

COMMISSION ROYALE SUR  
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON  
ABORIGINAL PEOPLES

LOCATION/ENDROIT: TESLIN, YUKON TERRITORIES  
THE LONG HOUSE

DATE: WEDNESDAY, MAY 27, 1992

VOLUME: 1

"for the record..."

**STENOTRAN**

1376 Kilborn Ave.

Ottawa 521-0703

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1 Teslin, Yukon

2 --- Upon commencing at 9:55 a.m. on Tuesday, May  
3 27, 1992.

4

5 **COMMISSIONER ALLAN BLAKENEY:** Good  
6 morning, ladies and gentlemen. We will be opening these  
7 hearings with a prayer from Elder Pearl Keenan.

8

9 **(OPENING PRAYER)**

10

11 **COMMISSIONER ALLAN BLAKENEY:** I am sure  
12 we would all want to join in thanking the Teslin Tlingit  
13 dancers for a very interesting and moving presentation.

14

15 We are the Royal Commission on  
16 Aboriginal Peoples. My name is Allan Blakeney. With me  
17 is another commissioner on my left, Viola Robinson. We  
18 are very pleased to have as a Commissioner-for-the-day,  
19 an elder in this community, Pearl Keenan, on my right,  
20 who will be known to most of you.

21 We have organized these hearings in  
22 Teslin today with the help of our community representative,  
23 Bernadette Morris, who is about somewhere.

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1 I will explain some of the mechanics.

2 We have not a very well organized translation service,  
3 which will serve to translate Tlingit into English, but  
4 I am not sure will serve to translate English into Tlingit.

5 If anyone wishes to address us in Tlingit, feel free to  
6 do so and we will have some ability to understand you.  
7 Let me put it that way.

8 I will deal with one or two of the other  
9 mechanics of the Commission at this time. We are a federal  
10 Royal Commission on Aboriginal Peoples. Our job is to  
11 see whether we can assist the federal government in  
12 introducing changes which will improve the relationship  
13 between aboriginal and non-aboriginal people in Canada.

14 I think there is a general feeling on the part of  
15 aboriginal and non-aboriginal people that things are not  
16 as good as they should be and might be in relations between  
17 aboriginal and non-aboriginal communities all across  
18 Canada, and that improvements should be made.

19 We are a commission which will probably  
20 take three years to do its work. We are urging people  
21 to come forward and tell us what they think the issues  
22 are and what steps should be taken to deal with them.

23 We have some money from the federal government which we

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1 can give out to organizations which are provincial or  
2 territorial in scope or which are not merely local. We  
3 don't have enough money to give to all local organizations,  
4 but a tribal council that involved several bands might  
5 be able to apply and get some money to prepare a brief.

6 It is call the Intervenor Participation Program, and there  
7 are booklets about, explaining how that might be done.

8 To tell you more about just who we are  
9 as a commission, I will ask my colleague, Viola Robinson,  
10 to explain the composition of the Commission.

11 **COMMISSIONER VIOLA ROBINSON:** Thank  
12 you, Commissioner Blakeney.

13 The Commission was appointed by Chief  
14 Justice Dixon, who was appointed by the Prime Minister  
15 to seek nominations across the country for names for  
16 candidates for the Royal Commission. He did this through  
17 a broad consultation process with aboriginal people and  
18 non-aboriginal people, and he came up with seven names  
19 that he proposed to the Prime Minister, which the Prime  
20 Minister accepted.

21 We have seven commissioners, four are  
22 aboriginal and three are non-aboriginal. We have two  
23 co-chairs. The two co-chairs are: One aboriginal

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1 co-chair is whom everybody knows and is familiar with,  
2 Georges Erasmus, the former chief of the Dene nation, as  
3 well as being from the Northwest Territories. Judge  
4 Dussault, who is a judge on the Appeals Court bench of  
5 Quebec, is the other co-chair.

6                   Then we have five commissioners: Mr.  
7 Blakeney here, who is a former Premier of Saskatchewan,  
8 as well as Bertha Wilson, who is a former Supreme Court  
9 of Canada judge who just retired. Of course she was the  
10 first woman judge to be appointed to the Supreme Court  
11 of Canada, and played a very major role in a lot of the  
12 decisions that were in favour of aboriginal people at the  
13 Supreme Court level.

14                   As well, we have Paul Chartrand, who is  
15 Metis. He is a lawyer and a professor at the University  
16 of Manitoba. We have Mary Sillate. She is an Inook lady  
17 from the Inuit Community of Labrador and, I guess, myself.

18                   My name is Viola Robinson. I am a Micmac indian from  
19 Nova Scotia, and former president of the Native Council  
20 of Canada. I think I have them all, all seven. Those  
21 are the seven commissioners.

22                   We are travelling around now in teams  
23 of three. We started our hearings; we held a week of

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1 hearings in the later part of April in Winnipeg, then we  
2 broke into teams of two. One team was in the Maritimes:  
3 Nova Scotia and Prince Edward Island. The other team  
4 was up in the north: Fort MacPherson and Innuvik.

5 This last week and this week we are in  
6 broken up into three teams. We are travelling in groups  
7 of two and one group of three. We are always travelling  
8 simultaneously, criss-crossing the country in teams of  
9 two or three.

10 **COMMISSIONER ALLAN BLAKENEY:** Thanks,  
11 Viola. As Viola said, we are attempting to visit as many  
12 communities as we can. We hope to visit, in this round,  
13 some dozens of communities, and before we are through our  
14 rounds we hope to visit at least one hundred primarily  
15 native communities across Canada, but we will certainly  
16 be visiting major centres of population as well.

17 Our mandate is a huge one. I think Chief  
18 Justice Dixon, who made up this mandate, said "I will put  
19 everything in there so that whatever they do they will  
20 be within their mandate". That was very nice of him,  
21 except that there is no possible way we can do it all or  
22 even most of it, and we will have to make choices.

23 I will give you a run down of the areas

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1 which we are trying to look into. We are looking into  
2 the history of relations between aboriginal and  
3 non-aboriginal people in Canada, and looking particularly  
4 at the idea of aboriginal self-government, which is in  
5 the news these days, though not always very clearly set  
6 out what we mean by it.

7                   We are talking about a land base and  
8 treaties. We are talking about the place of aboriginal  
9 people in the constitution of Canada. We have already  
10 put out a document on that, talking about an inherent right  
11 to self-government, which idea was accepted by the  
12 Parliamentary Committee, the so-called Beaudoin-Dobbie  
13 Committee which reported at the end of February, whose  
14 report is now the subject of these conferences which are  
15 being held as we speak between provincial and federal  
16 governments in Canada.

17                   We are asked to look particularly at the  
18 status of Metis people. That will bring us into  
19 constitutional discussion. We are to look at the special  
20 problems of aboriginal people living in the north, the  
21 impact of the Indian Act, whether it should be replaced  
22 or repealed. We are asked particularly to look at social  
23 issues, economic issues, cultural issues, educational



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1 issues and justice issues of special concern to aboriginal  
2 people. This includes health and social services, how  
3 we can get a viable economic base for aboriginal peoples,  
4 how the justice system might be modified to work better  
5 perhaps even replaced. We are asked also to look at the  
6 special position of aboriginal elders, aboriginal women  
7 and aboriginal youth.

8                   As you can see, that is an impossible  
9 task for three years or 30 years, but from that we propose  
10 to attempt to find out what aboriginal people believe the  
11 problems are and what they believe the solutions are.  
12 We will also try to find out from the non-aboriginal  
13 community what they think the problems are and what they  
14 think the solutions are.

15                   We have, as Viola Robinson has  
16 suggested, already last winter been around to talk to the  
17 provincial governments and to the primary aboriginal  
18 organizations. We visited, on that occasion, Yellowknife  
19 and Whitehorse, as well as all of the provincial capitals.  
20 We have started our hearings in Winnipeg, as she  
21 indicated, and are now fanning out across the country.

22                   What we want to do here is to ask you  
23 people what you think the problems are, and we are not

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1 assuming that life is all problems, but there are some  
2 that could be dealt with, what you think they are and what  
3 you think should be done about them. Our job, particularly  
4 in this round, is simply to listen and not to put forward  
5 any solutions of our own at this stage. If, during the  
6 course of this day we ask some questions which seem to  
7 be provocative, it is simply to elicit ideas from you,  
8 and not to try to signal any proposed solutions which we  
9 have in mind.

10 We urge you to offer any thoughts that  
11 you have because we are very much wishing to find out what  
12 people think the main issues are. I know Viola and I are  
13 very, very happy to be in Teslin. We were in Fort Simpson  
14 yesterday and hope to be in Watson Lake tomorrow, and to  
15 hear from people in this area of Canada. We are  
16 particularly pleased to have as our  
17 Commission-for-the-day, Elder Pearl Keenan, who I am going  
18 to ask to say a few words, if she wishes to take that  
19 opportunity.

20 **COMMISSIONER PEARL KEENAN:** Thank you.

21 On behalf of the Teslin Tlingit nation,  
22 and the Village of Teslin, I would like to welcome the  
23 Royal Commission here to Teslin. Also, the people who

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1 come from far and wide -- I see a lot of news media here  
2 -- welcome to our community. Have a good day.

3 Thank you.

4 **COMMISSIONER ALLAN BLAKENEY:** Thank  
5 you, Mrs. Keenan.

6 I will now call upon the Chief of the  
7 Band and the Mayor for some initial remarks. You will  
8 hear more fully from each of them a little later. Chief  
9 David Keenan, please.

10 **CHIEF DAVID KEENAN:** Good morning. My  
11 name is David Keenan. I am the Chief of the Teslin Tlingit  
12 Council. I bring you greetings from my elders and wishes  
13 for a safe journey as you continue through this great  
14 country of ours. I am trying to distinguish between  
15 welcoming remarks, the history of Teslin, and what I am  
16 going to present, and what my mother had already done,  
17 my mother Pearl. So again, I just reiterate what my mother  
18 just said. Welcome to my country on behalf of my elders,  
19 and safe journey.

20 **COMMISSIONER ALLAN BLAKENEY:** Thank  
21 you, Chief. We will be hearing more fully from your  
22 shortly.

23 Mayor Frank Saligo, please.

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1                   **MAYOR FRANK SALIGO:** Mayor Frank  
2 Saligo, Mayor of Teslin. I welcome you from here in town  
3 on behalf of the Council. I am sorry about the rain and  
4 all that. We tried to have some sunshine here, but I guess  
5 it was a little bit too early. We hope that you have a  
6 good stay, and hope you have a good session here with  
7 finding out different things.

8                   Thank you very much.

9                   **COMMISSIONER ALLAN BLAKENEY:** Thank  
10 you, Your Worship. For my part, I don't mind the rain.  
11 I find this soft rain and the soft air a very, very pleasant  
12 change. I am a loyal prairie person, but the air there  
13 can get a bit dry. This is very pleasing. Thank you very  
14 much.

15                   I think, if I may, I will ask Chief David  
16 Keenan to make a presentation. I have just been doing  
17 a little consultation here and I thought, since the crowd  
18 was still trickling in, we would get the Chief, then we  
19 would have coffee after that. Is that all right?

20                   Welcome. I will ask you to introduce  
21 your people. I am getting some tips here from your mother.

22                   **CHIEF DAVID KEENAN:** I have learned, in  
23 my experience, that tips from my mother are very

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1 invaluable. I have also learned from experience that if  
2 you don't pay attention to tips from my mother, it is tough  
3 love. I think it is very wise of you, Mr. Blakeney, to  
4 take tips from my mother.

5                   As you can see, we have already tried  
6 to revamp the schedule just slightly. Judy Gingell, who  
7 is the Chairperson, and a great leader and a great friend  
8 to the Council for Yukon Indians, is going to joining me  
9 in our joint presentation. We are going to be moving her  
10 up from the bottom of the schedule to present with myself.

11                   **COMMISSIONER ALLAN BLAKENEY:** May I  
12 just say, at this point, if you want to break it up and  
13 have a coffee break in the middle or anything, if it gets  
14 going a bit like that, just indicate, we will be happy  
15 to break.

16                   **CHIEF DAVID KEENAN:** I think we will do  
17 that. I get kind of long winded. Not to say that Judy  
18 doesn't, but we will break it up somewhat.

19                   I would also like to introduce one of  
20 my traditional Clan leaders on my far right, Mr. Frank  
21 Jackson, who is a leader of the Xooxetaan Clan of the  
22 Tlingit. On my left I would like to introduce Mr. Matthew  
23 Thom, who is a traditional Clan leader of the Yanyeidi

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1 clan.

2 I have these two with me as much as  
3 possible as good advisors, for good direction along with  
4 the Elders. I will explain their role through my  
5 presentation as I roll along.

6 I shall get right into it. I listened  
7 with keen interest, Mr. Blakeney, Viola, to what you said  
8 your mandate was, and how the Supreme Justice had left  
9 it very much open for you. I very much welcome an open  
10 mandate such as that because I feel that, to be able to  
11 talk about indigenous people, the aboriginal people of  
12 this great country of ours, you have to have very open  
13 minds and open thoughts. Ultimately, what we do, is  
14 explain our concepts of self-government and its every  
15 evolving process.

16 I find it almost impossible to speak of  
17 what Canada should be doing for its aboriginal people  
18 without speaking of the past. So whenever we have anything  
19 to say, we go back to our roots, and our look lie in our  
20 past and in our rich culture.

21 The Teslin Tlingit and the Tlingit  
22 nation have occupied this particular drainage and this  
23 particular portion of the Yukon for thousands and thousands

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1 of years. My people have lived in harmony with this  
2 territory. Our traditional territory encompasses what  
3 is now known as Alaska, northern British Columbia and the  
4 Yukon. We are divided by international boundaries and  
5 provincial and territorial boundaries, which does not do  
6 justice to us. I think you know what I mean when I say  
7 that.

8                   Our population of the Tlingit nation  
9 numbers approximately 1,500 citizens. That encompasses  
10 all Tlingit citizens: People of Atlan, the people of  
11 Carcross and the people of Teslin. In Teslin we have a  
12 population base of my native people of approximately 300  
13 that live, and are provided services by the Tlingit  
14 Council. Our total population of membership that is  
15 scattered throughout Canada, throughout the world --  
16 because Tlingits are great travellers -- is approximately  
17 750 people, and knowing Tlingits, it is constantly  
18 changing. That is the logistics of today.

19                   The reason for my people to have survived  
20 for thousands of years in this country of ours is not  
21 through random luck, pot luck or anything. It is because  
22 we had systems in place and structures in place of  
23 government. In the modern sense of good government, we

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1 did not have a department of finance, a department of  
2 justice. Our people looked at things in very much the  
3 holistic sense, sir.

4 Our government system is based on the  
5 Clan system, it was, and is, at this point in time. Our  
6 Clan system in Teslin is very unique. We have five Clans.

7 Two of the Clan leaders I introduced, they are  
8 representative of their Clans. In the past, these Clan  
9 leaders were very powerful people, and they still are  
10 actually today. But the Clan leader at that time, and  
11 the Clan itself, was a system of support for one another.

12 It used very much and focused very much on the Clan, or  
13 the extended family, not so much the individual.

14 Within the Clan system, sir, is a circle,  
15 the extended family. We had programs. Again, they are  
16 not defined as programs as of today, but it is important  
17 for you to understand that educational programs, health  
18 programs, cultural programs, history, child care, elders  
19 care, economics, is not a new or contemporary thing. This  
20 has been with my people for thousands of years, sir, based  
21 on our unique and peculiar system to the Teslin Tlingit  
22 in the Clan system.

23 It is very important for Canada, and



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1 representatives of Canada, the Commissioners, to  
2 understand this concept, that there was accountability  
3 in the past, sir, accountability to the people,  
4 accountability to the culture.

5                   We had these modern types of programs  
6 then, such as education, health care, day care, but we were  
7 also, and still are in my view, and in our view, caretakers  
8 of this earth of ours. We are the protectors. We had  
9 systems in place for protection of the air and the land  
10 and the water and the animals, to preserve and protect  
11 for our future generations. As my dear Aunt Virginia so  
12 aptly put in her wonderful way of wording things, for a  
13 title of a book, we are a part of the land and a part of  
14 the water, we are as one with this earth.

15                   What I have attempted to describe to you,  
16 sir, is a system that was unique to us, a system that did  
17 have contemporary programs -- if I can use that word again  
18 -- in the past, brought forth. Most importantly, we hear  
19 the Charter of Rights in Canada comes up for negotiation,  
20 it comes up through talk.

21                   What I have described to you, sir, was  
22 our Charter of Rights. That Charter of Rights was to the  
23 culture, and it was to the people. It was focused on the

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1 culture and focused on the people. It was not -- and this  
2 is a very important part of this presentation -- focused  
3 on the individual. Again, I will attempt to explain that  
4 a little further in the presentation, through our justice  
5 scenario.

6                   What we also have done in my First Nation  
7 is to, not segregate people as is sometimes the direction  
8 I feel is given from government to indian people,  
9 indigenous people. We are openhearted and loving, and  
10 we expect and accept the word "Metis". I heard you use  
11 the word "non-status" people, there are all sorts,  
12 "half-breeds". There are all sorts of wonderful ways of  
13 saying it. We do not look at it in that light, sir. We  
14 have equal rights for women, children, youth, males, all  
15 under one umbrella. We are not diversified in that sense.  
16 We know who we are and we treat and respect each other  
17 as Tlingit.

18                   I am hoping that what I am trying to paint  
19 for you, a vision for you, is that once upon a time, deep  
20 in the forest, there was a system thriving in this great  
21 country of ours here, of accountability, and life was very  
22 good. Life was very good. We took what we needed, and  
23 we left the rest, sir. We used it and we preserved it,

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1 and we were a very happy, content group of people.

2 I always remember and think back, when  
3 I was a young boy, my grandmother, my aunts, my great-aunts;  
4 I was asking them "Tell us about an indian story, Granny,  
5 tell us an indian story". Granny would tell us an indian  
6 story. Throughout all these indian stories there were  
7 morals, and it showed us the old processes through stories,  
8 indian stories, and it was teaching. The scene I can  
9 envision back then was one of beauty and harmony. It was  
10 a wonderful world, and the stories reflected that.

11 I would like to introduce my uncle  
12 Watson, who is a leader of the Daishetaan Clan of the Teslin  
13 Tlingit. I have two others leaders, but they are not  
14 available today. There is Sam Johnston and Tom Smith.

15 Life deep in the forest was really good,  
16 it was wonderful, people were happy, culture was thriving.

17 As I said, we are from Alaska. I can imagine the day  
18 some young woman, some young man sitting on a point of  
19 land and, my God, they see three masts coming over the  
20 horizon. They are fascinated, they are intrigued, the  
21 closer it gets. They see, my God, there are other people  
22 besides brown people in this world. The comment of the  
23 non-native; and that happened to us in Russia, the Russians

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1 in Alaska.

2                   With these people, they brought other  
3 things that were foreign to us, things we were not immune  
4 to: The alcohol, the diseases. My people have gone  
5 through epidemic after epidemic after epidemic,  
6 historically, since the Russians came, and since the  
7 highway came, with tuberculosis, et cetera. They brought  
8 their religions, and absolutely the process and ways of  
9 doing things was completely foreign. The Tlingit are a  
10 dominant people, aggressive people, and always have been.

11 But on the other side, we are very loving and open hearted  
12 and kind and generous people, and we welcomed these people  
13 after years and years. We welcomed them.

14                   With this alcohol and disease, and the  
15 coming of different religions, cultural breakdowns  
16 started, values started to shift. The system and the  
17 processes that my people used historically to ensure that  
18 justice, economics and social development were always  
19 there, started to wander, sir. The processes were not  
20 there, and we started to shift over to an alien process,  
21 or a non-native process. Whether it be Russian, American  
22 or Canada, it was an alien process to us.

23                   The gold rush came and went, and still,

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1 to some extent, happens. My people were not so much  
2 influenced by the gold rush, per se, as other peoples in  
3 the Yukon have been. They used this lake out here, Teslin  
4 Lake, as one of the routes to go to the gold fields, but  
5 my people were nomadic people and lived on the land and  
6 used the land. They harvested the land and protected the  
7 land, and my people were not sitting on this point, as  
8 you see today. They gathered on this point traditionally  
9 in the summers, but they were out in the bush working the  
10 land, as we knew it.

