the students or  
8 the way it presented anyway, smacks of racism, paternalism  
9 and was said in a very condescending manner. Does Indian  
10 Affairs realize that this is the very reason students,  
11 some with families, go to school or university? They go  
12 to school to get off the welfare roller-coaster that leads  
13 nowhere. Yet, Indian Affairs has the gall to tell students  
14 that this is an acceptable alternative.

15                   Would INAC have the guts to tell staff  
16 that they are laying off that they should go and see the  
17 welfare department as well too? As the meeting dragged  
18 on with Indian Affairs, some questions began popping into  
19 my mind. What were our elected leaders doing to alleviate  
20 the situation? What were our Indian organizations that  
21 were set up for this purpose doing to alleviate the  
22 situation as well? When all was said and done, it appeared

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1 that both of the above were doing nothing. It appears  
2 that both of the above simply allowed Indian Affairs to  
3 have its way in implementing their policies regarding  
4 post-secondary funding. Once again it appears the  
5 students were left hung out to dry and to fend for  
6 themselves.

7                   These are my own personal feelings and  
8 comments on the whole post-secondary issue. I guess it  
9 doesn't make room for I guess the bands and tribal councils  
10 I guess who were trying to assist their students, as in  
11 Wahpeton's case, with myself.

12                   My presentation will focus on three main  
13 areas, the students, the elected leadership and the  
14 organizations and Indian Affairs. I will attempt to  
15 identify problems, as well as to offer solutions as well.

16  
17                   The students. The students find  
18 themselves in a very awkward position when it comes to  
19 post-secondary education. Their funding comes from  
20 various sources, including Indian Affairs, Tribal Councils  
21 and individual Bands. Regardless of where the funds come  
22 from, they are all subject to the approval of Indian Affairs

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1 and their policies.

2                   Very few students receive any guidance  
3 counselling services from their Bands or Tribal Councils,  
4 with the exception of what the elders and Student Services  
5 at SIFC can offer. Even the ones that are there, that  
6 type of thing, they are in Saskatoon and P.A. and the  
7 students are somewhere else. It's a long distance or  
8 whatever, a long distance anyway.

9                   All of the students are expected to  
10 function as adults and are treated as such. This  
11 inevitably leads to problems, such as missing classes and  
12 eventually failures. In the end, it amounts to a bad value  
13 for the dollar. While some of the problems can be traced  
14 directly to the actions of the students, not all are student  
15 related. One of the most puzzling and obvious problems  
16 that never seems to get discussed anywhere is the problem  
17 of students abusing the system. I can relate first-hand  
18 stories of this in my experiences at the college where  
19 some students would only show up for one class a week or  
20 one class a month, but when it came time to collect their  
21 next month's allowance they were always there.

22                   Do these students realize that they are

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1 cutting their own throats, as well as their fellow students  
2 by pulling these stupid pranks? It's pranks such as this  
3 that allow Indian Affairs to implement their cost-cutting  
4 measures. How many more students could we put through  
5 the post-secondary program if we got rid of problem  
6 students, such as the ones previously mentioned?

7 Another problem that exists when  
8 students try to challenge the system that is oppressing  
9 them, if they try and do anything they usually get put  
10 down by Indian Affairs, as well as their own people. They  
11 are called radicals and they are treated like outcasts  
12 when they try and present their concerns to their elected  
13 leaderships. I personally witnessed this in 1988 when  
14 the first changes were made to the post-secondary  
15 regulations. These students had organized themselves in  
16 Regina and Saskatoon and held sit-ins and protest marches  
17 without any help from anybody else.

18 When a group of these students  
19 approached the annual FSIN Conference in Saskatoon to voice  
20 their concerns, they were basically ignored and called  
21 radicals and not allowed to speak at all. They were told  
22 the Chiefs were working on the problem. All that came

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1 out was a resolution condemning INAC's actions and very  
2 little else and the new policies were implemented anyway.

3                   The students are caught in a Catch-22  
4 situation, where you are damned if you do and damned if  
5 you don't. I can fully understand why some students don't  
6 trust their leaders. All the while this was going on there  
7 was a lot of respect that was displayed by the students  
8 towards their councils and their Bands. They were asking  
9 for support from the Chief and Council and the Bands, but  
10 it seemed to be that there was very little coming.

11                   The second part is elected leadership  
12 and the organizations. Does post-secondary problems  
13 really matter at the reserve level? In 1988 while I was  
14 employed by the Band, I was also representing the Band  
15 on the Education Council for the Prince Alberta District  
16 and I was also serving as the Chairman as well. I attempted  
17 to get the rest of the committee members interest in talking  
18 about the post-secondary problem and this was about four  
19 or five months before it actually came up and there was  
20 no success at all and this was done on two separate  
21 occasions.

22                   As far as the P.A. Tribal Council's

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1 contribution to the post-secondary problem, it was just  
2 a one day hastily arranged protest outside of Indian  
3 Affairs' office and it was only for an afternoon and that  
4 was it. The problem seems to be that Bands and Council  
5 do not get involved unless the policies directly concern  
6 the reserve either in program or funding cuts. If it  
7 doesn't, then the leadership seems to allot very little  
8 time or resources to the problem.

9                   In 1988 the FSIN Post-Secondary  
10 Department was set up to address future problems such as  
11 these, but from all indications there doesn't seem to be  
12 anything constructive to stop the new Indian Affairs  
13 policies from coming out this year again. Do the elected  
14 leaders and our organizations realize that the  
15 post-secondary program is largely responsible for churning  
16 out all the technical people that the Band needs to serve  
17 their education, economic and legal needs? That's where  
18 you get your teachers, your lawyers and this and that from.  
19 Yet they continue to allow Indian Affairs to tear away  
20 this needed program.

21                   Indian Affairs' only role in  
22 post-secondary is to ensure that the cheques go out on

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1 time and that all necessary forms are completed and to  
2 make sure all students can fit into their appropriate lines  
3 on their funding formula. They do not see Indian students  
4 as human beings, with real feelings and dreams and  
5 aspirations. All they see are units or per-capita cost,  
6 et cetera. All we are is just dollars and cents and lines  
7 on a page or assets or liabilities, depending on who you  
8 talk to.

9                   Indians Affairs' officials do not serve  
10 the Indian people. They serve the government. Ask any  
11 Indian Affairs official who they must pledge allegiance  
12 to and they will tell you it's the government. In their  
13 infinite wisdom, a few years ago they scrapped our guidance  
14 counselling program and this is a very needed program that  
15 they could have used to monitor their students' progress  
16 and to ensure that there is no abuse of their funds.