11                   It is very important for the government  
12 of Canada representatives to understand that this is not  
13 long ago. This is not 100 years ago. With that impact,  
14 the highway came through. The highway was a wonderful  
15 thing. In the same token, it was a terrible thing. We  
16 are celebrating that highway right now, 50 years, but the  
17 beauty of the highway is that it has brought modern things  
18 to my people. But as my mother and my aunt have said,  
19 they did not enjoy reading by pitch lights. They enjoy  
20 the candle power we have, and the lights and electricity  
21 and the services, so the goodness came.

22                   But also with the highway, others came.  
23 The Department of Indian Affairs, whom we knew of not

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1 at all at that point in time, before the highway; we didn't  
2 know there was a department out there that was meant to  
3 protect and preserve our peoples. We didn't know that,  
4 we were just a happy group of Tlingit people in this great  
5 country, living off the land, living off the fish,  
6 protecting it. All of the sudden, the Department of Indian  
7 Affairs, in their pink cadillac, or whatever they were  
8 driving at the time coming up the highway, comes up and  
9 starts to instill their policies, that have been developed  
10 for 100 years already, on to my people.

11 We had a reserve in 1929 that we never  
12 knew we had, under the legal context of the Indian Act,  
13 until 20 years ago. It didn't mean nothing to my people.  
14 We weren't here when they surveyed it. We wandered  
15 around, yet they had a little isolated spot of land for  
16 my people.

17 They took away our children, they  
18 confined my people to this plot of land. They said, "No,  
19 you can't go to the bush, you have to stay here. This  
20 is your housing allocation". The attempt at assimilation  
21 came. The attempt to bring my people from a Tlingit  
22 citizen to a status citizen, or a ward of Canada, had begun  
23 in this country. It was awful. They took my people.

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1 They took my people's children, put them in mission  
2 schools, some we have never seen yet to this day, some  
3 we have seen 12 years later, some we have seen six months  
4 later, some we had put away, some we don't know where they  
5 are.

6 We started to lose our culture, we  
7 started to lose our languages, the respect that this whole  
8 system of ours ran on was starting to wane, it was starting  
9 to go. We were separated from everything, except the  
10 Department of Indian Affairs. We were married to them.

11 The statistics show, sir, previous and  
12 right now; you are very well aware of the statistics in  
13 Canada of the native people that are in jails, that are  
14 lost throughout this great country of ours, harbouring  
15 themselves in bars and alleys. You know these statistics,  
16 and they are not pretty statistics, they are not pretty  
17 at all.

18 You have to ask yourself why. I heard  
19 you say in your mandate that you are looking for solutions  
20 to problems. We have always attempted to look at it in  
21 that very same light. When we analyze something, we  
22 analyze a problem. If you take it far enough you can  
23 attempt, you can start to see a solution, and that is what

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1 we have done.

2                   The reasoning for all these statistics  
3 of our peoples in jails is because we were foreigners in  
4 our own land. A system was put on top of us that was alien  
5 to us, and we could not do the things we normally did.  
6 Life just went on like that for years. In 1973, I believe  
7 it was February 14, 1973, the Council for Yukon Indians,  
8 through our great leader at the time, and still in memory,  
9 Elijah Smith, went to Ottawa and filed a land claim. He  
10 had seen what the problems were of this country for his  
11 people of the Yukon.

12                   The rest is pretty well history. We are  
13 \$60 million into debt with it, and blazing trails. But  
14 that was the start of the rejuvenation of the Teslin Tlingit  
15 and the indigenous people of the Yukon. That was the start  
16 of it right there.

17                   We thought, at the time, that it would  
18 be a very easy process and we would be out of this process  
19 in six months, and here we are, almost 20 years later,  
20 still in the process, but hoping to conclude this process  
21 very, very shortly, I believe by Sunday. Things are  
22 supposedly on the works and under way.

23                   We started with a land claim. We

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1 negotiated a land claim in 1984, and we took it to the  
2 people and it was rejected. The number one reason it was  
3 rejected is that we did not address the significant issue  
4 of self-government and what does self-government mean.  
5 What we did come together on at that general assembly in  
6 Taseesh is that you cannot separate the land, the people  
7 and self-government from one another. This is what Canada  
8 is famous for doing: "Let's establish a process", so they  
9 establish a process for self-government, they establish  
10 a process for self-government on-reserve and off-reserve.

11

12                                   They establish a process for land  
13 claims, they establish a process for comprehensive land  
14 claims and they establish a process for cut-off claims.  
15 They establish a process for specific claims. My God,  
16 all the money. You heard me quote \$60 million. I am  
17 frightened to think what the government of Canada has  
18 spent. I would say this process in the Yukon has probably  
19 cost all of us a quarter of a billion dollars, so it is  
20 a very expensive, cumbersome process to be involved in.

21 I do believe, and I guess this would be a recommendation,  
22 that if Canada streamlined these processes and tried to  
23 quit separating us and divorcing us from who we are, and

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1 enable us to have the ability to pull it together, life  
2 would be much better for us.

3                   That is where we got to 1984. We were  
4 with self-government. While that was happening at the  
5 territorial level, we had, traditionally, have always had,  
6 and I say with great pride, great leadership, great  
7 leadership in Teslin, as you can see witnessed at the table  
8 right now.

9                   The leadership of the Teslin Tlingit,  
10 as history will show, has never been leadership or a way  
11 of life that was reactionary. In order for my people to  
12 survive, we envisioned, we thought, we procrastinated,  
13 "What do we do?" Through the vision of one individual  
14 who was Chief at the time, Richard Sidney, talking about  
15 self-government and what does it mean, we started to, and  
16 we successfully, did, develop a constitution that reflects  
17 the values and the traditions of the Teslin Tlingit. I  
18 will table a copy. I have bound together a copy of our  
19 constitution, a copy of our justice position and a copy  
20 of an implementation plan for a justice position for the  
21 Teslin Tlingit, sir, and I will table that with you before  
22 you leave.

23                   What the constitution did was is started

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1 to make us think like Tlingit again. Our Clan leaders  
2 have always been alive and well and thriving in Teslin,  
3 but their duties were mainly confined to cultural  
4 activities. If somebody passed away, they came and they  
5 put them away in a traditional way. They were stripped  
6 of all the powers they had traditionally held. They were  
7 consequently stripped of their respect.

8                   What the constitution does is it puts  
9 the Clan leaders and the elders in their rightful spot  
10 in Tlingit society, and that is at the top of the totem  
11 pole. Right there, that is where my elders and Clan  
12 leaders, through the constitution, are.

13                   I said I have five Clans. Each Clan is  
14 equally represented. I, myself, personally come from a  
15 Clan that is representative of about 200 to 250 or 300  
16 people. The smallest Clan we have is representative of  
17 about 25 people. Yet the voice of both, of all five, is  
18 of equal strength, and we think as a Tlingit nation.

19                   What that did is it is starting to take  
20 away the popularity contest of elections, and it started  
21 to pull people together to support the leadership and to  
22 support one another in the endeavours we are trying to  
23 do and implement here in Teslin. What it did not do is

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1 it did not separate us. We respected our elders, our Clan  
2 leaders. It has been very hard and difficult at times  
3 because you don't always know what to think, but you know  
4 what is there and you know what they are doing is for the  
5 benefit of the community. We have an environment of trust.

6 You must always keep the remembrance of the word "respect"  
7 and "trust" in your mind when I talk, because it reeks  
8 throughout.

9 I don't know what it is about Tlingit  
10 people, but I am so proud of my people. When we know what  
11 we want, and we know where we want to go, we don't seem  
12 to have to ask permission of anybody, we just seem to go  
13 there. It is not a politically driven process, but it  
14 is a people driven process, sir.

15 With this change of atmosphere of the  
16 constitution, and going back to the old ways and the old  
17 values, old respects and ways of doing things, we  
18 triggered, in young people, not so young people like  
19 myself, young elders, old elders, we triggered in the  
20 community a healing mode, if I could use that word. People  
21 knew why they were drinking their face off and why they  
22 were smoking their brains out, and all these other things,  
23 why they were doing these things. We started to identify

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1 the problem. As I said earlier, when you identify the  
2 problem, you identify a solution.

3 My people went out to treatment centres,  
4 out to life skills courses. My people have developed  
5 healing circles that are not government driven, not  
6 politically driven. They are community driven. They  
7 bring our people together.

8 My community has a mandate to protect  
9 and preserve the air, the water and the animals. It also  
10 has a mandate, which we developed with the general assembly  
11 of our people's direction, to focus on education and  
12 healing, because we talked about the statistics of people  
13 in jails. One thing that we believe, sir, is there is  
14 no such thing as a dispensable Tlingit person, no such  
15 thing. We are too few and far and in between to isolate  
16 one another. We cannot ever do that. We have to bring  
17 each other back together.

18 What we are doing, by focusing on  
19 education and healing and identifying the past hurts and  
20 wrongs of mission schools, religion and impact, is we are  
21 going to get my people back on a level playing field, so  
22 that my people will be on a level playing field with other  
23 peoples in this country. When we are on that level playing

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1 field, we will be there forever, and we are not afraid  
2 of nothing, we can handle her.

What Canada has to do is they have to have the trust and the responsibility,  
4 marry the two together, to enable us to do things in our  
5 own ways, our own processes and our own focuses. I told  
6 you about our constitution, I told you about where are  
7 people are at, where we are trying to get our people at,  
8 how we are thinking like Tlingit. Canada didn't have a  
9 direct say in this, because as I said, we just went out  
10 and did what we wanted to do.

11 In the mean time, Canada spent a  
12 multitude of resources. The Department of Indian Affairs;  
13 mega-bucks leave the Treasury Board, mini-bucks hits this.  
14 Canada does have a fiduciary obligation. Another  
15 recommendation, I guess, is with the fiduciary  
16 responsibility Canada has to its indigenous people in  
17 particular at this time, the Tlingit, but they should;  
18 I don't quite know how to say this.

19 I don't want to hurt no bureaucrats, but  
20 bureaucrats are terrible people. The politicians say one  
21 thing, and they know they have a fiduciary obligation that  
22 is identified through the royal proclamation. They have  
23 a moral obligation. The politicians, in order to get voted

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1 again and to run this country, say all sorts of beautiful  
2 things. It is just like the Treasury Board. The dollar  
3 that is ear marked from the Treasury Board to Teslin  
4 Tlingit, by the time it gets here it is so watered down  
5 and misinterpreted that the negotiations are farcical,  
6 at the best of times.

7                   Canada must come with a clear cut policy  
8 that will enable the negotiator to sit at the table, to  
9 represent Canada, and to conclude a deal that is  
10 satisfactory to all at the table. Canada is not doing  
11 that at this point in time. They throw road blocks and  
12 obstacles into our way, at every cotton picking corner  
13 there is another road block.

14                   I guess I jumped just a little ahead of  
15 myself here. I am trying to keep everything in order.  
16 The process of land claims for the Teslin Tlingit is almost  
17 at a grinding halt. Not because of problems at this point  
18 in time, there have been many problems, but our schedule  
19 reflects, with the good graces of the Teslin Tlingit, YTG,  
20 the federal government, that we should conclude a deal  
21 by this Sunday. That is going to be great. What that  
22 does is that enables us to develop our self-government  
23 powers here.

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1                   What Canada should be doing is, Canada  
2 should be acting as a facilitator of this process, not  
3 trying to define what the process means, but to let the  
4 process evolve, and to facilitate the process so that we  
5 can come out of this process with goodness for the people  
6 of Canada, goodness for the Teslin Tlingit and good  
7 government for all. I said they do have a legal  
8 obligation, they do have a moral obligation. They have  
9 to negotiate land claims of self-government in the context  
10 of one, not in isolation of one another. They must be  
11 very flexible in order for us to proceed with what we want  
12 to do and where we want to go.

13                   Their laws and their attitudes shall not  
14 be paramount to our laws. Canada must understand that  
15 we have systems and placed in our country, and ways of  
16 doing things that are unique to the Teslin Tlingit. It  
17 is a traditional system, but it does not mean we are any  
18 more different and that we do not have accountability to  
19 the people and that we condone things that other Canadians  
20 do not. That is why we do not believe in the Charter of  
21 Rights, sir, as it stands, because it stands for an  
22 individual collectively. We believe in the Charter of  
23 Rights for the culture and for the people.

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1                   I will talk a little bit about our  
2 justice endeavour, and then I will wind down. The Teslin  
3 Tlingit, a few years ago; as I said, the statistics are  
4 terrible with our people. We tried to look at a way that  
5 would shift the focus from incarceration and jail to a  
6 focus of healing and enabling people to come back, not  
7 of isolation. We have, at this point in time, and we will  
8 start tomorrow, our Clan leaders, five of them, involved  
9 with the justice system as it stands today.

10                   In modern terminology, I guess you could  
11 call it "diversion". They have diversion for youth. This  
12 is not confined by any legislation or anything. My elders  
13 and Clan leaders act as advisors to the Chief Judge of  
14 this case. They give a community perspective. We sit  
15 in a circle that is not adversarial in nature. We talk  
16 about the problem that the individual has, how the  
17 community can help, what the community can do to  
18 facilitate, to put into place to help this individual so  
19 they might participate. That is what is going on right  
20 now.

21                   It is working. If you ask the local cop  
22 here, Tom Grant; and he is very proud of his statistics,  
23 of what has happened in Teslin in the last three years,

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1 of the crime rate coming down, people pulling together.  
2 Just that little integration into the justice system  
3 should show Canada that great things are happening, and  
4 in the long run, we are saving Canada money. We are saving  
5 Canada mega-bucks, yet we cannot get adequate resourcing  
6 to continue with what we are doing.

7                   What we have done, which I will table  
8 with you later in the day, is we have recognized that,  
9 through justice, justice being the golden thread that will  
10 hold our self-government together; our justice is based  
11 on trust and respect for one another, for the culture,  
12 for the people. We have developed a paper, sir, that will  
13 define the jurisdiction we have negotiated in  
14 self-government, enable us to participate and enable us  
15 to implement a justice system that would work for Teslin.

16 The focus of this justice system is the focus of many  
17 justice systems throughout the country. It focuses on  
18 placing, it focuses on prevention and all those other  
19 justice type programs. What we have done is we have taken  
20 away the concept of traditional policing.

21                   We have looked at developing that the  
22 policemen, wearing the red surge or the pink surge or  
23 whatever surge he is going to wear for our people, will

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1 be more or less geared as a counsellor type of an attitude.

2 It is not that we do not condone violence and assaults  
3 against women or anybody, it is that we look at it in a  
4 different light. We have to bring our people to a certain  
5 stage in order to bring them to the stage of good quality  
6 living.

7 We must recognize and clean up the hurts  
8 that are in the past, the hurts that come from mission  
9 schools, the sexual violence, drinking and drugging, all  
10 those things. As you identify what the problems are, life  
11 starts to become very good in Teslin once more. That,  
12 sir, is the focus of what our justice system will do for  
13 us. It is a community driven justice system. People are  
14 accountable to the community.

15 Everything I have talked about from deep  
16 in the forest, to taking the deep in the forest scenario  
17 and marry it, in a contemporary fashion, with what we have  
18 to do in Canada today, is wonderful. You look at it on  
19 a piece of paper, and it is God's gift to the Teslin Tlingit.

20 There is a major problem here, though. It is a problem  
21 of resourcing.

22 The biggest resource we have is our  
23 people. As you see, and as I have attempted to explain,

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1 our people work together, but Canada must recognize what  
2 they have done and recognize where they want to go, which  
3 we are doing through a process of negotiation, but Canada  
4 must implement to the fullest extent that it can. It  
5 should not be bound by idiotic statements. I can see it  
6 being bound by financial restraints, but there are other  
7 ways of looking at it. If you devolve the Department of  
8 Indian Affairs out of our lives, where it should be, devolve  
9 those dollars to us as they should be, I do not believe,  
10 sir, in my heart, that it would cost Canada any more than  
11 it is costing now. I do believe we could save money.

12                   The most important thing here is that  
13 Canada must, absolutely must, in the strongest language,  
14 must implement what they say. They must close the gap  
15 between the politician and the bureaucrat and the  
16 negotiator, and make sure they implement, so we can get  
17 on with this life of ours. The Teslin Tlingit are very  
18 tired of sitting in a process of negotiation. We wish  
19 to go out and prove and show, to ourselves mainly, and  
20 to other people, that what we can do is what we can do.

21 It is for the benefit and the goodness of all people in  
22 Canada, in particular, the Teslin Tlingit.

23                   Without Canada implementing and putting

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1 adequate resources and teams together to implement this,  
2 she is just lip serviced, Allan, it is just lip service.  
3 We are past the point in time, as the constitutional  
4 process is showing and proving today, where we can sit  
5 and talk about this. If we talk about it too much longer,  
6 you are going to be fragmenting Canada. That is not the  
7 intent. The intent is to pull Canada together and hold  
8 it as a nation, but we must implement and put the resources  
9 to it. Canada must be very flexible and they must be  
10 adamant in their attitudes and their ideas and ways of  
11 implementing all we have talked about. There cannot be  
12 a gap anywhere in this process. It is too much of a people  
13 driven process. That is the way our people are and that  
14 is the way our people always will be, involved in what  
15 we are doing.

16 That pretty well concludes my statements  
17 and my talk for this afternoon. If you have any questions  
18 or anything, I will attempt to answer them.

19 **COMMISSIONER ALLAN BLAKENEY:** If it is  
20 all right with you, we will take a break and have some  
21 coffee now, then I will come back and indeed I will have  
22 some questions. I don't know about Viola, but I certainly  
23 will, because there are a few things there we should explore

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1 in just a little more detail, as to just who should do  
2 what next.

3 **CHIEF DAVID KEENAN:** Sure. Let's have  
4 some coffee.

5

6 --- SHORT BREAK AT 11:10 A.M.

7 --- UPON RESUMING AT 11:30 A.M.

8

9 **COMMISSIONER ALLAN BLAKENEY:** We will  
10 resume our discussion now. I noted that the Chief, among  
11 his many duties, was called upon to find something to keep  
12 the door from squeaking, which he did with his usual  
13 efficiency. The squeaks were bothering the National Film  
14 Board, which is here making a film presentation. They  
15 are taking footage throughout a good number of the hearings  
16 of the Royal Commission in order to make a video.

17 We are a Royal Commission, and we will  
18 doubtless turn out a report of great size and the rest,  
19 but we don't think a lot of people read reports of Royal  
20 Commissions. We think that a good number more people would  
21 watch a video or film that portrayed what we were doing,  
22 and ultimately what recommendations we came up with and  
23 why. The National Film Board, which has a world-wide

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1 reputation for making documentaries, has agreed to do this  
2 for us, and that is what these cameras are that you see  
3 around, and why we are worried about whether the door  
4 squeaks.

5 I wanted to make a tiny comment on what  
6 the Chief was saying, then to ask a question. With respect  
7 to the Royal Commission, we are authorized to make interim  
8 reports or interim comments on things that develop along  
9 the way of our hearings. One of the things which we saw  
10 developing along the way was a seeming deadlock about  
11 aboriginal self-government, about the inherent right to  
12 aboriginal self-government. We put out a commentary on  
13 that, which commentary was accepted by the Beaudoin-Dobbie  
14 people and put it in their report, as I earlier mentioned.

15 Part of that commentary presupposed that  
16 we could develop a method of aboriginal self-government  
17 which would be a third order of government. When we say  
18 there are two orders of government in Canada, a federal  
19 government and a provincial government, that means that  
20 the federal government can make some laws which the  
21 provincial government can't countermand, and the  
22 provincial government can make some laws which the federal  
23 government can't countermand.

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1                   If the federal government makes a law  
2 with respect to national defense, no provincial government  
3 can upset that. If the provincial government makes laws  
4 with respect to education, the federal government can't  
5 upset those, because it is said to be a provincial  
6 jurisdiction.

7                   We are thinking in terms of -- and that  
8 is all I can say because it is still not clear -- some  
9 areas of aboriginal self-government whereby aboriginal  
10 governments could make laws which neither the federal  
11 government nor the provincial government could upset.  
12 Just as surely as I say the provincial government can make  
13 laws with respect to education that the federal government  
14 can't cancel, we would see a situation whereby aboriginal  
15 governments could make laws with respect to aboriginal  
16 education, which no federal nor provincial law could upset.  
17 To us the lawyers' terms, they would be "sovereign".

18                   This is what we talk about when we are  
19 talking about a third order of government. It is a  
20 lawyers' phrase, but if you kind of think about it as being  
21 all of the law making power divided up, and now it is sliced  
22 in two, there would be a third slice where there would  
23 be sovereignty, or final authority, resting with



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1 aboriginal governments. There will be always problems.  
2 There are enough problems now to define the dividing line  
3 between the federal and provincial that courts have to  
4 grapple with all the time, and there would be problems  
5 between finding the dividing line between aboriginal and  
6 non-aboriginal, but that can be solved. Federal and  
7 provincial governments work and have existed in Canada,  
8 and have each been, to use the lawyers' words again,  
9 "sovereign in their own sphere", and there is no reason  
10 why we couldn't get aboriginal governments which would  
11 have the final say in particular areas of law making.  
12 I offer that explanation for a third order of government.

13 Now I wanted to ask a question of the  
14 group here with respect to what they would see as relatively  
15 immediate first steps. Did I take it that you would see  
16 as a possible early first step, the federal government  
17 sort of figuring out how much money it now spends on some  
18 aboriginal issues, that goes through the Indian and  
19 Northern Affairs, and basically funnel it much more rapidly  
20 to an aboriginal level? If I got that as right, just move  
21 the stuff down and see what happens to it down there, take  
22 some chances. I am now thinking in terms of the federal  
23 government. You wouldn't think it was taking a chance,

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1 but I am talking about how the politician would view it.

2

3                   If I have this right, and speaking for  
4 the Tlingit, what is the level; I will come back to that  
5 again. I will ask that question again with a little more  
6 explanation. I go some places and they say, "The proper  
7 level is really the Band Council." Other people say, "We  
8 don't want to have anything to do with those Band Councils,  
9 they are a creature of the Indian Act. We want to organize  
10 something in our area, roughly our Tribal Council area."  
11 and they would run the educational system.

12                   Somewhere else, somebody else says --  
13 and now I am talking in terms of prairie terms -- "We really  
14 want all the people of Treaty Five organized, the Treaty  
15 Nation" -- to use a prairie term. Others would say, "No,  
16 the entire Cree Nation should pull together and run an  
17 educational system." This is not meant as a "gotcha"  
18 question. The first decision needn't be the last decision  
19 on this one. It could go to the Band Councils, and it  
20 could build up from there. They could say, "Fine, we want  
21 to run the schools, but really we should be joining with  
22 two or three other bands to run a larger school system  
23 or a larger health system or whatever." We can build up

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1 to the Cree nation, to use my own example, or whatever.

2 I will go back and ask my first question.

3 If you were, in the relatively short run, if something  
4 was going to be done to start unblocking this log jam,  
5 would you suggest that the money be directed to the Band  
6 Council? Here I guess it is simple because the Tlingit  
7 Nation is small enough to be the total recipient. Tell  
8 me what you would say to that.

9 **CHIEF DAVID KEENAN:** That's a very good  
10 question, Allan. You talked about jurisdiction, you  
11 talked about third orders of government, you talked about  
12 existing dollars spent. Then you asked about what level  
13 of government would we look at to dispense.

14 All those subjects are subjects in  
15 negotiation. They have been addressed to the UFA, through  
16 Chapter 24, Self Government Provisions. We talk in terms  
17 of jurisdiction now, what would enable us to have  
18 paramountcy, and where we would have paramountcy.

19 Whenever I hear the federal government,  
20 or a representative of the federal government or Royal  
21 Commissions, talk about dollars, I get frightened. As  
22 you said, and I have said in my presentation, the dollars  
23 that come from the Treasury Board, by the time they get

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1 here, are inadequate, very, very much inadequate.

2 We, of course, are certainly in a state  
3 of preparedness to be able to deliver any program, any  
4 program to the Teslin Tlingit. I can speak only for the  
5 Teslin Tlingit at this point in time, but we are prepared,  
6 at this point in time, to enter into a financial transfer  
7 type of arrangement with the feds, very much like a  
8 provincial type of relationship.

9 The reason why you frighten me is because  
10 I am an experienced negotiator with this and I know what  
11 you say and what we do is not always true, so paranoia  
12 starts to come on my side. I guess the short answer to  
13 your question of who would dispense it, would be the Teslin  
14 Tlingit. I believe we could do a much better, more  
15 efficient process, and that we wouldn't spend 90 per cent  
16 in administration, and 10 per cent on the people. It would  
17 be 10 per cent on administration, and 90 per cent to the  
18 people.

19 **COMMISSIONER ALLAN BLAKENEY:** Thank  
20 you. I ask the next minor follow up question: Are there  
21 any questions as to who are Teslin Tlingit? Are there  
22 Metis communities in this area who should naturally be  
23 served by your school system or your hospital system,

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1 because only a few of them couldn't possible run there  
2 own, or are there not? It is pretty straight going here,  
3 is it?

4 **CHIEF DAVID KEENAN:** It is very  
5 straightforward, Mr. Blakeney. The Teslin Tlingit  
6 Council has a mandate, as I tried to explain in my  
7 presentation, to encompass Metic non-status, women,  
8 children.

9 **COMMISSIONER ALLAN BLAKENEY:** We don't  
10 have any of those problems which bedevil some other  
11 aboriginal communities in Canada. You obviously have  
12 some.

13 **CHIEF DAVID KEENAN:** We obviously have  
14 some. Our citizenship code says we deliver, and we are  
15 Tlingit, we deliver for Tlingit, so we are confined by  
16 that. Now the Indian Act has given us status indians that  
17 are white people. The Indian Act has given us Cree people  
18 that are Tlingit citizens, but our citizenship code spells  
19 out who we are and who we deliver services to. The rest,  
20 I think, if you can explore this avenue and where you are  
21 going to take it to, then you have to define jurisdiction.

22

23 My friend, George, lives in Victoria,

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1 he is going to the University of Victoria. What type of  
2 jurisdiction is a Tlingit of this First Nation? What type  
3 of jurisdiction do we have over George in Victoria? Does  
4 George want us to have jurisdiction over him in Victoria?  
5 Those types of questions start to roll.

6 **COMMISSIONER ALLAN BLAKENEY:** That is  
7 another whole area. Delete Victoria and insert Vancouver,  
8 then you have a classic problem of a very large number  
9 of indian nations being represented there. That is  
10 another question I wouldn't mind exploring at some point,  
11 but perhaps this is not the time to do it because it is  
12 secondary, at this point.

13 Right now we are really trying to unblock  
14 the flow of funds and get it to an aboriginal government  
15 unit, if I may use that, and you have the Teslin Tlingit  
16 nation on which you are clear enough.

17 **CHIEF DAVID KEENAN:** The short answer,  
18 sir, is, yes, we will deliver it here. The long answer  
19 is that it is an ever-evolving process, that we are willing  
20 to look at the economics of it. I explained in the first  
21 part of my presentation, we have a Takku River Tlingit,  
22 we have the Carcross Tageesh Tlingit Nation. We are  
23 encountering talks right now that will enable us to act

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1 as a nation, as we traditionally have been in the past,  
2 to come together both for political reasons, also for  
3 administrative type reasons.

4 **COMMISSIONER ALLAN BLAKENEY:** So it  
5 would be Atlan, Carcross and Teslin.

6 **CHIEF DAVID KEENAN:** That is something,  
7 sir, that is our particular choice. That is nothing the  
8 government of Canada should be telling us what to do.  
9 There is a big difference between the Tlingit Nation, the  
10 Dauchoc Tlingit, and the concept of a Tribal Council.

11 **COMMISSIONER ALLAN BLAKENEY:** That  
12 answers the question. You are suggesting that we go down  
13 to the unit of the Teslin Tlingit and build up from there.  
14 You will make your own cooperative arrangements and  
15 alliances with Carcross, and whomever else may be involved.

16 **CHIEF DAVID KEENAN:** Yes, sir.

17 **COMMISSIONER ALLAN BLAKENEY:** Do you  
18 have any questions, Viola?

19 **COMMISSIONER VIOLA ROBINSON:** I just  
20 have a couple of questions. You mentioned something about  
21 a constitution. You said you have written your own  
22 constitution.

23 **CHIEF DAVID KEENAN:** Yes, we have.

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1                   **COMMISSIONER VIOLA ROBINSON:** Is that  
2 just in this nation here, or are there other nations in  
3 the Yukon? Is this the only nation that has written a  
4 constitution, the Tlingit?

5                   **CHIEF DAVID KEENAN:** Part of the  
6 requirements of the Umbrella Fund Agreement is that  
7 communities must have constitutions, because it dispels  
8 good government. Teslin Tlingit is, I believe, one of  
9 the few First Nations that have a constitution based, not  
10 on the Indian Act, but on traditional values. I do believe  
11 that other First Nations are in the process of building  
12 that type of concept into their agreements, but the Teslin  
13 Tlingit, along with three other First Nations, are the  
14 first ones at the table, more or less.

15                   **COMMISSIONER VIOLA ROBINSON:** So those  
16 are evolved out of your negotiations with your agreements  
17 on your claims. Is that right?

18                   **CHIEF DAVID KEENAN:** This is Council of  
19 Yukon Indians Umbrella Funding arrangement agreement.

20                   **COMMISSIONER VIOLA ROBINSON:** When you  
21 talked about reaching an agreement, hopefully by Sunday,  
22 is that just for this Nation here, or the whole--

23                   **CHIEF DAVID KEENAN:** We had better



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1 explain the whole political negotiation process. The  
2 quick answer to it is that agreement in principle stage  
3 is achieved, 88, UFA stage is achieved, 90, from the  
4 agreement in principle, the Umbrella final agreement; here  
5 we go with those processes again that I was talking about.

6 You have Yukon First Nation Band final agreements. That  
7 is the stage we are at now. The Umbrella Agreement, as  
8 we go along with First Nation agreements, massage new life  
9 into it a little bit to reflect what is coming out of the  
10 First Nation Agreements.

11 We are dovetailing them too, and four  
12 First Nation final agreements, along with the land, the  
13 self-government provision, the umbrella final agreement  
14 provision, should be concluded on Sunday. We are going  
15 to work through the weekend on it to conclude it, so we  
16 should have--

17 **COMMISSIONER VIOLA ROBINSON:** And you  
18 have all these other ones still yet to come.

19 **CHIEF DAVID KEENAN:** Ten more to come,  
20 yes.

21 **COMMISSIONER VIOLA ROBINSON:** Thank  
22 you. I just wanted to have that clear.

23 **CHIEF DAVID KEENAN:** I don't think,

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1 Viola, it will ever be clear. There are too many  
2 processes.

3 **COMMISSIONER VIOLA ROBINSON:** You  
4 finish one, another one starts.

5 **COMMISSIONER ALLAN BLAKENEY:** Thank  
6 you. Any other questions?

7 Do you want to make a presentation before  
8 lunch or after? I will leave it to you.

9 **JUDY GINGELL:** It is quarter to twelve.

10 **COMMISSIONER ALLAN BLAKENEY:** Our mild  
11 preference is before lunch, since that gives us time to  
12 think of it over lunch.

13 11:45 a.m.

14 **JUDY GINGELL:** I will give it now,  
15 before lunch.

16 I have with me today two executives of  
17 the Council of Yukon Indians. I am the Chair of the Council  
18 of Yukon Indians. I have decided to stay home and look  
19 after the most important matters that we have that are  
20 before our people in the Yukon, which is the completion  
21 of the land claims agreement. We have been at it for about  
22 20 years now. Plus we have gone through 13 different  
23 Ministers. Albert James, who is the Vice-Chair of the

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1 Council of Yukon Indians, is in Toronto working with the  
2 constitutional talks at the national level.

3                   Assisting me today is George Henry, who  
4 is working with the Council of Yukon Indians, and is our  
5 person in charge of the communication and advising myself  
6 at this presentation.

7                   To begin I would like to thank you for  
8 the excellent, very important interim report that you have  
9 brought out for the aboriginal people across this country.

10 I think the timing of that report and the documentation  
11 is very crucial to us at this stage we are at. It was  
12 a real asset and a real help to our people.

13                   This Commission has very important work  
14 to do. What Dave just mentioned in his presentation, about  
15 us working to conclude the agreements by this Sunday, was  
16 very sincere. We are very serious about it and we have  
17 laid out the schedule and want to get it complete. Like  
18 I said earlier, we have been at it for 20 years and have  
19 gone through numerous numbers of Ministers. In my  
20 presentation I will touch a little bit on healing. We  
21 are in the stage of healing right now, and we want to get  
22 this agreement settled.

23                   At my presentation, we are looking for

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1 some interim recommendations from this Committee. It is  
2 really important, as you will hear through my presentation,  
3 how important it is for you to come forward with some  
4 interim recommendations. We are at the stage now, we just  
5 have to get it done.

6 Honoured Elders, Clan leaders, Chiefs,  
7 members of the Commission, I am very pleased to have this  
8 opportunity to welcome you to our beautiful homeland.  
9 In particular, we welcome the guests on the traditional  
10 homeland of the Tlingit First Nation.

11 Today is a very special meeting because  
12 it represents a significant departure from the way our  
13 people have been treated in the past. When the Europeans  
14 first set foot onto our land in the 1800s, we welcomed  
15 them and helped them to survive. We shared our homelands,  
16 technology, government structures, survival skills and  
17 our natural resources.

18 Over time, when they adapted into our  
19 homeland and married into our families, they opened up  
20 our country and established their own governments and  
21 villages. We were faced with adverse possession, because  
22 they pushed us aside and took control of our land and  
23 resources, and introduced Indian Affairs and indian agents

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1 to control the lives of our families and communities.

2 In return for our support and  
3 cooperation, they established little plots of land called  
4 reserves, which they herded us into as you would herd  
5 cattle. Until recently, our people were not part of this  
6 Yukon society. Our children could not go to public  
7 schools, we did not have the right to vote and we could  
8 not speak our languages or practice our spiritual beliefs  
9 and our ceremonies.

10 Along with these developments came  
11 disease that wiped out our whole villages. When they  
12 introduced alcohol, it also became a disease we are still  
13 fighting. Our people believe a person learns from the  
14 past. It is for this reason I wanted you to hear about  
15 some issues from our recent history as a nation of our  
16 people.

17 Today we are at a crucial time in  
18 Canadian history, at a critical time in Canadian history.

19 As Yukon First Nations, we are reclaiming our rightful  
20 place and rebuilding our culture based on our traditional  
21 beliefs and values that determine our vision for the  
22 future.

23 We will overcome the negative influences

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1 that are the result of 500 years of contact between the  
2 Europeans and the aboriginal people of Canada. These  
3 changes will come about through a land claim settlement  
4 in the Yukon Territory. After 20 years of difficult  
5 negotiations, we are on the verge of reaching a land claim  
6 settlement in the Yukon. This settlement will provide  
7 certainty for all Yukoners and will set out a new  
8 relationship between Canada, the Yukon and the First  
9 Nations.

10 This process is driven by the people from  
11 our communities. No longer are we at the mercy of the  
12 missionaries, fur traders, gold miners, government  
13 bureaucrats and the army who built the Alaska Highway.  
14 This time we are directly involved. We are helping to  
15 create these changes for the benefit of our children  
16 tomorrow.

17 While the history of our negotiations  
18 has been raw with anguish, I do not want to have a negative  
19 discussion with this Commission, nor do I wish to look  
20 back in anger at the suffering our people have endured.

21 Instead, I want this to be productive, as I strongly  
22 believe we are all wanting the same results, a better life  
23 and a rightful place for all First Nations people within

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1 Canada.

2                                   Today we are in a time of healing for  
3 our children, our families, our communities and Mother  
4 Earth. While we struggled to reach a just and fair  
5 settlement for our land claims, our Elders have held onto  
6 the past and have kept our languages, stories, histories  
7 and songs alive. They have been patiently waiting for  
8 the day when our people would reclaim what is rightfully  
9 ours. That day is upon us. We are putting into practice  
10 our own forms of self-government using our own regimes  
11 that have been passed down from generation to generation,  
12 as well as creating new structures to move us into the  
13 future.

14                                   After 20 years of negotiation between  
15 Canada, the Yukon and the First Nation, we will have  
16 negotiated, and hope to conclude, agreements on all of  
17 the following: An umbrella final agreement which shall  
18 set out the broad provisions applicable to each of the  
19 individual Yukon First Nations; Yukon First Nation final  
20 agreement, which shall be the individual land claim  
21 settlement for each of the 14 Yukon First Nations; the  
22 model self-government agreement, which is the blueprint  
23 for each of the 14 First Nation self-government agreements;

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1 fourteen self-government agreements, one for each of the  
2 Yukon First Nations; an implementation plan in respect  
3 for all of the foregoing agreements, and the necessary  
4 physical transfer arrangements.

5                   This body of work represents years of  
6 research, planning and negotiations. As well, it  
7 represents the commitment and dedication of many  
8 individuals who never lost sight of their objectives, even  
9 in the face of great adversity. These agreements will  
10 also serve as the legacy for many of our respected elders  
11 who have gone before us. They are the ones who should  
12 be remembered, because they remembered the time when there  
13 were only aboriginal people in the Yukon. They are the  
14 ones who once hunted, fished, trapped and lived off the  
15 land without interference. They are the ones who  
16 remembered the times when our people lived a good life,  
17 filled with happiness, health and respect for themselves  
18 and one another.

19                   These memories must not be forgotten,  
20 for it is these memories which guide and nurtured us as  
21 aboriginal people. The process we have embarked upon to  
22 bring self-government back to the people is, without a  
23 doubt, an improvement of the treaty-making process of our



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1 forefathers. We have an increased knowledge and  
2 understanding of what is at stake, and our people have  
3 the ability to translate our Elders' concerns and ideas  
4 into bargaining positions that led to agreements.

5                   We have the ability to rely on ourselves  
6 and each other to overcome the inequities in the  
7 negotiation process between Canada and the First Nations.

8    To correct these inequities, I would like the Commission  
9 to consider making interim recommendations in the  
10 following areas: (a) In quality of bargaining power  
11 between Canada and the First Nations; (b) Constitutional  
12 protection for self-government; (c) Repayment of the loan  
13 funding for negotiations; (d) Implementation planning  
14 funding; (e) Time lines for completing a Yukon land claim  
15 settlement.

16                   Any quality of bargaining power between  
17 Canada and the First Nations; in 1870, Canada made a  
18 commitment to settle the claims of the indian tribes of  
19 the old Northwestern Territories, in conformity with the  
20 equitable principles which have uniformly governed the  
21 British Crown in its dealings with the aboriginal. We  
22 believe this commitment is still enforced today.

23                   We also believe this commitment applies

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1 to indian tribes with claims in the Yukon. This commitment  
2 means that a settlement must be made between the Crown  
3 and the First Nations before alienation, by way of Crown  
4 grants or licence or permit to develop resources, can be  
5 issued. This has not yet been done in the Yukon. Because  
6 this issue is still outstanding, we fundamentally believe  
7 the negotiations must be carried out as one sovereign  
8 nation to another.

9                   This has been our position since we began  
10 this process in an attempt to resolve the outstanding  
11 issues, but our position has not been respected by Canada  
12 and the Yukon, based on the following. The negotiation  
13 process is a one-sided affair in favour of Canada, because  
14 Canada controls the funding, timetables, policies and  
15 political will to negotiate, conclude and implement  
16 agreements. Canada owes a fiduciary obligation to the  
17 Yukon First Nation, but does not appear to understand the  
18 true nature of its obligation.

19                   We believe Canada is in breach of that  
20 obligation, because of the on-going land alienation and  
21 the apparent conflict of interest between the portfolios  
22 of the Minister responsible concurrently for Aboriginal  
23 Affairs and Northern Development. For example, many times

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1 we have negotiated in good faith to secure our traditional  
2 territories, only to find, in that same time, those same  
3 lands are claimed by a third party interest.

4 Another example is when land claims  
5 negotiations come into direct conflict with a  
6 non-renewable resource industry. More often than not,  
7 Canada will come down on the side of the mining industry  
8 in the name of the development, or a policy for roads to  
9 resources, however those roads cut across our traditional  
10 territories.