17                   These are basically the problems I have  
18 outlined and I am sounding very negative I know, but it  
19 has been a negative year.

20                   I also have some recommendations. For  
21 the students my first recommendation would be that the  
22 students have to take their education funding more

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1 seriously. They have to realize, whether we like it or  
2 not, there is only a limited pot there and even though  
3 it's linked in Saskatchewan to the whole treaty issue,  
4 it still shouldn't be used as a crutch or used as a way  
5 to take advantage of the system.

6                   We as students at SIFC in Regina and  
7 Saskatoon, we have to start doing more for ourselves  
8 internally by keeping on top of each other and to make  
9 sure that we are all going to school and we are getting  
10 the best value for our dollar. If we are adults, then  
11 we should act like adults and be more responsible.

12                   Number two is about the Student  
13 Association. They must become more politically active  
14 within their own parameters. They have always respected  
15 the authority of the Bands and the Councils and the Tribal  
16 Councils, though they can still work within their own  
17 boundaries at the university level and stuff to make things  
18 better for their students.

19                   The third recommendation is we have to  
20 get more student unity. This April when the Indian  
21 Affairs' officials were there talking to the students and  
22 there was only about 30 people who showed up and that was

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1 one of the questions that Indian Affairs asked, if all  
2 the students are backing you then where are they, why aren't  
3 they here? You talk about unity, but I guess it was a  
4 challenge to the students to say show us your unity. I  
5 think it is something we are going to have to work on.

6                   On the elected leadership and  
7 organizations, the first recommendation is they have to  
8 take post-secondary more seriously. I am not saying to  
9 do away with all the other programs and all other problems  
10 and concentrate solely on post-secondary, but I think they  
11 have to be given the time whenever it comes up and put  
12 their best foot forward. As I have mentioned previously,  
13 this is where their future leaders are coming from and  
14 your technical people are coming from.

15                   At this go around in April there was very  
16 little that happened in the way of any kind of protest  
17 against the new guidelines that came in. It was a kind  
18 of a sad situation, almost like we gave up without a fight.

19 I don't think that's right.

20                   There has to be some sort of a support  
21 system in place, a guidance and a support system in place  
22 because I think part of the problems that the students

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1 face isn't the school problems. It isn't the content of  
2 the course that they are taking. They are not failing  
3 because of that, it's because of the social problems that  
4 they face within the city. It ranges from anything, that  
5 they can't find a babysitter, or there are days that I've  
6 seen some of the students with their kids with them going  
7 from class-to-class. It's those types of problems that  
8 we have to get at. If they are not, I guess these social  
9 problems are I guess more responsible for students having  
10 to leave school than actually failing the course  
11 themselves.

12 My third recommendation is kind of a  
13 question: Do we have too many chiefs and not enough  
14 Indians? It seems we have elected leaders both at the  
15 Band level and then it goes up from there to provincial  
16 and to international and you've got organizations for this  
17 and organizations for that to help this and that and yet  
18 we are still failing when it comes to post-secondary  
19 funding. We are still getting less and less and everything  
20 seems to be so top-heavy that there is nothing that goes  
21 down to the students where it is really needed. That's  
22 what we should be concentrating on, but it seems as soon

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1 as a problem arises there is a whole pile of money that  
2 goes into and they hire a bunch of staff and that's as  
3 far as it goes.

4                   One of the comments that was made by  
5 Indian Affairs in Regina as well is they are saying that  
6 by changing the student year from 12 months to eight months  
7 they are making Saskatchewan the same as other provinces.

8 We are made the same as other provinces, but we should  
9 be progressing. It should be vice versa. They should  
10 be bringing all the other provinces up to the same level  
11 as Saskatchewan, so we are losing out again. We are  
12 falling behind.

13                   As far as Indian Affairs, I think the  
14 first recommendation is that they should be human and they  
15 should treat us like human beings as well go. It is really  
16 whatever you feel -- if you don't feel good when you walk  
17 into any place where they don't treat you like a human  
18 being. It's not a good feeling. We are more than just  
19 a line on a piece of paper. We are human beings. We live  
20 and breath and the whole thing, but they don't realize  
21 that. They are more interested in their policies and how  
22 it looks on paper, without realizing that we are humans.

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1

2                   The second recommendation, I guess it  
3 concerns what was the impact of Bill C-31 on the  
4 post-secondary funding. When it came in in 1986 I believe  
5 there was a five-year period where Indian Affairs would  
6 provide funds for the Bill  
7 C-31 people and after five years it was all out of the  
8 same pot you know. If we are having problems already  
9 funding or funding the non Bill C-31s with the funds that  
10 we have already, it's not going to get any better when  
11 you throw them both in the same pot. It gets much harder  
12 to get funding for everybody.

13                   My third recommendation is about the  
14 guidance and support system. They either have to  
15 implement it again or else create more funding so that  
16 we can tackle the problem right at the root level and right  
17 where the problem is. If it's in the city, then that's  
18 where we should have our support staff, right at the city  
19 and where the students are.

20                   The biggest comment I have heard from  
21 the students is that there is no consultation with them  
22 at all. It's like they are left out of every decision

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1 as it pertains to their welfare and their programming and  
2 they are left out in the cold and they have to ask around  
3 and find out what the policies are from somebody else.  
4 They are not asked for their input into any program, either  
5 from Indian Affairs or from the organizations themselves.

6  
7                   It seems as if we are being told to act  
8 like adults, but on the other hand we are being treated  
9 like children and that's not right.       That's the basis  
10 of my presentation. I know it sounds negative and there  
11 probably is a lot happening in post-secondary that I am  
12 not aware of, but it seems when you go to school you never  
13 hear about these things and you are not aware of what is  
14 going on, but when problems do happen or when funding does  
15 get cut you are usually the last one to know about it,  
16 but it affects you personally and throws your whole life  
17 into a twirl for a while, as this past April came as an  
18 example. There is my wife and I, we have six kids and  
19 we still have to feed the six kids and ourselves and for  
20 a while it looked like we weren't going to get any funding  
21 at all until September. That was four months that we would  
22 have to look for something else. It's pretty tough when

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1 you have a big family as well to look after and you are  
2 trying to go to school at the same time.

3 If things were going well and if things  
4 were on the up and up, I wouldn't be here today giving  
5 you this presentation. I would be in Regina in some  
6 classroom and taking some classes that I need for my degree,  
7 but I can't because of this new policy that is in place.

8 I am forced to go only eight months and wait another four  
9 months and then go back to school. It's not really fair  
10 to us as people.

11 I would like to thank the Commission for  
12 allowing me this time to say a few words.

13 **CO-CHAIR GEORGES ERASMUS:** Thank you  
14 for a very interesting presentation, Garry.