11 We recommend these issues be considered  
12 and resolved. First Nations that are trailblazers in  
13 negotiations should not be adversely penalized. We should  
14 have built into the process, protective measures against  
15 land alienation until our claims, or those claims of other  
16 First Nations, are resolved.

17 Without stronger protective measures,  
18 these matters may be referred to the non-aboriginal courts  
19 to be decided by way of interlogatory injunctions against  
20 any future land alienation prior to the settlement of our  
21 land claims in the Yukon.

22 Constitutional protection for  
23 self-government: The government of Canada is presently

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1 considering the entrenchment of an inherent rights to  
2 self-government into the Canadian Constitution. The  
3 Council has always been in support of this approach because  
4 the Yukon is under the exclusive jurisdiction of Canada  
5 through Section 91 of the Constitution Act of Canada, and  
6 the Yukon remains unsettled territory.

7                   One: We recommend that Canada abandon  
8 its current policies and agree that our self-government  
9 agreements are land claims agreements within the meaning  
10 of Section 35 of the Constitution Act.

11                   Two: Given the critical time frame for  
12 a land settlement in the Yukon, that Canada entrench our  
13 Yukon self-government agreement, as part of our umbrella  
14 final agreement, and each First Nation final agreement.

15                   Three: Repayment of the loan funding  
16 for negotiations. The federal government controls  
17 funding for the land claims agreement negotiation process,  
18 and requires the First Nation to pay back \$63 million in  
19 loans for negotiation. We believe Canada's policy  
20 requiring the loan repayment should be reconsidered for  
21 the following reasons. The fiduciary that is in breach  
22 of his obligation should not penalize the beneficiary for  
23 the required funding to correct that same breach. The

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1 current policy would seem to be in direct conflict with  
2 the trust responsibility as set out in the decision of  
3 the Supreme Court of Canada.

4                   The decision to repay the funding for  
5 negotiation is the current policy of the government of  
6 Canada and may be challenged by the Yukon First Nation.

7     The delays in the negotiation process are due to changes  
8 within government, including Ministers, negotiators and  
9 policy. Each delay has a time factor for re-educating  
10 the players about the issues. These delays have been very  
11 costly to CYI and the First Nations.

12                   We recommend the loan repayment be  
13 converted into a grant, and not be repaid. As such, the  
14 loan should not be part of the land claims settlement,  
15 and does not require constitutional protection. We  
16 strongly believe the loan funding issue may be dealt with  
17 through a contractual relationship between Canada and the  
18 First Nation.

19                   Implementation planning funding: Our  
20 requirement in the umbrella final agreement is a  
21 development and approval of a comprehensive implementation  
22 and training process, and funds for the implementation  
23 of the Yukon's settlement agreements. To date the process

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1 has proved to be problematic and unworkable because the  
2 current policy of Canada states that no funds are to be  
3 made available for implementation planning purposes until  
4 the settlement legislation. Consequently, we are forced  
5 to take out loan dollars as an advance on the implementation  
6 fund, to be paid back upon settlement legislation.

7                   This fund is only for the First Nation  
8 final agreements, and excludes the implementation planning  
9 requirements of the umbrella final agreement. This  
10 situation is made worse by the need to develop  
11 implementation plans prior to ratification of the  
12 agreements that will then form the basis for a settlement  
13 legislation.

14                   Another problem has been the separation  
15 of the self-government and land claims process, leading  
16 to the separation of implementation planning. This  
17 approach creates further confusion and cripples the  
18 implementation planning process, because the artificial  
19 separation makes it ineffective and inefficient.  
20 Subsequently, Canada has acknowledged the need for funding  
21 for implementation planning prior to the enactment of the  
22 settlement legislation.

23                   One: We recommend Canada change its

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1 current policy and grant the necessary human and financial  
2 resources to enable Canada, Yukon and the First Nation  
3 to carry out its duty for the development of a comprehensive  
4 implementation plan, and fund to ensure the successful  
5 realization of our agreements.

6 Two: As well, Canada should consider  
7 the feasibility of creating a one-stop shop for the  
8 negotiations, and approval of the implementation plans  
9 for both the land claims and self-government agreement  
10 as a way to expedite the process.

11 Three: given the crucial time factor  
12 we face, we require decisions from the federal negotiators,  
13 and not question and answer sessions during the  
14 implementation planning negotiations.

15 Time lines for completing a Yukon land  
16 claims agreement: Land claims and self-government  
17 agreements must be concluded by May 29, 1992 in order to  
18 have enabling legislation enacted by Canada in October  
19 or November of 1992, and by Yukon in September of 1992.

20 We believe Canada and the Yukon must be encouraged to  
21 continue with the schedule as a sign of good faith for  
22 their commitment to the inherent rights of self-government  
23 as a third party of government in Canada. One: We

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1 recommend the Commission urge the government of Canada,  
2 Yukon and Yukon First Nation, to complete the Yukon land  
3 claim settlement by the Fall of 1992 as a model that  
4 reflects the true spirit of what each government is wanting  
5 to accomplish on a national basis within Canada.

6 In closing, I would like to commend the  
7 members for their work with the Commission, and I know  
8 this process will be positive because all people are  
9 working hard to resolve these issues in the best interests  
10 of all Canadians within Canada.

11 Thank you.

12 **COMMISSIONER ALLAN BLAKENEY:** Thank you  
13 very much. I think our best course of action would be  
14 to break for lunch now, then perhaps we can have a few  
15 questions after lunch. We will think about this with our  
16 sandwiches, then we can have a few questions.

17 Thank you very much.

18

19 --- LUNCH BREAK AT 12:10 P.M.

20 --- UPON RESUMING AT 12:50 P.M.

21

22 **COMMISSIONER ALLAN BLAKENEY:** Can we  
23 begin now, ladies and gentlemen?



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1                   I will start by asking a question which  
2 indicates just how much I don't know. This has to do with;  
3 you started with an agreement of principle, then an  
4 umbrella final agreement, and First Nations final  
5 agreements are being concluded. Do these First Nations  
6 final agreements cover both land claims and  
7 self-government? Are all of those issues resolved in  
8 those final agreements, or is there an outstanding major  
9 issue still to be resolved with the First Nations who sign  
10 these final agreements?

11                   **CHIEF DAVID KEENAN:** The processes I  
12 attempted to outline, the AIP, the umbrella final agreement  
13 and the First Nations final agreements, are supposed to  
14 be resolved as you do one. But we found, to our experience,  
15 is that it is not possible. We are bound by the umbrella  
16 final agreement to negotiate the Yukon First Nation final  
17 agreements, but as you go through and further explore what  
18 self-government means and what land claims mean to the  
19 implementation process, you have to do some fine tuning,  
20 legalese type tuning to the UFA. Basically I hope that  
21 can answer your question.

22                   **COMMISSIONER ALLAN BLAKENEY:** The  
23 outstanding issues; there are a number, but the Council

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1 for Yukon Indians certainly includes this \$64 million bill  
2 for the cost of 20 years of negotiations. Whatever tag  
3 ends may be left from the First Nations final agreements  
4 and implementation planning; did I understand that the  
5 federal government has now conceded that implementation  
6 planning should take place, or not only take place, but  
7 be funded prior to the enactment of the settlement  
8 legislation? Have they conceded that? Have they come  
9 up with any money?

10 **JUDY GINGELL:** They have conceded that,  
11 but there is still yet right now to be a meeting, as far  
12 as I understand it, among the government officials to try  
13 to work those things out, make those arrangements out.

14 The minister was just here last week,  
15 and I had a meeting with them and brought this to his  
16 attention. He was quite shocked to find out that there  
17 were many government officials -- you have different  
18 departments -- that weren't getting together on the  
19 financial resources that were there. Also, the  
20 implementation is a must that he has to take when he wants  
21 to get ratification from Canada. That implementation plan  
22 has to accompany these agreements when it goes to the  
23 Cabinet.

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1                   **COMMISSIONER ALLAN BLAKENEY:** Are we  
2 talking big money or not big money for funding for the  
3 whole Yukon Indian First Nations?

4                   **JUDY GINGELL:** Right now they have only  
5 advanced us about -- George might have to correct me on  
6 this -- \$300,000 right now to do the implementation. This  
7 is for the four band finals that are hoping to conclude  
8 the agreements, trying to complete their umbrella final  
9 agreement. There is really no implementation dollars for  
10 the umbrella final agreement to do their plans, so the  
11 monies we have is for First Nations.

12                   **GEORGE HENRY:** I think the way to  
13 understand it is, if you look at the process from when  
14 it first started, it is like a spoke in the wheel. As  
15 opposed to adding spokes, it adds one, and when it completes  
16 that, it takes that one out and puts another one in. In  
17 the end, you don't complete the wheel. Do you see what  
18 I mean? You end up, in the end, with one spoke because  
19 you are continually putting one in. When you finish the  
20 umbrella final you take it out, you put in the First Nation  
21 final agreement, take it out when you are dealing with  
22 the self-government. Do you see what I mean? As opposed  
23 to building something that, in the end, will be complete,

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1 you are only dealing with one slice of the process.

2                   With the implementation planning, what  
3 has to happen, I think, is consideration. That is why  
4 we are coming to the Commission today, to get an interim  
5 recommendation that says, prior to settlement legislation  
6 or ratification, you need to have the proper human and  
7 financial resources from the government so that they can  
8 negotiate how the agreements will be implemented. It is  
9 not an implementation fund. We are just talking about  
10 the process, whether it is the process of devolution, of  
11 creating new infrastructures, to do that, or whether or  
12 not we are talking about new negotiations.

13                   What has been raised, time and again,  
14 in our meetings in the last couple of weeks is that that  
15 process is too tied to the other ones. See what I mean?

16       As a result, people say, "Come up with your implementation  
17 plan." We go back and say, "We need the funding to do  
18 the plan." They say, "We can't give you the funding until  
19 we have settlement legislation." It becomes problematic  
20 because they say they can't give the funding because of  
21 legislation, but they can't do the legislation because  
22 of the planning requirement. All we are saying is, "Break  
23 it apart and look at it so we can do it in sections."

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1 It will all fall together. It is not a big problem at  
2 all.

3 **COMMISSIONER ALLAN BLAKENEY:** When you  
4 are talking that sort of money, \$100,000 for First Nations  
5 or something, that is not big money in the scheme of things.

6 **GEORGE HENRY:** No, but it is important  
7 to understand, the \$100,000, although it is not big money,  
8 what happens is that when you go to these negotiations  
9 and you can't make decisions, \$100,000 is quickly not  
10 right. So even though they have allocated, say \$1 million  
11 as an example, if they don't have the decisions for  
12 implementation, it is gone quicker than you can say  
13 "lawyer".

14 **COMMISSIONER ALLAN BLAKENEY:** Or  
15 airline, or lawsuit, as the case may be.

16 **GEORGE HENRY:** Do you see what I mean?  
17 It is gone. That is what we are finding out today. Of  
18 the four First Nations that have negotiated, the funding  
19 that was given them for implementation planning has been  
20 eaten up because of the decision making process, or lack  
21 thereof.

22 **COMMISSIONER ALLAN BLAKENEY:** If I  
23 asked you what was the pause or the delay in the

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1 decision-making process, do you think you would fairly  
2 say that three-quarters of the delay at least is at the  
3 door of the federal government?

4 **GEORGE HENRY:** I wouldn't be that kind.  
5 I would probably say seven-eighths, fifteen-sixteenths.

6 **COMMISSIONER ALLAN BLAKENEY:** There are  
7 smaller fractions than that. I got that flavour when you  
8 were talking about one-stop shopping. I was chatting with  
9 the Chief earlier. It is possible for governments to set  
10 up one-stop shopping arrangements. I instance the fact  
11 that it is a very different one, but when the new Free  
12 Trade agreement was negotiated, Free Trade negotiators  
13 negotiated the deal. They did not negotiate and check  
14 back with the Treasury Board. They did not negotiate and  
15 check back with Finance. They did not negotiate and check  
16 back with External. They did not negotiate and check back  
17 with Industry, Trade and Commerce. They negotiated a  
18 deal, then told these other agencies what the deal was.  
19 It is possible for a government to organize itself that  
20 way.

21 It usually means a major government  
22 thrust, but even with a minor government thrust which has  
23 been kicking around too long and has just not been settled

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1 on occasion, minor in the sense that the resolving First  
2 Nations issues would not be as high on the government's  
3 agenda as Free Trade, whether it should be or not, that  
4 is another matter. It is entirely possible to do that  
5 and just get the problem unblocked.

6 I was about to go into a dissertation  
7 about techniques I have used when you get two or three  
8 departments rallied. You just say, "All right, the two  
9 or three deputies send me a memorandum outlining the  
10 issues, what you agree on and what you don't agree on,  
11 outline the things you don't agree on and tell me the areas  
12 of disagreement, and sign it and send it to me."

13 It is absolutely amazing how many times  
14 they could finally get something agreed to and done when  
15 they thought they had to defend their disagreement, which  
16 was frequently a turf war, with which I had very little  
17 sympathy. It is amazing how many times they could unravel  
18 that if they had to defend a turf war position with a cabinet  
19 minister who was not sympathetic with turf wars. A cabinet  
20 minister taking the view that the government of  
21 Saskatchewan had a policy, not the department of highways,  
22 or not the department of public works.

23 They don't have a policy, they have part

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1 of a policy. Just so should the government of Canada have  
2 a policy, not Indian Affairs, not Treasury Board, not  
3 somebody else. They don't have policy, they have pieces  
4 of policies. If one can get that idea across, occasionally  
5 one can get decisions out of large bureaucracies, but  
6 sometimes it is not easy. All bureaucracies are given  
7 to having little turf wars. It just goes with the country.  
8 It is not only the federal government, although it is  
9 the biggest one and the wars are more obvious.

10 **COMMISSIONER VIOLA ROBINSON:** I just  
11 wanted to ask one question for clarification. It wasn't  
12 mentioned in any of your presentations, but it is something  
13 that is certainly a bone of contention with comprehensive  
14 claims policy. I assume your negotiations and your claim  
15 is based on a comprehensive claims policy.

16 It is with the Dene, what we hear from  
17 them. I was just wondering how you overcome the problem  
18 of extinguishment. That seems to be a big bone of  
19 contention with the Dene with respect to getting down to  
20 some negotiations on the difficulties they have  
21 encountered. I am just wondering how you address that.

22 **CHIEF DAVID KEENAN:** Viola, the Council  
23 for Yukon Indians has not run up a bill for \$63 million



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1 by savvyng to a comprehensive policy of the federal  
2 government. What we have quite successfully done, I  
3 think, on behalf of all indigenous people of Canada is  
4 we have recognized these problems we have had,  
5 extinguishment, and we have fought it tooth and nail.  
6 Consequently we have had opportunity to massage new life  
7 into the policy as we go along.

8                   The Council for Yukon Indians were the  
9 very first aboriginal group, through agreements, to get  
10 aboriginal title recognized, affirmed and put into the  
11 agreements. All of our land that is held at this point  
12 in time is held through aboriginal title. That is the  
13 first time it has ever happened in Canada. Yahoo!

14                   The other side of it is we have had to  
15 extinguish non-settlement lands. What we have done, then,  
16 again it is up to government to pull through with us; as  
17 we voice our concerns on the land we are going to give  
18 up and we have put in structures of power or development  
19 assessment processes, structures that would enable us to  
20 participate in the decision making authorities that lie  
21 off of settlement lands. So we are equal partners off  
22 of settlement lands, we are full partners on settlement  
23 lands, with recognition of our aboriginal rights and title.

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1                   **COMMISSIONER VIOLA ROBINSON:** Good,  
2 that is what I wanted to hear. I wasn't sure how it was  
3 done here.

4                   **GEORGE HENRY:** Commissioner, I think  
5 one important point has also got to be considered. That  
6 is that the issue of extinguishment is not a legal  
7 requirement. It is a policy of the government of Canada.  
8 It is only a policy now.

9                   If you look back at our process five  
10 years ago, actually it was the breaking point in 1984.  
11 They said "Extinguish all title, whatever it may be,  
12 whatever it might be in the future." They said,  
13 "Extinguish it." We said, "No." The policy was changed  
14 to recognize on and off-settlement lands.

15                  If you look at the same issue of  
16 self-government, you would know better than I would, but  
17 in the early part of the 1980s, they said there was no  
18 way they would ever consider indian self-government. Yet  
19 you look at where we are today, and maybe it is not going  
20 that well, but they changed that policy also. Maybe,  
21 between now and our settlement legislation, they may not  
22 have a requirement for extinguishment. It behooves us,  
23 as First Nation people, for how you can have Section 35.1

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1 where they are recognizing and affirming aboriginal  
2 rights, yet on the other hand they are saying, "For our  
3 purposes, dealing with the same constitution, you have  
4 to extinguish your rights and title, whatever it might  
5 be, in exchange for this package we are giving you, with  
6 limited forms of aboriginal rights and title." Do you  
7 see what I mean? I think it is that inherent contradiction  
8 that has to be addressed.

9                   It is quite clear that if it is a policy,  
10 it is long overdue from being turfed out. It is just not  
11 acceptable, especially based on the process we are going  
12 through today.

13                   **COMMISSIONER ALLAN BLAKENEY:** Do you  
14 draw any distinction between extinguishment of aboriginal  
15 right to land and extinguishment of other aboriginal  
16 rights? I once heard it put that way, that when we sign  
17 an agreement and we extinguish our aboriginal rights to  
18 land, meaning the non-settlement land, keep our aboriginal  
19 rights to our settlement land, to everything we have, we  
20 have all title to that, aboriginal and agreement and the  
21 rest.

22                   With respect to all other aboriginal  
23 rights, be it hunting or whatever, we do not extinguish

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1 that or any other aboriginal rights to self-government  
2 to whatever may be thought of as encompassed in that term.

3 None of that is extinguished, the only thing we extinguish  
4 is our aboriginal title to land which is non-settlement.

5 I once heard it explained that way. I  
6 may misunderstand the concepts and therefore it may not  
7 make any sense.

8 **CHIEF DAVID KEENAN:** All right, I will  
9 be the funny man and George will be the straight man.  
10 Yes, you started off saying aboriginal rights. Actually,  
11 the government of Canada calls it aboriginal title to the  
12 land and aboriginal right to use land.

13 I have explained the aboriginal title  
14 portion, George clearly put it in a better legalese type  
15 of language. What we have done to the aboriginal rights  
16 that we have, hunting, fishing, trapping, gathering,  
17 traditional occupations, is we have attempted to define  
18 and enhance them through agreement, which will be protected  
19 under the constitution of Canada.

20 It was a bitter, bitter struggle, very  
21 bitter. Governments should never be that way to its  
22 indigenous people. They are nickelling and diming us on  
23 front quarters of moose, for God's sake, things that are

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1 traditionally ours.

2 I explained how we keep and preserve,  
3 how we use, and it came right down to quarters, to basic  
4 needs levels when they define "How many moose do you indians  
5 need?" We would tell them the realistic numbers and they  
6 would laugh at us. "You guys don't eat pork and beans?"

7 It would come down to mathematical equations, and when  
8 you start to define mathematical equations on basic needs  
9 levels, hence moose, you are looking the drift. So it  
10 was a very bitter fight with us how we attempted to define  
11 our rights through the agreement.

12 We have indian agreements, First Nations  
13 clauses, most favoured First Nation clause which will  
14 enable us to capture anything that might not be captured  
15 in the future by other negotiations for lands claims or  
16 self-government.

17 **GEORGE HENRY:** The way it has been  
18 approached in the Yukon is, look at the nature of aboriginal  
19 title. I will take you through a bit of the process here.

20 There was a land base here. On the land base were  
21 aboriginal people. To us, we understand that title comes  
22 from the relationship between the people and the land.

23 You can't separate that from the rights

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1 that come from that relationship to the land because it  
2 is the same thing. You live off the land, your stories  
3 are based on the land, your history is based on the land,  
4 your legal territories are based on the land, your songs,  
5 your legends, your food, your justice system, your basis  
6 for self-government, your basis for trading, what  
7 territories are owned by which people in the Clans.

8                   We have laid out our Clan systems on the  
9 wall so you can see. Each one of those Clan houses have  
10 a traditional territory. This is one of our traditional  
11 leaders.

12                   Intrinsic in that is a relationship that  
13 cannot be broken. That is why we keep coming back to the  
14 whole, that is why we keep coming back to the who, to the  
15 circle. It is not building blocks. It is not like one  
16 portion of it can be annexed in order to save the rest.

17                   That is why I say to the Commission, it  
18 is something from day one of starting our process. We  
19 said extinguishment is an unacceptable policy from the  
20 government of Canada. It is a policy that you know  
21 yourselves. They have practised in all other parts of  
22 the world where they had a colonial relationship with the  
23 indigenous population. That has been their policy. They

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1 say it is the policy in the name of certainty. It does  
2 not have to be like that.

3 The short answer is, it can't be  
4 separated.

5 **COMMISSIONER ALLAN BLAKENEY:** Does  
6 anybody else want to direct any questions?

7 **GEORGE HENRY:** Mr. Blakeney, you  
8 referred to turf wars, and you referred to three deputies  
9 who couldn't get along or an argument, as I would look  
10 at it, as "Who's on first?"

11 **COMMISSIONER ALLAN BLAKENEY:** I am  
12 talking about the government of Saskatchewan, not the  
13 government of Canada.

14 **GEORGE HENRY:** Expanding on that, the  
15 point we wanted to make with number B(3), where it talks  
16 about the repayment of loan funding, what I wanted to say  
17 in that is the delays we are talking about have nothing  
18 to do with us.

19 In other words, when you look at those  
20 turf wars, and they can't resolve it in their own arena  
21 and they have to start talking and delaying the negotiation  
22 process because of their own internal problems, nothing  
23 to do with us; we make an agreement in good faith with

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1 the Department of Indian Affairs and their negotiators.  
2 It goes back to Ottawa and the Department of Justice.  
3 Justice raises an issue, they say, "We don't know what  
4 this means so we need greater clarification". That delay,  
5 because of their in-house problems, is one we have to pay  
6 for. That is how we end up running up \$63 million dollar  
7 bills, because we are waiting on the process. Because  
8 they might have a problem, and if it has to be changed  
9 they have to come back to us. The thing about it is, that  
10 is loan funding. It is not our responsibility because  
11 we have made the agreement. We are currently going through  
12 that right now with the paramountcy issue, where they are  
13 deciding which laws will prevail if they are inconsistent  
14 or in conflict.

15 We made an agreement at the table, it  
16 was signed off, it was brought back, the Council for Yukon  
17 Indians, on behalf of First Nations leadership, ratified  
18 the agreement. They started implementing plans for that  
19 agreement and, at the last minute, there has been a change  
20 now, or there has been a proposed change. We didn't bring  
21 that on, but now we have lawyers, a number of constitutional  
22 expert lawyers that we are having to pay the bills for  
23 to try and argue our case so we can keep what we already



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1 have.

2                   That is where we are saying there is a  
3 breech of the fiduciary obligation. The beneficiaries  
4 are the ones who have to pay for that breech. That is  
5 why we urge the Commission to consider the repayment issue,  
6 because it is unjust, it is truly unjust, especially in  
7 a situation like that.

8                   **JUDY GINGELL:** Just to add to what  
9 George is saying, that is why it is so important that the  
10 critical will is there by the minister who is responsible.  
11 In my presentation, I touched on the conflicts.

12                   If there was another process set up at  
13 arms' length from the government, the First Nations or  
14 the province or whoever is negotiating at the table, if  
15 they had an arm's length process there, and the mandate  
16 and the commitment to negotiate an agreement, then they  
17 would probably have a better chance of negotiating their  
18 agreement in lesser time, and maybe for a smaller amount  
19 of money than they have.

20                   The other thing is, in many cases, the  
21 bill runs up when we have to do a lot of political work.

22 It is really hard when that commitment and that will is  
23 not there by the politician. The mandate that is given

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1 to the negotiator, it is very, very limited, and this person  
2 has to keep going back. Again, you get caught up in the  
3 bureaucracy of the government and keep making your point,  
4 keep making your case. Finally, you are able to get to  
5 the Minister. As you probably know, this Minister has  
6 quite a few First Nations across this country and issues  
7 he has to deal with. Sometimes when he comes to the Yukon  
8 to talk on our issues, we have to sit there and kind of  
9 bring him up to date and let him know what the issues are.  
10 Again, you have another time consumption, and he will  
11 look into it and check into it. It has to be a complete  
12 different process where a commitment is made to it, and  
13 the will to have it done.

14 I guess, at this time, unless there are  
15 no others, we would like to say that we really appreciate  
16 being able to come to this hearing and make a presentation.

17 I would like to thank Chief Dave Keenan for allowing me  
18 to make my presentation at the same time as he was making  
19 his this morning. As you probably will notice, our  
20 messages are the same, and you will hear that throughout  
21 the Yukon as you travel, what the message is here.

22 Definitely the Council for Yukon Indians will be at every  
23 presentation the Commission is making.

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1                   **COMMISSIONER ALLAN BLAKENEY:** Thank you  
2 very much. Just before we leave, may I make one comment  
3 in a lighter vein? When we were around in Manitoba talking  
4 to the Aboriginal Justice Inquiry of Manitoba, Judge  
5 Sinclair said that he went out on the trail there and spent  
6 a couple of months talking with people about the Aboriginal  
7 Justice Inquiry. In the course of a couple of months,  
8 he put on 40 pounds. I just had lunch, and I see how he  
9 put on 40 pounds. I would like the Chief and the Mayor,  
10 and whomever we should thank, to thank them very much for  
11 a delicious meal

12                   Thank you very much.

13                   **CHIEF DAVID KEENAN:** Just wait. Now  
14 you are going down to Kaska country.

15                   **COMMISSIONER VIOLA ROBINSON:** Thank you  
16 very much.

17                   **COMMISSIONER ALLAN BLAKENEY:** Our  
18 proposed agenda this afternoon will be to hear from Mayor  
19 Saligo, then Dr. Durocher, then Ann Turner of the Teslin  
20 Tlingit Council. My next one is Patsy Johnson, and there  
21 may well be other individual ones, so we are just about  
22 hitting the schedule.

23                   Your Worship, please.

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1 1:20 p.m.

2 **MAYOR FRANK SALIGO:** Yes, that was a  
3 nice lunch we had today. I must thank the women for making  
4 it up for us.

5 I must thank you again for including me  
6 in this meeting. By reading the hand-out material given  
7 to us, you people have a large and important job to do.  
8 Our Council has our doors open at all times to be of help  
9 to you, the Commission and to the First Nations.

10 In the past there was an easy flow of  
11 communications between us, but now with land claims being  
12 priority one, we are finding it more difficult to get  
13 together for meetings. We look forward to the time when  
14 land claims discussions have proceeded and self government  
15 plans can be discussed openly. For example, we need to  
16 talk about joint agreements to meet the community needs  
17 for water and sewer services, recreation and leisure time,  
18 the growth of the town and employment opportunities,  
19 especially for our young people.

20 I could go on all day, but I wanted to  
21 close my comments in the spirit in which this Commission  
22 was created, and that is to remind everyone here that as  
23 the Teslin Mayor-in-Council, I look forward to reading

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1 your report and implementing these activities that will  
2 make our community more receptive to everybody's needs.

3 **COMMISSIONER ALLAN BLAKENEY:** Thank you  
4 very much, Your Worship.

5 The question I usually start with on this  
6 type of a situation is whether there are any particular  
7 areas of activity where you would see the First Nations  
8 self-government as causing problems for the non-First  
9 Nation community. I suggested it earlier, asking whether  
10 there were people who might fall between two stools, Metis  
11 people. I gather that is not a particular problem in this  
12 area.

13 **MAYOR FRANK SALIGO:** No, we don't have  
14 that sort of a problem. We have discussed different things  
15 in self-government and that, but it is just amongst  
16 ourselves. Nothing really, there has been no plan that  
17 I know of laid out yet until they are finished their  
18 negotiations.

19 **COMMISSIONER ALLAN BLAKENEY:** How many  
20 schools are there in the community now?

21 **MAYOR FRANK SALIGO:** WE only have one  
22 school here.

23 **COMMISSIONER ALLAN BLAKENEY:** The band

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1 young people and the non-band young people go to this  
2 school.

3 **MAYOR FRANK SALIGO:** They all go to  
4 school there, yes. All our recreation facilities, any  
5 program that is put on, it includes everybody in the town.

6 **COMMISSIONER ALLAN BLAKENEY:** You  
7 haven't had any difficulty in the past working those things  
8 out.

9 **MAYOR FRANK SALIGO:** No, we haven't.

10 **COMMISSIONER ALLAN BLAKENEY:** I suppose  
11 this is directed to the Chief as well, there is no grounds  
12 for believing there will be difficulties in the future,  
13 working out common recreation and common; do you see any  
14 grounds for problems there?

15 **CHIEF DAVID KEENAN:** May I address this  
16 issue?

17 **COMMISSIONER ALLAN BLAKENEY:** Sure.  
18 We are not standing on ceremony here, and I don't think  
19 he will mind.

20 **MAYOR FRANK SALIGO:** Sure, go ahead.

21 **CHIEF DAVID KEENAN:** Thank you. What  
22 Frank has said, capital works, the other arms of  
23 self-government; when we talk of self-government, we talk

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1 of self-government holistically, including capital  
2 services, economic services, social development, those  
3 type of things.

4                   What we have in the agreement is the  
5 concepts of us, Teslin Tlingit, doing it for ourselves.  
6 That means, we could have one of everything: One sewer,  
7 our own school, everything, absolutely everything when  
8 it comes to capital infrastructure, anything that makes  
9 for good government.

10                   Where the problem arises, where my  
11 learned friend, Frank, the Mayor, and myself run into  
12 problems is with government, strictly government again.  
13 There are two environments. There is today's environment  
14 where dollars left Treasury Board earmarked as "indian  
15 dollars". They go through the Department of Indian  
16 Affairs, they come out in some type of a fiscal formula  
17 with the Territorial government from the feds. By the  
18 time they get to Frank Saligo and his shop, to provide  
19 services -- which are federal dollars -- ended up being  
20 lost as Territorial dollars now, in his delivery mechanism,  
21 we are left with nothing, the Teslin Tlingit people.

22                   These people provide services such as  
23 grading services, road work, sewer work, this type of

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1 thing, but what the government fails to do is they fail  
2 to recognize the O & M dollars that it takes to keep these  
3 things running. They look at it as a one-shot type of  
4 deal.

5                   What we are attempting to do, and we have  
6 had ongoing talks with the Council of Teslin in the past,  
7 and somewhat in the future here, is that we need the ability  
8 so we can formulate district governments along with the  
9 Mayor and the Council and the Teslin Tlingit Council so  
10 that we might explore the avenues of: Do we need a  
11 two-government system, or do we need a one-government  
12 system in this particular locale? Logically,  
13 historically, it makes sense that we have a one-government  
14 system in Teslin to provide for the capital type services  
15 and capital infrastructures.

16                   There is no way, as we are now being held  
17 hostage; Frank is being held hostage from his own  
18 government, the Territorial government and the federal  
19 government, there is no way we should ever be put in this  
20 predicament.

21                   Frank and I are in one heck of a  
22 predicament when it comes to delivering and maintaining  
23 services here such as roads and sewers. If you drive



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1 through my village now, these roads have just been done.  
2 They are in terrible shape, but they have just been done.  
3 They were done with indian dollars that are watered down  
4 to look like Territorial dollars that are watered down  
5 to look like municipal dollars. That cannot be accepted  
6 by myself personally, and I do not believe this gentleman  
7 on my right could accept that on behalf of his constituents.  
8 We must not be held hostage when it comes to delivery  
9 of these programs.

10 There must be adequate standards on both  
11 sides of the fences, and leave it up to the two of us and  
12 our peoples to build bridges. We are certainly of that  
13 old-fashioned nature that we will build bridges.

14 **COMMISSIONER ALLAN BLAKENEY:** What you  
15 say doesn't surprise me. We have just come from the  
16 Northwest Territories, and we got a very clear message  
17 that delivery of, as they were phrase there, "treaty  
18 dollars" to aboriginal people through the GNWT was not  
19 a satisfactory method of delivery. There seemed to be  
20 a lot of slippage, and they were calling, in effect, for  
21 more direct money where they could build their links  
22 locally. There are certain hazards with that, but all  
23 life is hazard. What the Chief is saying, at least, is

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1 that is probably a better mechanism for getting more  
2 dollars and more cooperation, therefore more capital  
3 services in Teslin than the current capital system of  
4 Ottawa via Whitehorse.

5 Do you have a comment on that?

6 **MAYOR FRANK SALIGO:** Yes. This other  
7 chap who was up here just before I came on, he is part  
8 of the wheel. Both sides should actually be working on  
9 this in order to implement these two things together.

10 If you don't do that, you are going to  
11 get a situation that can get out of hand. We don't want  
12 this to happen around here, so we are waiting until they  
13 find out what they can get, then after that; we are trying  
14 to ask the government now to give us more funds to see  
15 if we can't improve the looks of the town as we go along,  
16 before they get their land claim settled.

17 **COMMISSIONER ALLAN BLAKENEY:** I wanted  
18 to raise this issue because it came up in Fort MacPherson,  
19 Inuvik, and certainly at Fort Simpson. I assume that  
20 there would be some similar problem here in the Yukon,  
21 but I noted here, and it is fair to say, Viola, that you  
22 people have anticipated this and you both feel you could  
23 sit down and sort this out at the local level probably

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1 as well as anywhere else, as well as Ottawa or Whitheorse.

2 **MAYOR FRANK SALIGO:** That's right.

3 **CHIEF DAVID KEENAN:** If I could add a  
4 practical problem and where it goes; you, Mr. Blakeney,  
5 brought it up inadvertently when we had our coffee shop  
6 chat back there.

7 Governments in isolation of one another,  
8 departments in isolation of one another, turf wars you  
9 called it, George called it -- it is a good name for it  
10 -- we have a capital project here of Streetscape that is  
11 going to be done here that we had almost lost through  
12 bureaucracy.

13 We are in a unique situation here. We  
14 have an indian reserve, Indian Reserve Number 13 in the  
15 Yukon Territory. Indian reserves are not held by the  
16 Tlingit Council, they are held in behalf of the Teslin  
17 Tlingit Council by the government of Canada, federal  
18 jurisdiction. If we waited for the feds, we would never  
19 have any services on this reserve, absolutely none.  
20 Through the good graces of a good government, in power  
21 for the last eight years, they enabled us to deliver water,  
22 sewer, on reserve. Clearly stepping into federal  
23 jurisdiction, they had to take chances when they did that.

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1 I thank God when they did that because they are thought  
2 of as Yukoners, they weren't segregated. They were  
3 thinking of services for Yukoners. That is wonderful.

4 What has happened in the past is we were  
5 going to redo these streets here. We almost lost it, that  
6 streetscape, simply for the fact that there were complaints  
7 from the bureaucracy that there would be no O & M dollars,  
8 and therefore we could not maintain this road so why should  
9 we build it. It comes from these gentlemen. That is a  
10 legit concern. But they do not even include in their  
11 implementation negotiation, the government, the  
12 bureaucrats that could be sitting at the table making these  
13 decisions and working with this gentleman and myself so  
14 that we could iron these out. They are held in isolation  
15 of one another so that they might save some dollars.

16 What they would end up doing ultimately  
17 is devolving a problem, because we would be bound by fiscal  
18 restraint. We would have open ended paper, but we would  
19 be bound by this physical restraint. You would still have  
20 the good side of the tracks and the bad side of the tracks,  
21 the ghetto syndrome would still be alive and apparent  
22 here if that is the way they wish to do it. Government  
23 cannot do this at the implementation stage.

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1                   Here I go on implementation again. It  
2 is so critical that implementation resources are found  
3 openly and fairly so that we might have a very happy  
4 community, as we both strive for in this government.

5                   **COMMISSIONER ALLAN BLAKENEY:** You make  
6 some very good points. In a community this size, unified  
7 O & M makes all the sense in the world. To have two sets  
8 of roads and two sets of sewer systems and that sort of  
9 thing doesn't have a whole lot of sense. I think that  
10 sort of straightens that one out for us. I didn't want  
11 to raise it.

12                   So you really don't anticipate any  
13 particular problems stemming from First Nations  
14 self-government in combining the services, just making  
15 sensible arrangements for the construction of capital  
16 works, for the operation and maintenance of those capital  
17 works here in this community, and the way it would serve  
18 both aboriginal and non-aboriginal people. It can be done  
19 here as well.

20                   **MAYOR FRANK SALIGO:** It will be done  
21 here. There is no problem that I can see.

22                   **CHIEF DAVID KEENAN:** From the two of us,  
23 there would be no problem. There will be other problems,

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1 Frank.

2 **MAYOR FRANK SALIGO:** I know. There  
3 will always be problems.

4 **COMMISSIONER ALLAN BLAKENEY:** That is  
5 the nature of government. If everybody agreed, we would  
6 be running with an awfully small government. The question  
7 of where these issues are bargained out, where the  
8 trade-offs are made, by and large, the closer they are  
9 to the people who are going to use the services, the better  
10 it works. I think that is more or less the principle of  
11 government. If you have to make trade-offs, have the  
12 people who are going to live with the trade-offs, make  
13 them, if you can manage that.

14 Thank you very much. We certainly  
15 appreciate that.

16 Dr. Durocher, would you prefer to wait?

17 **DR. DUROCHER:** I would prefer to wait.

18 **COMMISSIONER ALLAN BLAKENEY:** Fine.

19 Is Ann Turner available? A representative of the Teslin  
20 Tlingit Council. We have seen this man before, but he  
21 looked different the last time. He was one of the dancers.

22 **ERIC MORRIS:** Some people say we all  
23 look the same.

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1                   **COMMISSIONER ALLAN BLAKENEY:** I thought  
2 that is what you said about white people.

3                   Mr. Morris, you are representing the  
4 Teslin Tlingit Council.

5                   **ERIC MORRIS:** My name is Eric Morris.  
6 I would like to acknowledge Pearl as she is one of the  
7 mothers of the Eagle Clan. I would like to ask Pearl to  
8 accept that when I danced this morning, I danced for you  
9 because you were so busy doing other things, and I know  
10 you wanted to dance as well. When I danced I thought of  
11 you, and I looked for you when I was dancing.

12                   I would like to welcome both of you.  
13 I would like to thank Pearl for sitting in and joining  
14 you two. It is quite an honour to sit here and speak to  
15 you and to think of all the great people who have sat in  
16 these chairs before me.

17                   I work for the Social Programs  
18 Department of our Teslin Tlingit Council. I am the  
19 education worker. I have been busy trying to help make  
20 this a success. I have been busy doing a lot of things.

21 One of the other of my colleagues, the other person I  
22 work with, which is Ann Turner, she did up this report  
23 that I have some familiarity with. If you don't mind my

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1 reading it, I will read it out to you, then I can fill  
2 in as I go along.

3                   What we would like to touch on first is  
4 the history of our community as you have probably heard  
5 a few times this morning, on a number of occasions. What  
6 we would like to speak to are the impacts of the highway  
7 which, as you are well aware, is celebrating its 50th  
8 anniversary this year.

9                   Some of the impacts that we felt when  
10 the highway first came through were the diseases that were  
11 brought by the non-native people. Many of our people died  
12 from small pox, measles and spinal meningitis. We were  
13 victims of those many diseases that were brought here.

14                   The other impact we were faced with was  
15 the movement, as was mentioned earlier on this morning.  
16 We were nomads of this land, we travelled through the  
17 land and we moved with the seasons, so to speak. When  
18 the highway came through this became a permanent place  
19 for us. Movement from the land to this being where we  
20 stayed all year around, and went out only on occasions  
21 of trapping and hunting and berry picking.

22                   From there we became wage earners. We  
23 began working on the highway, working as surveyors, working



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1 at the airport as slashers, menial labour type jobs, bull  
2 work if you would like to call it so.

3                   The other impact we had as part of your  
4 history were the residential schools. I guess I don't  
5 mean to bring it up, sort of like rubbing salt in the wounds,  
6 but I guess, as I come, I come with the same message that  
7 the people that have talked to you before, wherever you  
8 were in this great country of ours, I speak the same message  
9 as well. Family ties were broken through residential  
10 schools, the cultural traditions, the government system,  
11 the oral histories and the stories and legends sort of  
12 laid dormant and didn't really move anywhere.

13                   Our children have been taught in another  
14 way from the way their grandparents and parents had taught  
15 them. Negative messages were given about the native ways.