15 I have some questions, but I am going  
16 to let the Commissioners ask their questions first.  
17 Bertha.

18 **COMMISSIONER BERTHA WILSON:** I would  
19 like to thank you for setting out so clearly from your  
20 own personal experience some of the obviously major  
21 problems with post-secondary education. I would also like  
22 to comment that I think your advice to all the people

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1 involved in the issue is absolutely terrific. It is very  
2 practical and very sensible and I hope ultimately it gets  
3 followed by the people involved. Thank you.

4 **CO-CHAIR GEORGES ERASMUS:** Paul.

5 **COMMISSIONER PAUL CHARTRAND:** In reply  
6 to your comment that I understood you made before you  
7 started your presentation about royalty, I should say that  
8 the name "Royal Commission" that is still attached to this  
9 creature, notwithstanding the fact of the distant origins  
10 of the establishment of such commissions and the royal  
11 prerogative has for a long time now given way to more drab  
12 and dreary legislation.

13 Anyway, I want to thank you for your  
14 presentation. I found it particularly helpful and  
15 perceptive. I would like to make some brief comments and  
16 maybe ask one or two questions as I go through the paper  
17 with you for a couple of minutes.

18 First, in trying to understand the  
19 policy, funding for eight months or two semesters, that  
20 is on an annual basis. Right?

21 **GARRY STANDING:** Yes.

22 **COMMISSIONER PAUL CHARTRAND:** Going on

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1 to something you state later, the suggestion to go on  
2 welfare for the summer. Who pays this welfare that is  
3 being referred to, the provincial government, the federal  
4 government, the municipal government?

5 **GARRY STANDING:** It's Indian Affairs.

6 **COMMISSIONER PAUL CHARTRAND:** They do?

7 **GARRY STANDING:** Yes.

8 **COMMISSIONER PAUL CHARTRAND:** I see.

9 So, they don't want to pay from pot A, but they want to  
10 pay from pot B. Well, if there is some good sense in that  
11 it escapes me.

12 I had a question here on page 4 and you  
13 answered it at the end when you referred to the fact that  
14 some students were not attending classes, but were very  
15 good at showing up to collect their funding. I wondered  
16 whether, which I understood to be the case in funding  
17 programs for education, that these are always tied to  
18 performance. It seems you are saying that these are not  
19 tied to performance. In fact, it is what you are saying,  
20 I note on page 4. In fact, you state that the department  
21 has done away with the program that it formerly used to  
22 monitor student progress and to try to minimize abuse of

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1 funds. I find that a rather shocking development.

2                   We have not yet heard from the department  
3 on this matter. You can be sure that we will be asking  
4 them about that. I also will be interested to ask  
5 universities about the funding that they receive for  
6 establishing programs geared particularly to the education  
7 of Indian students. I will ask them about failure rates  
8 and so on. I have heard a number of disturbing allegations  
9 and I agree with you that these are indeed very serious  
10 matters that we must definitely address.

11                   I note in passing that you refer to the  
12 attitude of the officials, the bureaucrats within the  
13 Department of Indian Affairs. You suggest they do not  
14 see Indian students as human beings with real feelings,  
15 dreams or aspirations and these are your words. That is  
16 a theme that came out with respect to bureaucrats  
17 generally, also in the Aboriginal Justice Inquiry in  
18 Manitoba. I am stating then that you are not alone in  
19 having stated this view.

20                   Those are the comments and questions I  
21 have. There is much in this, but I do want to assure you  
22 that you have indeed raised a number of very important

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1 questions and you have expressed them very clearly. They  
2 certainly are within our mandate and we will be dealing  
3 with them as effectively as we can and our ability to do  
4 so is enhanced by presentations such as yours today. Thank  
5 you.

6 **CO-CHAIR GEORGES ERASMUS:** When the  
7 policy used to be funding for 12 months, how many students  
8 used that full year of funding; most, some?

9 **GARRY STANDING:** As far as I understand  
10 or according to Indian Affairs, they said it was only  
11 happening in Saskatchewan that they were going the full  
12 12 months. That is what they told us.

13 As far as numbers, I couldn't tell you,  
14 but I know -- I would be guessing.

15 **CO-CHAIR GEORGES ERASMUS:** So it means  
16 that students were expected in class for all four semesters  
17 in a given year?

18 **GARRY STANDING:** Yes. It was up to the  
19 students if they wanted to go the full year type of thing  
20 and some students were taking advantage of the 12 month  
21 thing where they were going year round.

22 **CO-CHAIR GEORGES ERASMUS:** In your

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1 case, having six children and of course with your wife  
2 and yourself, would social assistance actually be higher  
3 or less expensive for the government?

4 **GARRY STANDING:** I am not too sure.  
5 I've never compared them, but I have always --

6 **CO-CHAIR GEORGES ERASMUS:** I can't see  
7 how it would be any cheaper.

8 **GARRY STANDING:** I have always thought  
9 that an education allowance was one step up from welfare  
10 anyway. It's not that far from being on welfare. It's  
11 a little higher up.

12 **CO-CHAIR GEORGES ERASMUS:** The way I  
13 understand social assistance, if you don't have housing  
14 they have to cover your housing and if you don't have  
15 clothing they have to cover your clothing and on and on  
16 it goes. If you had a mortgage it would cover that, if  
17 you have rent it would cover that. I can't possibly see  
18 how it would be any cheaper.

19 **GARRY STANDING:** Yes. I think the  
20 students were saying it is the stigma that is attached  
21 to social assistance that keeps them away from it. A lot  
22 of students said that's the reason they go to school, to

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1 get away from the welfare system. They don't want to spend  
2 the rest of their lives on welfare.

3 **CO-CHAIR GEORGES ERASMUS:** I understand  
4 perfectly what you are saying. I was not suggesting that  
5 students would be interested in doing it. I was just  
6 trying to understand the logic of the department, knowing  
7 that many students have families by the time they are in  
8 post-secondary education and whether this makes any kind  
9 of rational economic sense.

10 The other part of it I don't understand  
11 also is if they are actually slowing down graduates when  
12 already we only have a little over 1 per cent of the status  
13 and treaty people that enter elementary school graduating  
14 at the other end. If you are slowing down that 1 per cent,  
15 the people from that 1 per cent and not all of those people  
16 go to university or post-secondary education, but if you  
17 are slowing them down further what's the long-term  
18 rationale of that?

19 **GARRY STANDING:** As far as that is  
20 concerned, their reasoning was if they do away with the  
21 four extra months, they can put 300 and something more  
22 in September. When September rolls around they could fund

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1 350 more students I believe it was, but it was hard to  
2 figure out their logic. That's all you are doing is you  
3 are slowing it down and instead of doing it in four years,  
4 you are going into six years, as your degree in four years  
5 and so you are just --

6 **CO-CHAIR GEORGES ERASMUS:** But the  
7 overall numbers look better.

8 **GARRY STANDING:** Yes.

9 **CO-CHAIR GEORGES ERASMUS:** They can  
10 tell the word they've got an extra 300 students.

11 **GARRY STANDING:** Yes, that's what they  
12 are doing.

13 **CO-CHAIR GEORGES ERASMUS:** Even though  
14 it is going to take longer to get them out at the other  
15 end.

16 **GARRY STANDING:** That's right, yes.

17 **CO-CHAIR GEORGES ERASMUS:** I suspect  
18 you've got your finger on it.

19 **COMMISSIONER PAUL CHARTRAND:** It's in  
20 person years.

21 **CO-CHAIR GEORGES ERASMUS:** Yes. Even  
22 if social assistance goes up a bit higher in that period

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1 of time, it really doesn't matter.

2 Thank you for your presentation. It is  
3 very well put together and very useful.

4 **GARRY STANDING:** Thank you.

5 **CO-CHAIR GEORGES ERASMUS:** We have one  
6 more presenter, an individual presentation. Henry?

7 **HENRY KRAHENBIL:** Yes. I am Henry  
8 Krahenbil and I am here on behalf of my wife Eldina and  
9 for my four minor children.

10 What I'd like to say is currently there  
11 is a Statement of Claim filed in the Court of Queen's Bench  
12 in Saskatoon between my wife and my youngest two children,  
13 between the English River Indian Band and the Meadow Lake  
14 Tribal Council as the defendants. Neither the English  
15 River Band nor the Meadow Lake Tribal Council have defended  
16 as of yet and they have asked for an extension of time  
17 to defend.

18 The case before the court only deals with  
19 the time of 1986 to date, after the Bands assumed control  
20 of their own membership.

21 In March 1986 my wife applied to be  
22 registered as an Indian and to have her name entered into

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1 a Band list if eligible. She was advised that she was  
2 registered as a 6(2) registrant and in the event that the  
3 Band did not assume control of its membership by June 28,  
4 1987 the department would retain responsibility under the  
5 provisions of 11(2) (b) she would have become a member of  
6 the English River Band.

7 The Band assumed control of its own  
8 membership under the provisions of section 10 of the Indian  
9 Act and as per 10(9) and 10(8) of the Indian Act and all  
10 the other provisions her name was submitted to the English  
11 River Band on page 19 of the Band list. The department  
12 turned over to the Band at the time they assumed control  
13 of its own membership.

14 According to section 9(1) and/or 9(4)  
15 of the Indian Act, the Band list shall be maintained by  
16 the Registrar in the department until the Band assumes  
17 control of its Band list. The Band list should indicate  
18 the date on which each name was entered into the Band list  
19 of the Band.

20 Pursuant to section 14(1) of the Indian  
21 Act and 14(2) of the Indian Act, the Band list was to be  
22 submitted to the Band by the Department of Indian Affairs

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1 and where the Band list is maintained by the Department  
2 the Registrar shall at least once every two months, after  
3 a copy of the Band list is provided to the Band, provide  
4 the Council of the Band with a list of additions or  
5 deletions from the Band list not included in the list  
6 previously provided to the Band.

7                               The Department of Indian Affairs, Marcel  
8 Guthrie from Ottawa, has stated that there was no Band  
9 list available for April 17th, 1987. He has stated that  
10 the only Band list available was that of August 21st, 1987.

11 This was also confirmed by Mr. Ledbeater from the Office  
12 of the Information Commissioner of Canada. He was  
13 satisfied that the only Band list at the Department of  
14 Indian Affairs was a list dated August 21st, 1987.

15                               With the letters from the Department of  
16 Indian Affairs and from Mr. Ledbeater from the Office of  
17 the Information Commissioner, the Department of Indian  
18 Affairs and/or the Minister, then Pierre Cadieux, the  
19 Registrar, Mr. Guthrie or somebody from the Department  
20 of Indian Affairs is guilty of Indian Act violations to  
21 sections 14(2) and/or 9(1) and or 9(4) of the Indian Act.

22

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1                   Subject to 10(9) of the Indian Act, the  
2 Band shall maintain its own Band list from the date on  
3 which a copy of the Band list is received by the Band.  
4 The Band membership code was approved by the Minister of  
5 Indian Affairs and is also subject to section 3(2) of the  
6 Indian Act, voted for by the majority of the electorate  
7 of the English River Band.

8                   The Band membership code voted for by  
9 the majority of the electorate of the Band stated:  
10 "Commencing on the date this code comes into force, a person  
11                   is entitled to have his name entered in  
12                   the Band list if that person was entered  
13                   in the Band list or was entitled to be  
14                   entered in the Band list immediately  
15                   prior to the code coming into force."

16                   My wife was entitled to have her name  
17 entered into the Band list under the provisions of the  
18 Indian Act and the Band membership code. June 25th, 1987  
19 was the retroactive date for the Band assuming control  
20 of its own membership.

21                   The Band refused my wife on reserve  
22 housing in 1989 because she was not a Band member and,

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1 therefore, not entitled to housing. The Band had  
2 initially stated this to the Canadian Human Rights  
3 Commission and she was not provided accommodation on the  
4 English River Reserve quote:

5 "Because children of reinstated Indians are not entitled  
6 to be members of the English River Band."

7 This is contradictory to the Band  
8 membership code, 7(a), and/or the Indian Act. The  
9 complaint, No. P05104, with the Canadian Human Rights  
10 Commission, was November 14th, 1989. This was two years  
11 after the Band assumed control of its membership, voted  
12 to by the majority of the electorate of the Band and  
13 contrary to the Indian Act. She had since dropped her  
14 complaint with the Human Rights Commission because of  
15 various reasons.

16 The Band removed, deleted or omitted her  
17 name from the Band list not in accordance with the Band  
18 membership codes and/or the Indian Act. She has since  
19 upgraded her status to 6(1)(c) and did obtain Band  
20 membership. However, she was refused on-reserve housing  
21 because she was not on the Band list maintained by the  
22 Band, when all evidence states "I was entitled to

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1 membership as both 6(2) and/or a 6(1)(c) registrant".