16     Our children were made to feel ashamed of who they were  
17 and who they are.

18                   With all of this came the alcohol abuse,  
19 and with the alcohol abuse came the family violence such  
20 as physical assaults, child abuse, mental abuse, sexual  
21 abuse and neglect. The messages they were given were not  
22 to talk, not to feel; in the past, the children that were  
23 growing up, the messages they were given were not to talk

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1 about things, not to feel things, not to listen to what  
2 you are not supposed to be listening to, negative things.

3                   At the time, very little was done about  
4 the violence. Today we are still dealing with many, if  
5 not all of the effects of residential schools. Those are  
6 just some of the impacts we have felt in part of our history  
7 that we feel we want to mention.

8                   The history of the Band, I think it began  
9 in the early 1970s, based on the Department of Indian  
10 Affairs system. Elections were being held for  
11 Chief-in-Council, different from our traditional  
12 government system where appointments were done by Clan  
13 leaders, for the spokesperson or the Head Man of our Tlingit  
14 nation.

15                   Sam Johnson, who was one of our very  
16 first chiefs, whom you may well know; he is presently the  
17 speaker of the government house in Whitehorse. I believe  
18 he is one of the first native house speakers in Canada.

19                   He is also a Clan leader for one of the Clans. I have  
20 put up the different Clans, as you may have noticed, and  
21 the Clan leaders. He is one of the Clan leaders for the  
22 Frog Clan.

23                   They had to raise money for the first

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1 Band administration, started June 27, 1970. One of the  
2 ways of raising money to begin the administration for the  
3 Band was to hold a July 1 celebration, or Dominion Day  
4 as they used to call it a long time ago. They had three  
5 days to organize it. The Chief-in-Council was responsible  
6 for organizing it so they could raise money to begin what  
7 is now known as the Teslin Tlingit Council.

8                   One of the things recalled was that they  
9 held a walk-a-thon. I think I remember taking part in  
10 that walk-a-thon to raise money for the Band. They said  
11 they raised \$600 to start the Band administration.  
12 Chief-in-Council did most of the work. There was no staff  
13 at all hired at the time. One of Chief-in-Council's tasks  
14 included everything from picking up garbage to dealing  
15 with family violence. At the time there were no dollars  
16 for a Chief, so I think what he did was he became part-time  
17 Band manager to supplement what we was doing as Chief,  
18 for the role he was fulfilling.

19                   They were given grants for the Band, as  
20 it was called in those days. There was no budget for  
21 administration. There were housing problems. One of the  
22 things you look at are houses.

23                   You can almost see the evolution of our

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1 own well-being to today. You see the red log houses that  
2 look like barns outside. Those were one of the very first  
3 houses that were built by DIA, and they are log houses.  
4 They didn't have any sewer, they had two rooms, one living  
5 room or one to serve as a kitchen, and the other to serve  
6 as a bedroom. Some had two bedrooms. You can see the  
7 evolution of our own houses that we live in today. This  
8 building you are in right now is part of the evolution  
9 itself. It is made of the highest quality, we had the  
10 best people build it. We can sort of see that.

11                   There was no budget for administration  
12 or upgrading. DIA had outside contractors come in and  
13 do the housing. We slowly started taking over. The only  
14 program recalled in the beginning was the wood program.

15       The wood program being for the elders, the elders needing  
16 wood and not being able to go out and cut their wood at  
17 times, and having difficulty just being old.

18                   Social assistance programs shortly  
19 started after this. Alcohol abuse was a problem. Our  
20 Chief-in-Council type set up of government is still being  
21 practised. Very few of our people had any education or  
22 training. There was a lot of training needed then. In  
23 1971 there were two of our elders who decided to quit

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1 drinking. They were Rosy Johnson and David Johnson, Sam's  
2 mon and dad. They both happen to have been my grandmother  
3 and grandfather, by indian way. They became one of the  
4 first role models for our community.

5 Today, about 75 per cent of our community  
6 is alcohol free, and a percentage of that is drug free  
7 too. This goes to speak that this is only the beginning  
8 of the work of the social program development department  
9 we have now at the Band office.

10 As you are well aware, we have gone back  
11 to our traditional clan system, our traditional government  
12 system, as it is called. That includes our five Clan  
13 leaders from the Daishetaan, Isheketaan, Daxaweidi,  
14 Xooxetaan, Yanyeidi. We have one Board of Director from  
15 each Clan, and we have five members from the Clan to make  
16 up the General Council, the larger body.

17 Also we have in place at present our  
18 Tribunal Justice system we have set in place, which has  
19 made significant movement in terms of initiatives taken  
20 by native people in Canada. We work closely with the court  
21 system.

22 As the social programs department, we  
23 also have some input into tribal justice. We have in place

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1 our own constitution. This is the base from which we  
2 operate as Tlingit.

3                   In social programs, our mandate comes  
4 from our general assemblies and from our mission statement,  
5 and from the land claims negotiations that are taking  
6 place. We had a process take place a couple of years ago  
7 which focused on the strengths of our nation, the  
8 weaknesses of our nation, the opportunities of our nation  
9 and the expectations of our nation. We went through that  
10 process of looking at all those things and evaluating and  
11 assessing, talking about it and discussing it and looking  
12 at the growth that needs to take place for results.

13                   As a social programs department, we were  
14 involved with clients who ended up in the courts for various  
15 offenses, such as break and enter, family violence issues,  
16 sexual abuse.

17                   In the historical part of this  
18 presentation we mentioned the impacts of the highway and  
19 residential schools. We had found that since our villages  
20 began to become alcohol and drug free, many of the hurts  
21 and pains of the past are surfacing. Our resources are  
22 very limited for what we are currently doing, resources  
23 being personnel, having enough people to provide the

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1 services required, the training that we need to have, the  
2 people to provide the services, having them trained in  
3 such a way that they are going to be effective, training  
4 dollars and dollars for hiring more skilled people.

5                   Many positions such as Safe Places must  
6 go annually to find dollars to keep this position open,  
7 Safe Places being working on programs that are looking  
8 at having a place with the families in crisis, they can  
9 go at this point. We don't really have any dollars secured  
10 where these dollars come on an annual basis, such as for  
11 my program where they are given out each year. We have  
12 to go back for the Safe Places program. Ann Turner, who  
13 wrote this paper, that is her position. She has to go back  
14 every year to get money from the government to have this  
15 program run. As you may notice, the person who wrote this  
16 is very well versed in her knowledge of the social situation  
17 in our community.

18                   We are trying to revive our culture and  
19 are reviving our culture and traditions and our language,  
20 which we lost through the impact. Again, with limited  
21 resources, we are prevented from reaching our goal. When  
22 I mention that, it always seem as if we were asking for  
23 money all the time. Sometimes we do things for ourselves,

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1 we try to do things to help each other. Pearl, day before  
2 yesterday, showed me how to get medicine from a birch tree.

3 I didn't pay her to show me how to do that. She called  
4 me up and said, "Remember, you asked me about how to take  
5 the sap from the tree so you we can use medicine for  
6 ourselves?" She did it for nothing for me. Those kinds  
7 of things we are doing within ourselves already, but we  
8 need other monies to do other things that are going to  
9 begin to develop programs that are going to promote more  
10 of this sort of activity.

11 You can see I am getting on a roll. I  
12 will say again, implementation of our traditional  
13 government has helped us with the resources we need so  
14 we can have the programs to reach these goals that we are  
15 setting for ourselves.

16 In social development programs, we have  
17 developed a five year plan to address some of our problems  
18 and some of the issues we are faced with presently in our  
19 community. A very large part of this includes redesigning  
20 the programs to encourage pride and accountability and  
21 responsibility to our people. This includes healing,  
22 individually, holistically, mentally, physically and  
23 emotionally. We believe healthy individuals ensure



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1 healthy families and communities, and a nation. This is  
2 the foundation for any of the successes we are to have  
3 now and in the future, be it in settlement of land claims  
4 or in self government.

5                   I guess if you look at this drum I brought  
6 here, this is the drum my father used to drum for the dance  
7 this morning. It is a representation of who we are. This  
8 part right here represents the body which we are all about.  
9 You can imagine you head being here and your arms and  
10 your legs being here. You look at it, and you look at  
11 the back, it is divided into four. As I told you, these  
12 are the physical, the mental, the spiritual and the  
13 emotional. That is what makes us up as individuals. This  
14 is the representation that I brought.

15                   I tried to think of the best way to convey  
16 what I am trying to say to you so you can understand what  
17 I am trying to say. You probably have been explained this  
18 many times before in your travels, and this is just another  
19 way of doing it.

20                   The healing includes promotion and  
21 prevention, intervention, treatment, support, after-care,  
22 pre-care. This is the surprising part: Our staff of  
23 eight must meet all these aspects of healing. Many, if

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1 not all of the clients must go outside to different  
2 treatment centres. A lot of them have to go outside the  
3 Yukon because of some field that Whitehorse does not  
4 provide the quality of service that they need.

5                   The go outside for treatment of alcohol  
6 abuse, drug abuse, sexual abuse, offenders' programs.  
7 As you may have heard or noticed or read in the papers,  
8 we have very limited services of these types in the Yukon.

9     Many times we have stated our needs to the Yukon  
10 Territorial government and to the federal government.  
11 Instead we see band-aid solutions and we are dictated to  
12 as to what our needs are.

13                   Our report has given you a glimpse of  
14 our beginnings to where we are now. We got to where we  
15 are now on our own steam and our own strength. We can  
16 no longer be dictated to, be told what to do. We are the  
17 best judges of what we need. We know how we want to get  
18 there, and when we want to get there.

19                   The other thing I would like to include;  
20 I don't mean this to be a motherhood statement, I don't  
21 mean this to be any kind of a statement that is of that  
22 sort. It is a statement of where we are coming from, from  
23 where we have risen from, from where we are today and where

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1 my ancestors, one of my grandfathers and where my mother  
2 and father have come from. That is the other part. You  
3 will continue to hear motherhood statements from our people  
4 as long as we are kept where we are at, and as long as  
5 we keep ourselves where we are at.

6                   The five year implementation plan we  
7 have requires more staff, more staff for treatment centres,  
8 for wilderness camps that we feel could help us, pre-care  
9 and after-care facilities, safe houses, safe homes,  
10 cultural centres, training for staff and future staff,  
11 training dollars, equipment for centres. When we sit here  
12 we have to have a stove to heat our food so we can eat,  
13 we have to have power, we have to have electricity, we  
14 have to have infrastructure I guess is what I am talking  
15 to. We have to have different types of equipment that  
16 is going to help make our jobs a lot easier, like computers  
17 and other things that go along with that, telephones.

18                   We recommend that both governments,  
19 federally and territorially, follow through on the  
20 assurances that we have, and will continue to have the  
21 direct input for any and all decisions made that will affect  
22 our lives. This is not all being done at this time. A  
23 lot of times what I would like to speak to is that sometimes

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1 we get put into token positions. Yes, we are going to  
2 put three First Nations people on this board, and that  
3 will be a statement of this is what has to be done for  
4 the First Nations of the Yukon. That does not necessarily  
5 represent that at all. Sometimes we feel it is done on  
6 a tokenistic attitude.

7 I guess there are a number of different  
8 things I can say. At present, speaking of the present  
9 situation now, we have a four people who are away from  
10 our community right now taking a life skills coaching  
11 program out at White Rock, Vancouver. One of them happens  
12 to be my sister. Speaking to them, they are experiencing  
13 a lot of success. With success you can always have a new  
14 outlook on life and a new beginning for yourself. When  
15 we speak of training, that is the kind of thing we are  
16 looking towards having. The other thing that comes with  
17 training is dollars, money to provide these kinds of  
18 opportunities for our First Nations people.

19 I guess when we think about the land  
20 claims, how land claims are being negotiated and worked  
21 on, there is money put aside for the implementation part  
22 of the claim, having to train people to implement the claim.  
23 Part of implementing the claim; when I think of training,

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1 I think of resource people, game officers and such that  
2 are going to enforce the bylaws set up by different First  
3 Nations in each of the communities. That doesn't  
4 necessarily speak to the social part that we need for health  
5 service type services.

6 I guess the other part is, not much has  
7 been talked about in terms of education. As you are aware,  
8 education has always been a problem for us. I have a copy  
9 of this Indian Control of Indian Education. If I may,  
10 I will read a part I think sort of speaks true to all the  
11 things that I have been saying to you. This is a quote  
12 from this Chief John Snow in his address to the conference  
13 that was being held in regard to this.

14 "Indian philosophy of education is sometimes described  
15 in theory as a complete circle, the  
16 circle encompassing all of life or  
17 the wholeness of life. With a good  
18 indian education you will have a  
19 greater understanding of yourself.

20 Pride in oneself and  
21 understanding oneself and living  
22 in harmony with nature were lessons  
23 to be maintained in an indian

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1 education for survival in the 20th  
2 century."

3 This is so true to what I am saying. In order for me to  
4 be who I am; I didn't get here just falling out of the  
5 sky. I got here through great difficulty. It is not a  
6 self-testimonial that I am going to be giving you, it is  
7 an example of what it is we need to do for our people.

8 I am an alcoholic. We have to begin to  
9 look at ways of helping our people to heal themselves.  
10 Once we begin to get them over the barrier of alcoholism  
11 and beginning to work with their alcoholism, and begin  
12 to be alcohol free, we have to begin, like it has been  
13 stated before, to help them with pain and the problems  
14 that they have suffered in the past, things such as sexual  
15 abuse, physical abuse, mental abuse, spousal abuse. Being  
16 alcohol free is just the first stage. The next level is  
17 healing the mind and then the soul, working on all those  
18 aspects.

19 Coming back to myself again, I once was  
20 a drunk that used to pass out anywhere. I was never a  
21 good drinker, I guess not very many people are as you  
22 probably are well aware. I used to pass out in the darndest  
23 places, and now I don't do that any more. I wake up in

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1 a good place each morning. I try and appreciate my  
2 Creator. That is the beginning for me, the beginning of  
3 a new start. Everything I do for myself, I feel my people  
4 have to do for themselves as well. When I woke up this  
5 morning I came up here and said a little prayer for this  
6 place here because this place is going to have a lot of  
7 great people in here, a lot of great minds, and as well  
8 the people that are being me that are sitting here sharing  
9 the things that are going on here.

10                   When I had breakfast, I had moose heart  
11 for breakfast, I had bacon and eggs, and I had toast with  
12 jam that was made from the land. When I think of what  
13 I am saying to you, and when I begin to feel what I am  
14 saying to you, it is an example of how we have to bring  
15 the non-native society and culture together with the native  
16 culture and society, and get those two to work together  
17 in such a way that we are going to be proud and take pride  
18 in who we are and where we have come from, from the roots  
19 from which we have been born.

20                   On the wall I have back there, a very  
21 highly respected elder, Elijah Smith, who was a great man  
22 in my eyes; I felt really bad when he had to go the way  
23 he went. He was our connection to our past, as Pearl is

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1 sitting beside you. She is our connection to the history  
2 that is so rich in culture and pride and language and in  
3 dances, and all the things that make us up as Tlingit.  
4 That is what I am about, and that is what all our people  
5 need to be about.

6                   It sounds like a motherhood statement,  
7 but the thing is, it is true. We all have to begin with  
8 ourselves. Once we begin with ourselves, then we can begin  
9 to help our families and we can begin to have healthy  
10 families, as is stated in here, then we can begin to have  
11 a healthy community, a healthy community having the  
12 cultural dances, having the cultural songs, the  
13 traditional dances, the ceremonial dress that we take so  
14 much pride in, the welcoming you had last night by my  
15 father. It can be done in such a good way that we are  
16 going to be proud of who we are and we will be progressive  
17 and proud.

18                   I guess the other part, the reason why  
19 I have these sticks here, this belongs to a stick gambling  
20 game. You may be aware of it. A stick gambling game is  
21 a friendship game that brings people together. When we  
22 come together we perform for each other, we dance, we do  
23 whatever during the stick gambling. We get to meet each



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1 other, we get to talk, we get to socialize in the  
2 traditional way.

3                   When we look at these sticks, these  
4 sticks come from the same tree that I got medicine for  
5 my mother, my mother who has arthritis. From the same  
6 tree come these sticks here, from the branches of that  
7 tree. That tree represents who we are.

8                   We are of one in a nation, but we are  
9 all individuals in our minds, in our hearts and in our  
10 souls. As you look at these sticks, you will not find  
11 one stick that is the same as the other. There are fat  
12 ones, short ones, bent ones, there are coloured ones, white  
13 ones, there are tall ones. That is how we are as a nation.

14       When I speak from the social aspect of all of what we  
15 are, that is how we look at it when we look at ourselves,  
16 when we are looking towards bettering ourselves and healing  
17 ourselves.

18                   With that, there was another thing I was  
19 given at the last minute before I left the office. There  
20 is this program called Brighter Futures For Kids. One  
21 of the statements within this thing from the government  
22 of Canada says:

23 "The federal role will be to facilitate partnerships for

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1 provision of services, to break  
2 down barriers between  
3 jurisdictions, to support  
4 specialized training needs and to  
5 provide technical assistance for  
6 developing program modules,  
7 networks, exchanges of  
8 information, evaluation, designs,  
9 et cetera, to support communities  
10 to develop their own innovative and  
11 integrated approaches."

12 This comes from the government, the government from which  
13 you are doing this. This is true to what it states. We  
14 have to begin to do that, not from tomorrow, but from today.

15 When I begin to look at myself again,  
16 I am doing things for today because tomorrow I might not  
17 get a chance to do it.

18 The other day I was walking on the beach  
19 and I was looking at this bird laying on the ground and  
20 was dead. I looked at it and said, "I'd better pick that  
21 bird up on my way back, when I come back." Guess what?

22 I forgot about it. I went back there the next day and  
23 that bird was gone. You see how easy it is to forget

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1 things?

2                               So we have to begin to do things today  
3 in this very moment we are in. I feel that this is  
4 happening now, that you are sitting down here and listening  
5 to us, listening to the people that are sitting behind  
6 me, and the people who are sitting around you, for these  
7 people sitting around here receiving an education as well,  
8 about who we are, I guess.

9                               With that I would like to thank you for  
10 listening to me. I would like to thank you on behalf of  
11 the people I worked with at the Teslin Tlingit Council,  
12 for they too are working very hard. As you can see, I  
13 am the only one here. They are busy doing other things.  
14 I am quite honoured to be sitting here on behalf of the  
15 people I work with.

16                              I hope you enjoy yourself here, and I  
17 hope you enjoy the rest of the time here. I would like  
18 to thank you for taking part in the meal. That is all  
19 I have to say.

20                              **COMMISSIONER ALLAN BLAKENEY:** Thank you  
21 very much, Mr. Morris. Do you want to add anything?

22                              **COMMISSIONER PEARL KEENAN:** Thank you,  
23 my son. You explained it really good. Thank you.

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1                   **COMMISSIONER ALLAN BLAKENEY:** May we  
2 ask a couple of questions, just for our own information?

3                   **ERIC MORRIS:** Sure.

4                   **COMMISSIONER ALLAN BLAKENEY:** Can you  
5 explain for me the relationship between the Teslin Tlingit  
6 Council and the Band Council? Is it the same thing?

7                   **ERIC MORRIS:** Yes. We have changed our  
8 name from the Teslin Indian Band to the Teslin Tlingit  
9 Council. That is just a name change. I guess you have  
10 two different types of written information there.

11                   **COMMISSIONER ALLAN BLAKENEY:** I wasn't  
12 clear. I assumed they were closely connected, but I  
13 thought maybe the one; you didn't call it the Band Council  
14 because the Band Council suggests it is going to be elected  
15 the way the Indian Act was, and the Teslin Tlingit Council  
16 is organized on a Clan basis. Is that right?

17                   **ERIC MORRIS:** Yes, exactly.

18                   **COMMISSIONER ALLAN BLAKENEY:** I thought  
19 perhaps they had organized it a little differently than  
20 the Indian Act says so they gave it a different name.  
21 I just didn't know that.

22                   **COMMISSIONER PEARL KEENAN:** We have the  
23 five Clans. One is a Chief, then four others are

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1 councilmen, so we have the five always involved.

2 **COMMISSIONER ALLAN BLAKENEY:** How is the  
3 Chief chosen?