2                   This had resulted in the denial of  
3 rights, benefits or privileges as an Indian and/or the  
4 infringement of the rights, benefits or privileges as an  
5 Indian. Both the Band and the Meadow Lake Tribal Council  
6 had wrongfully, unjustly, negligently or discriminatorily  
7 and in excess of their statutory confirmed powers denied  
8 to grant her membership in the Band list or enter her name  
9 in the Band list and/or provide her a membership tribunal  
10 to review the Band's membership decisions as set out in  
11 the Indian Act, section 10(2)(b) and/or the Band membership  
12 code.

13                   The Band membership code voted to by the  
14 majority of the electorate of the Band did provide for  
15 a provision for reviewing decisions on membership and that  
16 was to be held by the Meadow Lake Tribal Council with five  
17 members of any of the nine Bands.

18                   One of the benefits and/or privileges  
19 as an Indian denied to my wife has been the provincial  
20 sales tax exemptions, from April 1st, 1991 to October 22nd,  
21 1991, as well as the goods and services taxes. We have  
22 a letter from the Minister of Indian Affairs that stated

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1 that in order for an Indian to qualify for federal or  
2 provincial taxes an Indian must live on the reserve and  
3 the goods or services must be consumed or used on the  
4 reserve.

5                   The GST law that is in force right now  
6 could be in violation of section 87(b) of the Indian Act  
7 and/or the Charter. It could be infringing section 6 of  
8 the Charter and/or section 25 of the Charter of Freedoms  
9 and Rights.

10                   Treaty Indians did not pay provincial  
11 or federal taxes and we believe that all Band members should  
12 receive GST and PST tax exemptions on or off the reserve.  
13 Subject to section 4(1) of the Indian Act should include  
14 section 87(b) until all membership and on-reserve housing  
15 is provided to reinstated Indians who have requested it.

16

17                   The intended purpose of Bill C-31 was  
18 to eliminate discriminatory laws and provide the women  
19 and their children with their treaty rights. Only on large  
20 ticket items can my wife demand the merchants deliver it  
21 to the reserve or they will not obtain a sale. She has  
22 received GST exemptions on the purchase of furniture.

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1 However, many reinstated Indian women and/or their  
2 children live off reserve because of actions and/or  
3 policies of the Band and/or federal government.

4                   According to the Department of Indian  
5 Affairs, the FSIN, the English River Band, is negotiating  
6 a full and final settlement of land claim entitlement and  
7 of treaty obligations. My wife's grandfather, John  
8 Baptist Estrogenen was head man and he signed Treaty No.  
9 10. The report of the First Commissioner made it clear  
10 that the government had no desire to interfere with their  
11 mode of life or to restrict them to reserves and it  
12 undertook to have the land and the proportions stated in  
13 the treaty set apart for them. When conditions interfered  
14 with their mode of living and it became necessary to secure  
15 them the posses of land, Treaty No. 10 stated there was  
16 85,800 square miles of land surrendered to be held by His  
17 Majesty the King and his successors forever.

18                   The Province of Saskatchewan is  
19 obligated under the Land Transfer Agreement of 1930 to  
20 provide land to the federal government for treaty land  
21 entitlement, be it lands held in common for the use and  
22 benefit of the Band or lands in severalty for individuals.

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1 Under the treaty obligations, the Chief and head man have  
2 to represent all Indians and they cannot offend the  
3 stipulations of the treaty or infringe the laws in force  
4 in the country. It cannot interfere with the rights of  
5 any inhabitant.

6 Also, according to annuity payments and  
7 Band funds in a summary report receive from Indian Affairs,  
8 Meadow Lake, from the district manager, on September 7th,  
9 1989 it stated a registered Indian who is a descendent  
10 of a Band that signed treaty in Saskatchewan is entitled  
11 to annuity payments of \$5 per year, as well as a share  
12 in treaty benefits provided to the Band as a whole.

13 The Minister of Indian Affairs has  
14 stated that, generally speaking, only Band members are  
15 entitled to receive on-reserve housing and the benefits  
16 accorded to all Band members.

17 Our oldest two children are 6(1) (a) Band  
18 members. They can marry non-Indians and pass status to  
19 their children, the same as men's children who entered  
20 into marriages with non-Indians prior to 1985. My  
21 youngest two children are only 6(2) registrants and not  
22 Band members because of our marriage in 1981. They do

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1 not have the same rights, privileges or benefits as their  
2 eldest brother and/or that of men's children from marriages  
3 to non-Indians prior to 1985.

4 We have requested an order from the court  
5 to grant membership to enter the youngest two minor  
6 children's names into the Band list and seeking relief  
7 in the Statement of Claim served and before the courts.

8 We believe that the membership issue should have to be  
9 resolved prior to a full and final settlement of treaty  
10 land entitlement,

11 Pursuant to section 65 of the Indian Act,  
12 the Minister may pay from capital money all of the money  
13 out of the Band to an Indian in respect of land compulsorily  
14 taken from him for Band purposes. This should be in the  
15 same amount eh Band receives in a treaty land entitlement  
16 settlement. Currently, in the proposed formula for treaty  
17 land entitlement settlement, the English River Band is  
18 utilizing our minor children for 116.4 acres of land.  
19 An approximately compensation payment to the Band under  
20 the current proposed agreement is roughly \$47,000.

21 Under the lands and/or policies, the  
22 children could lose their entitlement to the possession

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1 or occupation of lands in the reserve and lands held in  
2 common and/or the loss of ability to apply for housing  
3 on the reserve at age 18, which would also result in the  
4 loss of benefits to which other Band members are entitled.

5 Per capita distributions of land  
6 entitlement settlement payments could be made to only Band  
7 members. Also, section 53 of the Indian Act could take  
8 away any claim of a devisee or descendant of the Band and/or  
9 compensation payment under section 65 of the Indian Act.

10

11 Indians were not allowed to take up  
12 homesteads and previous discriminatory laws and thus have  
13 no inheritance, except lands in the reserve. The Band  
14 should have to guarantee the right to occupy or possess  
15 lands in the reserve by according all persons utilized  
16 in a land claims settlement prior to its negotiation of  
17 a full and final settlement. They should negotiate for  
18 all registered Indians. Under the treaty, the Chief and  
19 Council must represent all Indians.

20 My wife had been denied the right to vote  
21 in Band elections and/or run in Band elections because  
22 of the Band's actions and/or policies. Currently, the

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1 Band will be receiving 291 acres of land under the current  
2 formula agreement for my wife and four minor children,  
3 or approximately \$100,000 in compensation payment of  
4 262.18 cents an acre and 141.82 cents an acre honour  
5 payment.