4 **COMMISSIONER PEARL KEENAN:** He is  
5 appointed.

6 **COMMISSIONER ALLAN BLAKENEY:** By whom?

7 **COMMISSIONER PEARL KEENAN:** By the Clan  
8 leaders.

9 **COMMISSIONER ALLAN BLAKENEY:** The Clan  
10 leaders.

11 **COMMISSIONER PEARL KEENAN:** The five  
12 Clan leaders.

13 **COMMISSIONER ALLAN BLAKENEY:** So the  
14 Chief we heard is--

15 **COMMISSIONER PEARL KEENAN:** Is  
16 appointed.

17 **COMMISSIONER ALLAN BLAKENEY:** He is  
18 your young son?

19 **COMMISSIONER PEARL KEENAN:** I had  
20 nothing to do with it.

21 **ERIC MORRIS:** He is traditionally  
22 called the Head Man, not the Chief. He is the Head Man.  
23 By tradition, the Clan leader consults his Clan members

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1 and they discuss who is going to be this person. It is  
2 done on a consensus basis.

3 **COMMISSIONER ALLAN BLAKENEY:** Does he  
4 have to be a Clan leader to be the Chief?

5 **ERIC MORRIS:** Not necessarily, no.

6 **COMMISSIONER ALLAN BLAKENEY:** Not  
7 necessarily. These are little questions which I made  
8 notes of as I went along. They don't follow in any logical  
9 sequence.

10 You said four people are out of the  
11 community taking a life skills course down at White Rock.  
12 Are they down there taking a course for themselves, or  
13 a course in order to train them to teach other life skills  
14 courses?

15 **ERIC MORRIS:** They are going to be  
16 trained. They are employed with the Teslin Tlingit  
17 Council. They are going to be coming back here and  
18 implementing some of the things they have learned down  
19 there, into the community.

20 This person who wrote this paper, this  
21 wonderful report I read to you, is a life skills coach  
22 herself. She was one of -- you might want to call it --  
23 the pioneers of this whole movement of going out to get

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1 that type of training that we can help to teach our people  
2 to begin to have the coping skills we need to have in today's  
3 society. They are presently employed with the Council,  
4 and they will be coming back and working with us and working  
5 with the First Nation.

6 **COMMISSIONER ALLAN BLAKENEY:** They will  
7 deal with all sorts of situations. With family breakdown  
8 situations that you were suggesting, they would try to  
9 tackle some of those.

10 **ERIC MORRIS:** Yes, exactly.

11 **COMMISSIONER ALLAN BLAKENEY:** Another  
12 question: You said that Indian Affairs, at an earlier  
13 stage let contracts from the outside to build houses.  
14 I will just make a comment of my own, it always exasperates  
15 me to see an outside contractor come on an Indian reserve  
16 where the unemployment rate may be 50 per cent, and some  
17 outside people come in to build a house or something, which  
18 is a skill which certainly could be imparted to people  
19 who worked on building a highway. They could certainly  
20 learn to build houses.

21 Aside from that comment, who is now  
22 building the houses?

23 **ERIC MORRIS:** We have the Band

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1 supervising all the construction that takes place on our  
2 lands. They supervise all the work that is being done.  
3 We have our individual members working on the construction  
4 site. The administration complex we have near the highway  
5 was done under the direction of the Council. Part of it  
6 was also used as a training module to train a building  
7 manager, and part of it was used to train people in major  
8 construction. The only type of construction that has  
9 taken place in this community was building houses, none  
10 of that magnitude.

11 **COMMISSIONER ALLAN BLAKENEY:** While you  
12 may bring somebody in from Whitehorse--

13 **ERIC MORRIS:** Yes, there is always a  
14 need to bring the outside expertise in.

15 **COMMISSIONER ALLAN BLAKENEY:** Or  
16 somebody who has a special skill that may not be here in  
17 the community, although it may be. I don't know.

18 **ERIC MORRIS:** There is always that.

19 **COMMISSIONER ALLAN BLAKENEY:** But a  
20 good deal of the labour is done by people who live in the  
21 community.

22 **ERIC MORRIS:** Yes.

23 **COMMISSIONER ALLAN BLAKENEY:** That



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1 strikes me as a sensible way. I am not here to give my  
2 views.

3 **ERIC MORRIS:** That is quite all right.  
4 I am giving you my views, you should feel the same way.

5 **COMMISSIONER ALLAN BLAKENEY:** It  
6 strikes me that almost any community is healthier if many  
7 of the jobs performed in the community are performed by  
8 people from the community, and that goes for carpenters,  
9 nurses, policemen, social workers, just name the list.  
10 They are almost always better qualified because they know  
11 who they are dealing with.

12 **COMMISSIONER VIOLA ROBINSON:** I want to  
13 thank you for your excellent presentation here. I think  
14 they chose a good person to present on behalf of your  
15 co-workers.

16 I am just wondering, you walked about  
17 how you are trying to revive your language and culture,  
18 and you are struggling to keep it alive, I guess. Also  
19 you talked about the hurt and pain of the past surfacing.

20 You made some reference to residential schools. The  
21 reason I bring that up is, I don't think there is a community  
22 we haven't gone to where residential schools has been  
23 brought up as a contributor to the hurt and pain that is

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1 going on and a lot of the dysfunctional families in the  
2 communities today.

3 Do you feel that is the case here?

4 **ERIC MORRIS:** I think so, yes. If you  
5 are talking about dysfunction of families and the problems  
6 and where they have originated from, I think that is partly  
7 to do with a lot of it.

8 It was such a devastating thing at the  
9 time. I was sent to residential school as well. I can't  
10 recall it, it is something I have sort of blacked out of  
11 my memory and I can't really go back into. I can remember  
12 the good things, but I can also remember standing there  
13 getting my hair all cut off and I can remember a certain  
14 brother hauling me down the hallway by the ear. Those  
15 types of things have really affected me, and I have never  
16 forgotten.

17 I think part of the dysfunction we are  
18 facing today, a great number of that has to do with breaking  
19 up and separating; almost like sending our kids away to  
20 work camps, I guess, when I hear stories of it. Maybe  
21 Pearl can speak to some of that as well. I am not quite  
22 sure.

23 **COMMISSIONER VIOLA ROBINSON:** It is

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1 just that it has been surfacing, people have been making  
2 a very strong issue of it, especially if you go to the  
3 urban communities, like the cities of Winnipeg, Vancouver  
4 and other areas. There has been a strong call for us to  
5 do something more immediate with respect to residential  
6 schools. People have been asking for some sort of inquiry  
7 or something to assess the kinds of damage that have been  
8 done and the impact that it has had on our people as of  
9 today.

10 I was just wanting to get your reaction  
11 to something like that.

12 **ERIC MORRIS:** My reaction is that it did  
13 have a devastating effect. It created a lot of dysfunction  
14 in our families which we have presently today. Even the  
15 younger people like myself are still suffering from some  
16 of the things we had to go through.

17 **COMMISSIONER ALLAN BLAKENEY:** May I ask  
18 a personal question? How old are you?

19 **ERIC MORRIS:** I am 34.

20 **COMMISSIONER ALLAN BLAKENEY:** That just  
21 gives me some idea of what generation has been going to  
22 the residential schools.

23 **COMMISSIONER VIOLA ROBINSON:** The other

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1 thing is, you talked about how people have to resort to  
2 going outside of the territory, outside of the Yukon, for  
3 treatment centres. These treatment centres, are they  
4 providing? Are they the kinds of things you think are  
5 really providing help for the people who are going there?

6 **ERIC MORRIS:** For a lot of it, yes.  
7 Personally, I had gone out to Pond Makers to the treatment  
8 centre, Pond Makers Lodge. I know a lot of my friends  
9 who have gone out there, they are still sober today and  
10 are having a lot of successes in their life and beginning  
11 to deal with some of the things they have to deal with  
12 as part of healing.

13 What you are asking me is in relation  
14 to healing, is it really helping us to heal ourselves?  
15 I really believe it is. The education and the healing  
16 and all the things Pond Makers had to offer me is, in a  
17 sense, getting its return through what I am doing today  
18 for the people I live with and the people I work for and  
19 the people I have so much love for.

20 When you look at it going full circle,  
21 it has come full circle, and it probably has come full  
22 circle a number of times. I think, in a sense, it is paying  
23 off for a lot of people who have gone out, who are beginning

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1 to change their ways of life.

2                   **COMMISSIONER VIOLA ROBINSON:** I just  
3 wanted to get those clarified. Thank you again for your  
4 good presentation.

5                   **COMMISSIONER ALLAN BLAKENEY:** Thanks  
6 very much.

7                   **ERIC MORRIS:** Thank you very much.

8                   **COMMISSIONER ALLAN BLAKENEY:** Is Patsy  
9 Johnson available?

10                   Welcome. Would you please introduce  
11 yourself?

12                   2:35

13                   **PATSY JOHNSON:** My name is Patsy  
14 Johnson, I am here representing the students from the  
15 Teslin campus. I would like to read a letter we sent to  
16 Mr. Pierce MacDonald in November.

17 "Dear Mr. MacDonald: We are sending a letter to express  
18 our concerns about YTG funding for  
19 our students. Representatives of  
20 our student body attended a meeting  
21 with the Secretary of Review  
22 Commission regarding alterations  
23 in the Funding Act set in 1959.

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1 We are happy to see that finally  
2 some changes are coming about.  
3 Here are a few of our concerns that  
4 we feel should be looked into.  
5 Daycare facilities: Students  
6 cannot get day care subsidies  
7 because of the lack of licensed  
8 facilities, yet are unable to get  
9 separate funding for babysitters  
10 because they are not licensed. As  
11 a result, students are having to  
12 pay for babysitters out of their  
13 training allowance. Some end up  
14 paying \$575 a month for one child.

15  
16 Unnecessary funding: As we understand, there are four  
17 students outside of the Yukon  
18 Territory, and as far as outside  
19 of Canada, receiving funding.  
20 These people have never been to the  
21 Yukon and are not planning to  
22 contribute their skills to the  
23 Yukon in the future. These

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1 students are supposedly eligible  
2 for funding because one or both  
3 parents live in the Yukon. The  
4 feel this is unfair to the Yukon  
5 students. Also, we think parents  
6 who can afford to pay for their  
7 child's education should do so  
8 instead of getting funding from  
9 YTG. On November 21, 1991, CHOM  
10 F.M. reported that Roger Graham,  
11 the Deputy Minister of  
12 Transportation and Community  
13 Services, had been funded to attend  
14 college for one year in Kingston,  
15 Ontario. He will be studying  
16 public administration. He is to  
17 receive \$6,000 to store furniture,  
18 over \$6,000 to fly family member  
19 to Kingston, not to mention one  
20 child who is to be flown from  
21 Whitehorse to Kingston and back  
22 during the Christmas holidays at  
23 no expense to Mr. Graham, a cost

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1 of \$8,000 for a replacement worker,  
2 \$20,000 in total. In addition to  
3 all these expenses, he is to  
4 receive his \$92,000 salary while  
5 attending school. In comparison  
6 to Mr. Graham, a member of our  
7 student body is receiving \$580 a  
8 month with five dependents. At  
9 the end of her school year, her  
10 total will be \$5,800. This amount  
11 is \$200 short of Mr. Graham's  
12 furniture storage bill. Mr.  
13 Graham is guaranteed job security,  
14 which we are sure many college  
15 students would like this sort of  
16 security when finished school.

17 Housing: Here in Teslin accommodations are difficult to  
18 come by at the best of times.

19 There is Band and Yukon housing.

20 The guidelines state the person  
21 must be 19 years of age and older,  
22 or must have children in order to  
23 qualify for a house. A number of



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1 our students are not 19 years of  
2 age, or they do not have any  
3 children. Many have no choice but  
4 to live at home. A student who is  
5 the age of 19 and on her own with  
6 no dependents receives YTG funding  
7 of \$280 a month, and pays a minimum  
8 of \$150 a month rent. This is over  
9 half of her allowance. The rest  
10 of her allowance goes towards food.

11 Another student, who is 18 years  
12 of age with no dependents, is  
13 forced to live at home and would  
14 like to be on her own. She  
15 receives DIA funding, which is \$290  
16 a month, and is required to pay half  
17 of the bills. As you can see, a  
18 \$10 difference between a dependent  
19 and an independent student are  
20 basically the same. We recommend  
21 a student facility for these  
22 students at a reasonable rate they  
23 can afford.

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1 Part time jobs: The students are wiling to work part time  
2 to increase their monthly income.

3 In a small community like ours,  
4 there are no jobs or part time jobs  
5 to be had, unlike students in  
6 Whitehorse, who have the  
7 opportunity to get jobs.

8 In closing, as you can see, most students from Teslin campus  
9 are set up for failure due to  
10 difficulties and stress arising  
11 from less than minimum allowances  
12 provided by YTG. According to  
13 Masler's Hierarchy of Needs, most  
14 of us students are at the bottom  
15 of the list because of low income.

16 How are we, as students, to excel  
17 in our schoolwork when we have to  
18 worry about rent money or food to  
19 put on our table? We, the  
20 students, need reassurance that we  
21 will be supported financially  
22 according to our needs, as many of  
23 us set out career goals. As future

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1 professionals, we are planning to  
2 return home to work for our  
3 community. We would like and  
4 welcome a response as soon as  
5 possible. Respectfully yours,  
6 Teslin Campus Student Body."

7 I would like to refer back to the letter  
8 and tell you what has happened since then. This meeting  
9 took place in November, 1991. We still have not heard  
10 about what changes will be made, although we were informed  
11 then that the monies for YTG funding would not change.

12 Day care: There is still no daycare in  
13 Teslin and a reliable babysitter is hard to find. One  
14 cannot depend on family and friends. Something can happen  
15 in their lives and they cannot babysit. This can become  
16 very frustrating.

17 I was one of the lucky ones. I received  
18 monies from CAIDS, and found a reliable babysitter, but  
19 now this person is moving away. Now I have to find sitter  
20 for a five year old boy for half a day and a six month  
21 old baby all day. There are still three months until the  
22 Fall term begins, and I am already worried on who to hire  
23 to take care of my children. We desperately need a

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1 daycare.

2                                   Unnecessary funding: We can cut back  
3 on the unnecessary funding and give more to the students  
4 who really need more money. For example, one of our  
5 students can use more students can use more funding. This  
6 student has been in school since September. She has  
7 completed level three, which is grade 10, with high marks.

8 She receives \$70 a week from YTG and receives help from  
9 the Teslin Tlingit Council's social assistance program.  
10 They pay her rent, and her training allowance must be  
11 deducted from this, which leaves her with \$50 a month.  
12 Add these two together and it amounts to \$330 a month.  
13 She barely makes it from pay day to pay day.

14                                   Housing: We need some sort of  
15 accommodations for our students. There were two students  
16 who moved here from Whitehorse. They lived with relatives  
17 for a while and ran into some person problems and moved  
18 out. For a long while they stayed where they could. They  
19 applied for Yukon housing and did not get one because both  
20 are under age. Since then, one student has moved back  
21 to Whitehorse. She knew if she moved back she would not  
22 complete the school year. She was right. She is now a  
23 motel clerk.

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1                   Many other students would have liked to  
2 move out of their parents' homes and could not because  
3 of lack of apartments. With your copies, there is a chart  
4 of Masler's Hierarchy of Needs, and it shows where we were  
5 in November. We still have not moved up the ladder.

6                   This is our second letter to Mr.  
7 MacDonald:

8 "Dear Mr. MacDonald: Your reply to our letter of concerns  
9 was not what we expected or wanted.

10                   None of our questions were clearly  
11 answered. We have many people who  
12 are proud of us. What we need is  
13 people who will be there to say,  
14 "Yes" to our financial needs.

15                   Instead, we are told there is no  
16 money in the budget, or we get sent  
17 to another department. Some of  
18 the students have moved to  
19 Whitehorse to get courses they need  
20 for their career goals, others have  
21 left for many different reasons.

22                   These students who have moved to  
23 Whitehorse still receive the same

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1 amount of funding, with higher  
2 living expenses. Some are told  
3 they cannot get more funding  
4 because there is no money in the  
5 budget. One student is living in  
6 a hotel room and is still receiving  
7 \$290 a month from BIA. She is  
8 paying a large amount of money for  
9 rent and is being sent from  
10 department to department, which is  
11 very discouraging and adds stress  
12 to a student's life. As you can  
13 see, we need more than a pat on the  
14 back and more people saying, "Yes,  
15 we can help you financially."

16 Our second letter was written in January  
17 of 1992. Since then, this student who moved to Whitehorse  
18 has dropped out of school. She tried, in many ways, to  
19 receive help to stay in school. She was receiving \$290  
20 a month and could have received \$600 if she was on her  
21 own.

22 When she was on her own, they told her  
23 there was no more money in the budget, so she tried to

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1 get more assistance from DIA and was told she could not  
2 receive it because they were funding here. She tried  
3 Health and Social Services and, once again, she was told  
4 she could not receive it because she was a status indian.

5 In the meantime, her mother had paid her rent, and I might  
6 mention she could not afford it either. This person is  
7 now a chamber maid. As you can see, we need the money  
8 that is given to the wrong people.

9 I also realize we had our chance to  
10 finish school. Many of us did not realize how important  
11 education really is until it was too late. We must somehow  
12 get across to these young high school students that  
13 education is important.

14 In my closing statement, I would like  
15 to inform you of our expenses, which are taken from our  
16 allowance with YTG. From the \$70 a week allowance, we  
17 must pay \$135 per term. This means we pay twice a year.

18 If we are lucky, we can get funded by DIA for a college  
19 prep. They will pay for our courses, which is \$70 a course.

20 We must pay for our books, some of which are \$50 a book.

21 As you can see, there is a big difference in what we receive  
22 and what we pay out. We can only apply for DIA funding  
23 and college prep.

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1 Thank you for your time. I hope I have  
2 given you something to work with, and that some changes  
3 will be made very soon. Please don't put us on the back  
4 burner again.

5 **COMMISSIONER ALLAN BLAKENEY:** Thank you  
6 very much. I will just ask a couple of questions, just  
7 so I will understand fully your presentation.

8 The Teslin Campus to which you referred,  
9 that is a school which teaches to grade 12?

10 **PATSY JOHNSON:** Yes.

11 **COMMISSIONER ALLAN BLAKENEY:** And the  
12 people for whom you are speaking are, for the most part,  
13 people who have been out of school and have returned in  
14 order to get what I might call, grade 10, grade 11 or grade  
15 12?

16 **PATSY JOHNSON:** Yes.

17 **COMMISSIONER ALLAN BLAKENEY:** You might  
18 get some money from the Department of Indian Affairs, and  
19 Pierce MacDonald is the minister of something or other  
20 in the Yukon government.

21 **PATSY JOHNSON:** The Minister of  
22 Education.

23 **COMMISSIONER ALLAN BLAKENEY:** They have



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1 a program for funding students.

2 **PATSY JOHNSON:** Yes, the YTG funding.

3 **COMMISSIONER ALLAN BLAKENEY:** And some  
4 people are getting some social services money, also from  
5 YTG.

6 **PATSY JOHNSON:** No. We can't apply for  
7 social services from the government.

8 **COMMISSIONER ALLAN BLAKENEY:** Not if  
9 you are getting the others.

10 **PATSY JOHNSON:** Because we are status  
11 indians.

12 **COMMISSIONER ALLAN BLAKENEY:** So status  
13 people get their money from Indian Affairs and not from  
14 the government of the Territories.

15 **PATSY JOHNSON:** No.

16 **COMMISSIONER ALLAN BLAKENEY:** And your  
17 argument basically is that it is just too skinny.

18 **PATSY JOHNSON:** Not enough money.

19 **COMMISSIONER ALLAN BLAKENEY:** Are  
20 either of you status, or both of you status?

21 **PATSY JOHNSON:** Yes, both.

22 **COMMISSIONER ALLAN BLAKENEY:** Should  
23 the additional money come from Indian Affairs?

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1                   **PATSY JOHNSON:** Anywhere we can get it.

2                   **COMMISSIONER ALLAN BLAKENEY:** You get  
3 some from both governments now?

4                   **PATSY JOHNSON:** She is on YTG funding,  
5 I was on DIA funding.

6                   **COMMISSIONER ALLAN BLAKENEY:** Do you  
7 get only one, of Indian Affairs or YTG?