6                   The children and my wife have suffered  
7 losses of school supplies, rent, tax exemptions, heat  
8 supplements in excess of \$20,000 that should have been  
9 to their benefit and their use in the past five to six  
10 years because of the actions and/or policies of the Band,  
11 the Meadow Lake Tribal Council and/or the federal  
12 government, respectfully, the Minister of Indian Affairs,  
13 pursuant to section 3(2) of the Indian Act is to enforce  
14 all the Acts of Parliament in relation to Indian Affairs.

15       That would include the Charter of Freedoms and Rights,  
16 the Human Rights Act and other acts of Parliament.

17                   Because my wife is married to a  
18 non-Indian, she cannot hunt, fish or trap for personal  
19 food as a family unit. If I am in her accompaniment, then  
20 she must purchase a hunting licence.

21                   Men who married non-Indians can hunt,  
22 fish or trap for food without fear of prosecution in a

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1 family outing or the fear of seizure of vehicles, guns,  
2 et cetera because their spouses gain registration as  
3 Indians and Band membership. Their children also all  
4 receive 6(1) status and non 6(2) status.

5                   Our oldest son has 6(1)(a) status  
6 because he was born prior to our marriage. Possibly the  
7 youngest two children should have come in as 6(1)(c)  
8 registrants and provide the same and equal benefits,  
9 privileges and titles as Indians and as the men's children  
10 who entered non-Indian marriages prior to 1985.

11                   The Meadow Lake Tribal Council in 1989  
12 spent \$357,000 less on the education program that was given  
13 for education. There was no evidence that the Department  
14 of Indian Affairs investigated to see how the money was  
15 spent. The department had a responsibility to ensure  
16 there was accountability to the Band members and to  
17 Parliament for money spent on the Band members' behalf.

18                   Funds are provided by the department and are for the  
19 ultimate benefit of Band members.

20                   The contribution agreements entered  
21 into from 1984 to 1989 had clauses that restricted the  
22 transfer of education funds to other programs. Education

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1 funds could not be used for other programs without the  
2 consent of the department. Consent was not requested or  
3 given for the transfers of education funds in those years.

4

5                   The underspending in the education  
6 program was used to offset overexpenditure in Band  
7 government, executive operations and office services.  
8 This is according to information received in the mail by  
9 an unknown source and from news media reports.

10                   Our children were refused school  
11 supplies in 1989 by the department in writing and verbally  
12 from the Band and MLTC. The Prime Minister of Canada  
13 stated publicly that the Government of Canada spends  
14 \$13,800 for every man, woman and child registered as an  
15 Indian, on August 28th, 1989, during the Oka situation.

16 This would account for \$69,000 a year for my children  
17 and my wife. They received \$5 a year in health benefits.

18 There has to be accountability by the Department of Indian  
19 Affairs for the Band and the Meadow Lake Tribal Council.

20 Where is the funding going?

21                   People who are not registered as Indians  
22 have ill feelings that treaty Indians receive everything

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1 for free or when asking for tax exemptions for our children  
2 I have been asked "what about the rest of us?" This is  
3 an unfair comment to those persons who have signed treaty  
4 or become registered as Indians, especially if the whole  
5 truths are not being told by the leaders of all three levels  
6 of government, federal, provincial and First Nations.

7 More input needs to be put into the  
8 entire membership and Band business by both the Band  
9 members and the Chief and Council and more Band meetings.  
10

11 The Registrar confirmed that my wife's  
12 father was entitled to be registered under 6(1)(a) of the  
13 Indian Act on October 17th, 1990. The Department of Indian  
14 Affairs should have paid her mother annuity payments from  
15 1940 to 1989. She lost her status when marrying her father  
16 in 1940. Her mother never signed anything. Indian  
17 Affairs did not recognize him as being treaty. The Indian  
18 Act and Treaty No. 10 guarantees her \$5 a year and an  
19 application for registration is the only prerequisite to  
20 benefits. She was registered prior to 1940 and the letter  
21 from the Registrar shows that she was erroneously removed  
22 or omitted from the Indian Register.

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1 Under Department of Indian Affairs'  
2 policies, treaty annuities will be paid from the date of  
3 omission. While my wife's father was not erroneously  
4 omitted or deleted from the Indian Register, the letter  
5 from the Registrar shows that my wife's mother was.

6 We have asked payment of annuities be  
7 made to Cecile Morris, not her father Joseph Isadore Morris  
8 who passed away in 1965. Both Ottawa and Meadow Lake,  
9 the Department of Indian Affairs have denied my wife's  
10 mother that benefit of annuity payments.

11 Her father had tried to become  
12 registered as an Indian prior to his death in 1965. Elders  
13 from "Pachenak" were at Band meetings with individuals  
14 from Indian Affairs in attendance and we have sworn  
15 statements from elders showing that her father was raised  
16 by Georges George Agency in the Chipewyan name and Adele  
17 Disjonais. Her father was the illegitimate child of Annie  
18 Georges --

19 **CO-CHAIR GEORGES ERASMUS:** Excuse me.  
20 You've got a pretty thick document.

21 **HENRY KRAHENBIL:** Yes. I'm a page or  
22 two away from finishing.

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1                   **CO-CHAIR GEORGES ERASMUS:** I was just  
2 looking at how thick it was.

3                   **HENRY KRAHENBIL:** Most of this is copies  
4 of letters backing up what I am saying.

5                   **CO-CHAIR GEORGES ERASMUS:** If you are  
6 actually going to be giving us the document, you don't  
7 need to read it.

8                   **HENRY KRAHENBIL:** What I would like to  
9 say is under the treaty, the report of First Commissioner  
10 stated, as I said previously, that there was land stated  
11 in the treaty set apart for the Indian people and under  
12 the treaty that was to be a square mile of land for a family  
13 of five or 160 acres. It also provided for education.  
14 It provided for the land of 160 acres to each person, if  
15 conditions interfered with their mode of living.

16                   Clearly, this is demonstrating that  
17 conditions have been interfering with people's mode of  
18 living, especially with the reinstated women and their  
19 children.

20                   There were discriminatory laws that took  
21 away their status as Indians and that has been rectified  
22 and now it is up to the Bands to determine their own

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1 membership.

2                   Before going on to negotiate a final and  
3 full settlement of land, you have to be able to determine  
4 -- you have to be able to define who are you representing  
5 as chiefs and head men. Who are the people. Prior to  
6 the Europeans coming here, the men and women were equals.

7       It's the white man's law that made the men dominant over  
8 the women. The federal government has done nothing.

9                   There was a Bill C-31 program, a test  
10 case funding program implemented when Bill  
11 C-31 came about to finally determine individual rights  
12 versus that of the Band. In the former Bill C-31 inquiry,  
13 five cases received \$57,000 worth of funding and four such  
14 cases were settled out of court. Nothing has been  
15 determined to settle individual rights.

16                   Because of the Band's actions and/or  
17 policies she has not been able to vote in Band elections.

18       She has not been able to participate in Band elections.

19       She doesn't have the option of choosing someone to  
20 represent her under the system as it currently is under  
21 the Indian Act or under the Band membership codes.

22                   Now she is a Band member. Her name is

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1 appearing on the Band list. However, because she is living  
2 off-reserve because of the actions under the policies of  
3 the Band, since they have assumed control of their  
4 membership she has no say in the representation that she  
5 has been getting.

6 This funding going to a lot of groups,  
7 the Chief and Council are to represent all the Indians  
8 and possibly that's where a lot of the funding should be  
9 going is at the First Nations level to the Band level,  
10 to the First Nations. But before going on and negotiating  
11 and pushing ahead with the self-government process, before  
12 pushing ahead with land claim negotiations that could be  
13 contradictory to the treaty, the treaty says that land  
14 of 85,800 square miles of land was going to be there forever  
15 and it hasn't been.

16 My wife's grandfather signed Treaty No.  
17 10. Her mother had no treaty rights from 1940 until 1989.  
18 Then my wife had no treaty rights until she became  
19 registered in 1986. Her grandmother is still alive today.  
20 She's about 88 years old. Her name is now Josephine  
21 Jackfish. She lives in English River in "Pachenak". I  
22 just think that they have to be able to finally determine

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1 the membership issues that are facing them before you can  
2 go on with self-government, before you can go on with your  
3 land claim negotiations. You have to determine who is  
4 being represented.

5 I think all persons who are registered  
6 as an Indian, who have a direct bloodline descent from  
7 the original signatures of the treaty should be included  
8 as registrants for purposes of the Indian Act, but I also  
9 believe they should be included as Band members.

10 As the letter from Indian Affairs of  
11 September 7th, 1989 shows, any registered Indian who is  
12 a descendant of a Band that signed treaty in Saskatchewan  
13 is entitled to annuity payments of \$5 a year, as well as  
14 benefits provided to the Band as a whole. The issues have  
15 to be resolved.

16 I have a submission I am going to hand  
17 in to you. It addresses most of our problems and there  
18 are some letters that, unfortunately, our lawyers have  
19 in Saskatoon right now and it's too expensive for me to  
20 go and retrieve them to submit to you. What I have here  
21 is backing up everything that was said about Indian Act  
22 violations. We would really like to see the Department

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1 of Indian Affairs investigated for Indian Act violations  
2 to 14(2), 9(1) and/or 9(4) of the Indian Act because the  
3 office of the Information Commission was shut down in the  
4 last budget. There is no place for anybody to go.

5 If an Indian has the Department of Indian  
6 Affairs doing Indian Act violations, there is no process  
7 for you to take. The department has to be accountable  
8 for their actions as well.

9 I think if the lawsuit currently before  
10 the court was won, the Band and the Meadow Lake Tribal  
11 Council would have a hard time defending their actions  
12 against my wife. However, under the provisions of 3(2)  
13 of the Indian Act, I believe that a lot of the liability  
14 would fall back to the Minister of Indian Affairs on behalf  
15 of the 6(2) registered Indians, as my youngest two  
16 children, because the Minister when he approved the Band  
17 membership codes had to do so in accordance with all the  
18 acts of Parliament, under all of the laws and the Indian  
19 Act is to operate, notwithstanding the other acts of  
20 Parliament to ensure the treaty rights. That should be  
21 the purpose of the Indian Act, to override all the other  
22 acts of Parliament to ensure treaty rights.

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1                   Basically, I guess that is our story.

2       I have these submissions I will give to you.

3                   **CO-CHAIR GEORGES ERASMUS:** Before you  
4 do that, you are taking this issue to court, so what were  
5 you hoping that the Commission would actually do? If you  
6 have already taken this court what --

7                   **HENRY KRAHENBIL:** We would like the  
8 Commission to note that the Band membership issues that  
9 are before the courts, that involves a lot of problems  
10 with the implementation of Bill  
11 C-31. A lot of the problems that have been associated  
12 with self-government, a lot of the problems deal with the  
13 membership issues. Unless the membership issues are  
14 resolved -- like, for instance, a councillor in "Pachenak",  
15 Louis Wolverine, married a non-Indian prior to 1985.  
16 Isadore Campbell, the Vice-Chief of the MLTC married a  
17 non-Indian prior to 1985. What is the difference between  
18 Louis and Isadore's children that is any different from  
19 that of my wife's and mine?

20                   She was entitled to 6(10(a)  
21 registration. I married her in 1981. She lost her  
22 entitlement to become registered. She has gotten that

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1 back as a 6(1)(c) registered Indian. What is the  
2 difference? That's the major issue facing the First  
3 Nation, that you can't have all the people fighting each  
4 other. The Indian people have to stick together. It's  
5 for your children and it's going to be for my children.  
6 It's going to be for all the children to come because  
7 right now under Bill C-31 that's the way it is.

8 **CO-CHAIR GEORGES ERASMUS:** This is an  
9 issue we've heard a number of submissions on. It is very  
10 obvious that when the federal government thought they were  
11 resolving things and doing justice to something that they  
12 had created a big problem with originally, 12(1)(b) of  
13 the original Indian Act and some of the other sections,  
14 that they just created as many problems, if not more.  
15 So, we will definitely have to take a hard look at the  
16 impact to Bill C-31. I am sure your family is not going  
17 to be the last presenters to us on these particular matters.

18

19 The other matter that we have to look  
20 into was already brought to us earlier today and it was  
21 about the fact that there are studies that can provide  
22 what Bill C-31 did is within 20 years the number of actual

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1 status and treaty Indians is going to drop. The membership  
2 of Bands will probably grow because they will have their  
3 own membership code and so they will be recognizing  
4 probably people's children that are not recognized by the  
5 department. I suspect that as a Commission we have to  
6 take a really serious look at what needs to be done in  
7 this whole area.

8 **HENRY KRAHENBIL:** That's where I would  
9 question the provision of section 6(1)(b) of the Indian  
10 Act, where any person who is a member of a Band could be  
11 registered as an Indian and let the Bands determine who  
12 is going to be registered as an Indian through the  
13 membership code, versus Indian Affairs telling -- they  
14 don't need to tell you that you are an Indian. I mean,  
15 the Band determines its membership which determines the  
16 eligibility for registration as an Indian, rather than  
17 the current way that it is.

18 **CO-CHAIR GEORGES ERASMUS:** Unless Paul  
19 has any comments, I think we will thank you.

20 **COMMISSIONER PAUL CHARTRAND:** All I  
21 will say is you have raised a million and one issues.  
22 I would be more than delighted to engage in a discussion

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1 on all of them, but you have told us this is an issue before  
2 the court and I will resist the temptation to make any  
3 comments about the various points you raised before us.  
4 Thank you.

5 **CO-CHAIR GEORGES ERASMUS:** Thank you  
6 for your time.

7 **HENRY KRAHENBIL:** Thank you.

8 **CO-CHAIR GEORGES ERASMUS:** I guess it  
9 is just about five o'clock and I think we are probably  
10 going to make some closing remarks.

11 It has been a long day and we have heard  
12 a lot of different presentations today. We have learned  
13 a lot about the Dakota people, both from the United States  
14 and from Canada. We have had presentations from the Tribal  
15 Council, the Federation of Saskatchewan Indian Nations,  
16 different individuals, the Chiefs in the Nakoda, Lakota,  
17 Dakota communities and we certainly are walking away from  
18 this community with a much better understanding of local  
19 issues.

20 We heard a lot today about the concerns  
21 of small communities, the kind of funding problems that  
22 everyone has at this level.

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1                   We learned about the efforts to  
2 revitalize language. We have heard from students, both  
3 at the elementary level and at the high school level and  
4 just recently, not that long ago, from a post-secondary  
5 education student. We have been given a very complete  
6 picture.

7                   We would like to thank everyone who took  
8 the time to present to us. We would like to thank those  
9 people who have sat through the whole day with us. Once  
10 again I would like to thank those people that were involved  
11 in the opening ceremonies for us today, the songs. I would  
12 thank those people who organized lunch for us. I would  
13 like to thank Cy Standing for assisting us throughout the  
14 day and acting as Commissioner.

15                   With that, I will close my remarks and  
16 I will let Cy or the Chief add whatever closing comments  
17 they have.

18                   **COMMISSIONER CY STANDING:** Thank you,  
19 Georges. We are coming to a close now. The Chief has  
20 asked me to say some remarks on behalf of the Wahpeton  
21 Band. We also have some gifts for some of the visitors.  
22    Following that we will retreat the eagle staff with an

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1 honour song and then we will have a feast, a meal. We  
2 have buffalo stew, so it will hopefully keep you people  
3 healthy.

4 I have been the community representative  
5 for this Hearing. I think we knew about it six months  
6 ago and we have been preparing for the Hearing and as the  
7 community representative it was a big task for us.  
8 Fortunately, we have a good Chief and Council here. We  
9 all work together. We have our elections and then the  
10 next day we forget about it, not like the kind of politics  
11 other people carry on. We shake hands and we continue  
12 to work together.

13 It was a pleasure working with the Chief  
14 and Council and our staff, and the staff of the Royal  
15 Commission, but not all of them. We had some difficulties  
16 with some of the staff in headquarters in Ottawa as usual.  
17 They must be former bureaucrats.

18 We have been dealing with Indian Affairs  
19 all our lives, so we know how to deal with bureaucrats.  
20 It wasn't that serious.

21 Also, I was glad to be chosen as the  
22 Commissioner for the day by the community. I enjoyed this

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1 day. I don't envy your task as Commissioners. If you  
2 are going to be doing this for two years, I wish you all  
3 the luck and we will be having ceremonies here and we will  
4 be saying our prayers for you to continue your work. I  
5 hope I was of assistance today to the Royal Commission.

6 I hope on behalf of the Band that we made your work as  
7 pleasant as possible for yesterday evening and today.

8 With that, I will call upon some people  
9 and Chief Lorne Waditaka to present you with some gifts.

10 First of all, I would like to call upon -- I guess we  
11 will start to our left, Commissioner Paul Chartrand, would  
12 he come up and Chief Lorne Waditaka would like to present  
13 you with a gift.

14 --- Presentation to Commissioner Chartrand

15 **COMMISSIONER CY STANDING:** The next  
16 gift we would like to present is to Bertha Wilson. She  
17 has a lot of patience and I wish her well too for the next  
18 two or three years.

19 --- Presentation to Commissioner Wilson

20 **COMMISSIONER CY STANDING:** The next  
21 gift we would like to present on behalf of the Wahpeton  
22 Band is to the co-Chair Georges Erasmus. I was glad they

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1 were able to make it to Wahpeton. I think this is his  
2 first time here. He was AFN Chief for six years and he  
3 stayed away.

4 --- Presentation to Co-Chair Erasmus

5 **COMMISSIONER CY STANDING:** The other  
6 gift we would like to present is to a person who helped  
7 us out spiritually with our purifying ceremony last night  
8 so that we could purify ourselves and have a good meeting  
9 today and I think we did. We all had a good rest last  
10 night and cleaned our minds and cleaned our hearts and  
11 I think we had a good meeting, and also for the pipe ceremony  
12 that was conducted this morning and for the prayers, as  
13 I stated in my presentation earlier this is our tradition,  
14 this is the way we want to -- this is the road we want  
15 to follow. We have two roads, we have a red road and that's  
16 the spiritual road. We have the blue road and that's the  
17 other road and we have been neglecting the spiritual road  
18 in the past, but we are making a conscious effort to follow  
19 that route. We are happy that we have people like Gerald  
20 to assist us in that area.

21 We would like to present Gerald One  
22 Feather with a gift if he would come up.

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1 --- Presentation to Gerald One Feather

2 **CO-CHAIR GEORGES ERASMUS:** The  
3 Commission would also like to give some small tokens of  
4 our appreciation for some of the people who were involved.  
5 We have so many people to thank, but we want to especially  
6 thank a few people. I would like to call Gerald back up  
7 here, if he wouldn't mind.

8 We also want to thank Gerald One Feather  
9 for his activity in the purification last night and the  
10 opening prayer this morning. We appreciated very much  
11 him coming all the way here, having to fight the border  
12 officials to make it here last night. If you wouldn't  
13 mind coming up and receiving this small gift from us.  
14 It's some snowshoes to remind you of the cold north.

15 --- Presentation to Gerald One Feather

16 **CO-CHAIR GEORGES ERASMUS:** We have a  
17 gift for the Commissioner of the day. We hear that he  
18 and his spouse are collecting these kinds of little boxes.  
19 Thank you, Cy, for a good job.

20 --- Presentation to Commissioner Cy Standing

21 **COMMISSIONER CY STANDING:** Thank you  
22 very much again.

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1                                   We will close our meeting with a thank  
2 you song first and then we will have an honour song and  
3 we will retire the eagle staff and the flag.  
4 --- Closing Ceremonies  
5 --- Adjournment at 7:35 p.m.  
6