8                   **PATSY JOHNSON:** Yes, one at a time, one  
9 or the other.

10                   **COMMISSIONER ALLAN BLAKENEY:** You said  
11 they are within \$10 of each other. Did I understand that  
12 correctly?

13                   **PATSY JOHNSON:** That was an independent  
14 person. She was getting \$280 a month from YTG, and the  
15 other one was living at home, getting \$290.

16                   **COMMISSIONER ALLAN BLAKENEY:** You spoke  
17 of part-time jobs. I suppose there are not that many  
18 part-time jobs in Teslin.

19                   **PATSY JOHNSON:** No.

20                   **COMMISSIONER ALLAN BLAKENEY:** Without  
21 getting into the names of any people, you spoke of students  
22 who are taking post-secondary education beyond grade 12  
23 outside the Territory and getting paid for it. What is

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1 the policy of the Yukon government, or the Indian Affairs  
2 in paying for the costs of university education, education  
3 that can't be obtained in high school here or at the  
4 community college in Whitehorse? Do you know what the  
5 policy is?

6 **PATSY JOHNSON:** For DIA, no.

7 **COMMISSIONER ALLAN BLAKENEY:** But you  
8 were saying some students--

9 **PATSY JOHNSON:** That was the YTG we were  
10 getting funding from.

11 **COMMISSIONER ALLAN BLAKENEY:** What  
12 money does the Yukon Territorial government pay to people  
13 who go out to university? You don't have to give me the  
14 exact sum, but a rough figure.

15 **PATSY JOHNSON:** There is about \$3,500.

16 We had our meeting on November 21. There  
17 was a lady there who had a list of how much money they  
18 had received and stuff like that. I remember it was about  
19 that much.

20 **COMMISSIONER ALLAN BLAKENEY:** So they  
21 pay that if you went to university in Vancouver or Edmonton.  
22 You would probably get that kind of money.

23 **PATSY JOHNSON:** Yes, and that is for

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1 rent and stuff like that.

2                   **COMMISSIONER ALLAN BLAKENEY:** Books and  
3 tuition?

4                   **PATSY JOHNSON:** No, that's paid.

5                   **COMMISSIONER ALLAN BLAKENEY:** That's  
6 paid. And basically they pay that for any student who  
7 goes out, who has one parent who lives in the Yukon.

8                   **PATSY JOHNSON:** For two years.

9                   **COMMISSIONER ALLAN BLAKENEY:** And you  
10 had spotted some who you thought--

11                   **PATSY JOHNSON:** There is one student in  
12 Germany who is getting funding, or I think it was Mexico,  
13 I think. He is getting funding and he has never even been  
14 to the Yukon, and probably never will return here. He  
15 is receiving funding from the Yukon. His parents have  
16 been here, that is why he is receiving funding.

17                   **COMMISSIONER ALLAN BLAKENEY:** And one  
18 of them, presumably, still lives here.

19                   **PATSY JOHNSON:** I feel that money could  
20 go towards other students who need it.

21                   **COMMISSIONER ALLAN BLAKENEY:** I am not  
22 pressing you here, but you didn't read any of Pierce  
23 MacDonald's letters back. In effect, he said he didn't

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1 have any more money, he wasn't able to raise the--

2 **PATSY JOHNSON:** He basically said he  
3 couldn't do anything until it went before Legislature,  
4 but it will not go unrecognized. It took him a good two  
5 months before he wrote usback.

6 **COMMISSIONER ALLAN BLAKENEY:** Is the  
7 most pressing need just more money, or housing, or day  
8 care, or are they all pressing?

9 **PATSY JOHNSON:** They are all pretty  
10 pressing. We had something like eleven students, fourteen  
11 students in our school at one time, and now there are four  
12 of us.

13 **COMMISSIONER ALLAN BLAKENEY:** Fourteen  
14 of the students, mature students, people who have been  
15 out a year or two, and there are only four left.

16 **PATSY JOHNSON:** There are only four of  
17 us left.

18 **COMMISSIONER ALLAN BLAKENEY:** If you  
19 had to assign a reason why the others have dropped away,  
20 what would you say?

21 **PATSY JOHNSON:** Just frustrated.

22 **COMMISSIONER ALLAN BLAKENEY:** Is almost  
23 all of it money? Is it trouble with the studies or trouble

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1 with the money?

2 **PATSY JOHNSON:** A little bit of both,  
3 but more or less with the money, I think.

4 **COMMISSIONER ALLAN BLAKENEY:** More the  
5 money problem than the studies problem.

6 **PATSY JOHNSON:** Yes.

7 **COMMISSIONER VIOLA ROBINSON:** I think  
8 you have asked pretty much all the questions here, Allan.  
9 It is a problem I think that the Yukon Territory and the  
10 Northwest Territories aboriginal people are having  
11 problems with, a transfer of money from the federal  
12 government to the Territorial government. The money that  
13 is intended for aboriginal people is just not reaching  
14 them. That seems to be the problem. It has been brought  
15 to us in the last two days, but I do want to thank you  
16 for your presentation and hope you will provide us with  
17 copies of your presentation for the record, so we can  
18 compile this information.

19 What we do with these hearings is,  
20 everything gets recorded. We go back and it immediately  
21 goes to the research department, and there is part there  
22 which looks after social issues like education,  
23 employment, those kinds of things. That part of the

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1 Commission looks into all these things and tries to see  
2 what the follow up should be. You won't be forgotten,  
3 but you won't get an answer tomorrow either, but it is  
4 there.

5 **COMMISSIONER ALLAN BLAKENEY:** We are  
6 not in a position to delivery any money, I hope you  
7 understand. Darn.

8 Thank you very much.

9 **COMMISSIONER PEARL KEENAN:** Thank you.

10 **COMMISSIONER ALLAN BLAKENEY:** Now it is  
11 time for a coffee. We will take a break and reconvene  
12 at about 3:00 to hear Dr. Durocher, if you are available.

13

14 --- SHORT BREAK AT 2:45 P.M.

15 --- UPON RESUMING AT 3:05 P.M>

16

17 **COMMISSIONER ALLAN BLAKENEY:** If we  
18 could take our places so as to hear the next presentation.

19 The next presentation is on behalf of  
20 the Yukon Medical Association. Dr. Durocher, would you  
21 introduce your colleagues and make your presentation?

22 **DR. DUROCHER:** Honoured Elder, Clan  
23 leaders, Chief and Commissioners, thank you for giving

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1 us this opportunity to make a presentation today.

2 My name is Chris Durocher and I am a  
3 family physician working in Whitehorse. I have been in  
4 the Yukon for 10 years. Dr. David Skinner beside me has  
5 been working up north for about 17 years himself. He is  
6 also a family physician in Whitehorse.

7 We represent the Yukon Medical  
8 Association. This is a non-governmental organization  
9 representing 30 physicians, Territory wide.

10 Let me say at the outset why Yukon  
11 doctors wish to speak today. It is because the Yukon  
12 Medical Association believes that the health problems of  
13 aboriginal peoples must be emphasized within the  
14 activities of the Royal Commission.

15 I note, for example, just in this very  
16 brief summary of the Terms of Reference that has been handed  
17 out, that the word "health" is never used. On the other  
18 hand, in the beautiful prayer we had this morning from  
19 Pearl Keenan, one of her opening lines expressed thanks  
20 for health. I assumed when she mentioned "health", she  
21 is meaning it in the broader sense that Eric Morris means:  
22 Physical, emotional, spiritual and mental.

23 This important issue of aboriginal



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1 health problems is largely unknown to the average Canadian,  
2 who is unaware of the degree of ill health from the  
3 aboriginal population in Canada. It is a fact that in  
4 many areas of this country, the health of aboriginal  
5 peoples is equivalent to poor third world standards.

6                   The Yukon Medical Association has, over  
7 the past two years, been developing a much closer dialogue  
8 and working relationship with the Council for Yukon  
9 Indians. We share a common goal, and that is improved  
10 health status of First Nations people in the Yukon.

11                   Since many of the Yukon doctors have  
12 worked north of the 60th parallel for many years, and since  
13 much of the Yukon population is First Nations, Yukon  
14 physicians are in a position to appreciate the relationship  
15 between native health, economics, education and justice.

16

17                   In our daily professional lives we are  
18 frequently involved with the health problems experienced  
19 by First Nations people in the Yukon. These include  
20 infections, T.B. for example, malnutrition, family  
21 violence, alcohol abuse, trauma and suicide.

22                   While some community and individual  
23 health problems require direct and immediate action, it

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1 is clear that overall health status is an outcome of social,  
2 economic, political, educational and environmental  
3 factors. In particular, the relationship between poverty  
4 and ill health is irrefutable.

5                   With the benefit of increased cultural  
6 awareness and respect for the First Nations in the Yukon,  
7 the Yukon Medical Association has become a key lobbyist  
8 within the medical community on matters of aboriginal  
9 health, not only territorially, but provincially and  
10 nationally. Aboriginal health was a major item on our  
11 agenda when we posted the Western Conference of Provincial  
12 Medical Associations in Whitehorse a year ago. Two of  
13 our members chair working groups at the Canadian Medical  
14 Association in Ottawa on matters of their involvement with  
15 this Commission, and of increasing funding and training  
16 opportunities for aboriginal medical students.

17                   Here in the Yukon, First Nations people  
18 represent approximately 30 per cent of the population,  
19 according to the Council of Yukon Indians. Although their  
20 health status is better than any other First Nations in  
21 Canada, it is still well below that of non-native Yukoners.

22       This is despite the fact that, by conventional standards  
23 -- and by conventional standards I mean southern white

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1 society standards -- we have a high quality of medical  
2 service provided to both native and non-native people  
3 alike.

4                               So why is there this disparity on health?

5     Firstly, with respect to physicians, we must say that  
6 we have enough non-native physicians in the Yukon.  
7 However, like the rest of Canada, First Nations peoples  
8 would receive culturally more appropriate medical service  
9 if there was enough aboriginal physicians. Currently  
10 there is only one aboriginal physician per 30,000  
11 aboriginal people in Canada, and we would compare that  
12 to something in the order of one in 500 for the rest of  
13 the population.

14                              Our hospital staff in Whitehorse  
15 similarly, is under-represented by First Nations peoples,  
16 both at the administrative and health worker levels. To  
17 give an example where having a native person on staff has  
18 made a great difference in patient care, we have been very  
19 fortunate to have the services of a native social worker  
20 in our hospital these past several years, but again  
21 increased staffing is required to meet the needs of our  
22 native in-patients. For example, we need overnight  
23 coverage as this is very often when crisis intervention

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1 is needed.

2                               Like the Northwest Territories, we have  
3 nursing stations in each small community and village  
4 throughout the Yukon. They are staffed by community  
5 health nurses and community health representatives, or  
6 CHRs. While the community health nurses are hard working  
7 and provide an excellent service, they are all non-native  
8 in the Yukon.

9                               The CHR is a native woman, usually from  
10 that community. It is evident to us, as physicians, that  
11 the CHR is a key and indispensable facilitator for delivery  
12 of effective health care in aboriginal communities. Still  
13 they continue to be far too few in number, despite previous  
14 commissions and studies which have strongly advised that  
15 the training and numbers of CHRs be increased.

16                              The YMA believes that aboriginal people  
17 in Canada need an appropriate number of trained, well  
18 funded aboriginal health care workers in hospitals,  
19 nursing stations, and especially in the native community  
20 setting.

21                              Special attention must be made to  
22 aboriginal mental health problems. We have ample evidence  
23 of this in the Yukon. Trained, culturally sensitive

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1 providers are needed to facilitate individual and  
2 community healing. We need to seek out currently  
3 successful programs in aboriginal communities and assist  
4 them with significant resources.

5                   Finally, the Yukon Medical Association  
6 strongly believes that self-determination for the  
7 aboriginal peoples is a pre-requisite for healing and  
8 development of wellness, wellness meaning that of body,  
9 mind and spirit. Control of their cultural rights, land  
10 resources, education, justice system and health care  
11 delivery must come into the hands of aboriginal peoples.

12                   Thank you very much.

13                   **COMMISSIONER ALLAN BLAKENEY:** Thank you  
14 very much. Dr. Skinner, do you want to add anything at  
15 this point?

16                   **DR. SKINNER:** Not to this initial  
17 address.

18                   **COMMISSIONER ALLAN BLAKENEY:** If I may  
19 first look at this, I have a couple of sets of questions.  
20 To the extent that it would be possible, could you make  
21 a comment on whether or not the state of health of  
22 aboriginal people in the Yukon is comparable or poorer  
23 than the state of health of other Yukon residents, of the

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1 same economic level? Is it solely a question of poverty,  
2 or are there other questions, issues involved?

3 **DR. DUROCHER:** I don't think that has,  
4 to my knowledge, been expressly studied, relating that  
5 the health indicators that we do have to the economics.  
6 We know, however, that the economies of most of the native  
7 communities would not match that of perhaps white collar,  
8 white Yukoners in Whitehorse. So I think we can make an  
9 immediate assessment just from what we know of our  
10 population, and it is not a huge population, it is only  
11 in the order of 30,000 people. So we basically know where  
12 those people are.

13 **DR. SKINNER:** My belief is that it is  
14 definitely a difference in economics. Poverty is a big,  
15 big issue, a large reason for ill health. That also  
16 cross-relates with the other factors that we mentioned,  
17 the social, cultural, educational; it has a long history  
18 of being poor among the native people here.

19 **COMMISSIONER ALLAN BLAKENEY:** These  
20 correlations are all a little tricky. People with lower  
21 educational attainments are poorer, people who are poorer  
22 have lower standards of health. Is it because they are  
23 poorer, or because they have lower educational

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1 attainments. These are matrix arguments as opposed to  
2 linear arguments when you are trying to figure out how  
3 some of these things come about.

4 **DR. DUROCHER:** For the Yukon, a lot of  
5 our comments have to be based on what was published by  
6 the Yukon government in the last year, which was a community  
7 health status assessment. It did not develop that matrix,  
8 as you are identifying. This was one of the criticisms  
9 that we, as doctors, had as well.

10 **COMMISSIONER ALLAN BLAKENEY:** I will  
11 ask a couple of special questions. I know my colleagues  
12 are going to get into this. This is the first opportunity  
13 we have had to talk to medical people who have looked at  
14 these issues. We know that, while the numbers may be  
15 slightly different, the trend in what you indicate is true  
16 right across Canada, that the aboriginal communities are,  
17 by and large, poorer and, by and large, have lower standards  
18 of health, as indicated by infections, malnutrition,  
19 family violence, alcohol abuse, trauma and suicide.

20 I am not by any means suggesting those  
21 are confined to aboriginal communities. As we well know,  
22 they are not. But they are present in aboriginal  
23 communities, and in many aboriginal communities they are

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1 present in numbers which are disproportionately large.  
2 I speak now of Saskatchewan, where we have seen a  
3 re-emergence, almost to our surprise, of tuberculosis.  
4 Can you make a comment on T.B.? It was, as we thought,  
5 virtually eradicated and all of the sudden it is back again.

6 **DR. DUROCHER:** I think we see T.B. where  
7 we see poverty, where we see alcoholism, where we see large  
8 numbers of people and families living within the same  
9 dwelling. We have the resources to treat T.B. There is  
10 no problem there. We have enough doctors, we have a  
11 perfectly adequate hospital in that respect. The problem  
12 is that we need the preventative side of it, and that again  
13 means addressing the social and economic issues.

14 David and I, as physicians, we cannot  
15 deal with that once the patient comes to the hospital.  
16 By that time it is too late. Buying a CAT scanner for  
17 the hospital in Whitehorse is not going to solve that  
18 problem. Putting more dollars into high technology is  
19 not going to solve that problem.

20 **COMMISSIONER ALLAN BLAKENEY:** Some of  
21 my colleagues, I am sure, will get into this, but I will  
22 change my focus of questions. We don't have to be totally  
23 orderly in this.



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1                   Given that we would like to see more  
2 nurses of aboriginal origin at nursing stations, in  
3 hospitals, perhaps even in physicians offices, wherever,  
4 and more CHRs, community health reps, what do you think;  
5 first I will ask a preliminary question, then I will ask  
6 both questions together.

7                   Is there a course for diploma nursing  
8 at Yukon College? The second question is: What do you  
9 think are the limiting factors to getting more people  
10 trained as diploma nurses and community health reps, or  
11 anything in the middle, certified nursing assistants or  
12 whatever name they may bear in this part of the world?

13                   **DR. DUROCHER:** Maybe David could answer  
14 that. David has done a lot of work on behalf of the  
15 Canadian Medical Association looking at why it is a problem  
16 to get aboriginal students into the medical profession.  
17 I think there is a cross-over in some of the reasons.

18                   **DR. SKINNER:** At Yukon College, they are  
19 now developing -- and there may be others in the audience  
20 that can speak better to this -- a course for nursing.  
21 I am not sure they can finish the course there, they can  
22 certainly do two years of it. It is being tailored to  
23 be more culturally appropriate. I believe that is

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1 happening. They certainly do with teachers, they have  
2 a native teacher training program well underway.

3                   As for factors, one common one that comes  
4 up is that there just aren't role models around for these  
5 kids as they grow up. It is not as though there are other  
6 nurses in their community, native nurses, or that they  
7 have ever seen a native doctor. It is not part of their  
8 every day culture that there are native people in these  
9 positions, as there once was in their own culture.

10                   They don't see themselves; I hear from  
11 native students I have spoken with. I was in Edmonton  
12 a couple of weeks ago and spoke with five native medical  
13 students all at once. I had a wonderful discussion. I  
14 hear this from them, that they may come from families where  
15 that is not a value, right down to the Band Councils.  
16 Some Band Councils will give money for a student to go  
17 on and be a doctor, and others don't. They don't value  
18 that any differently than a person who wants to be taught  
19 to go trapping or doing some kind of other skill. That  
20 is an area of that culture, and it is understandable.

21                   **DR. DUROCHER:** There are financial  
22 constraints as well. Just as we heard today, in terms  
23 of just to be able to complete your high school is almost

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1 an insurmountable task in terms of the woman who spoke  
2 earlier. They would have to be living on the poverty line,  
3 or below the poverty line, and to maintain the high level  
4 of studying that is required to go through eight years  
5 of university to become a physician, if you don't have  
6 adequate backing, that gets very difficult.

7 **DR. SKINNER:** The single biggest factor  
8 seems to be money. The medical students I spoke with,  
9 it is just money, "Give us a loan. If we could have a  
10 \$10,000 loan a year we wouldn't have a problem getting  
11 through medical school, or being so frightened of even  
12 going to medical school. Perhaps not quite that much a  
13 year to get through our pre-medical years." It goes right  
14 down the line, way back.

15 As you heard earlier, Indian Affairs  
16 only funds status people for one degree, and they are very  
17 ill-defined as to whether or not they will give money for  
18 that native student to acquire a second degree. So if  
19 they will do their B.A. or B.Sc. as a pre-medical degree,  
20 there is no money to do the medical degree. Some are  
21 getting it through various undefined channels, some help,  
22 but there is no guarantee. You can be suddenly left  
23 floundering without money.

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1 Does that answer your question in part?

2 **COMMISSIONER ALLAN BLAKENEY:** It  
3 certainly helps. I think the lawyers are over the hump  
4 on this one. There are now quite a few aboriginal law  
5 students in Canada.

6 **DR. SKINNER:** It started in Regina, I  
7 think, in model schools.

8 **COMMISSIONER ALLAN BLAKENEY:** Yes, in  
9 Saskatoon. That is for the lawyers. That started in  
10 1973, the Native Law Centre just took people, almost off  
11 the street, with grade 10 or 11. They go there and go  
12 through a course to see whether they were fitted for it  
13 and whether their intellectual equipment was fitted for  
14 it. Having done that, then they started moving through.

15  
16 First it was a trickle, but now the  
17 numbers are very, very significant. It may well be that  
18 somebody will have to look at that sort of thing for  
19 doctors.

20 **DR. SKINNER:** There is a medical school,  
21 and that is at University of Manitoba. For 13 years there  
22 were funds from both the feds and the province that funded  
23 a special pre-medical studies program for aboriginal

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1 people, from just that province, though, only from that  
2 province could they apply. They would extend, for  
3 example, when needed, a three year B.A. program into four  
4 years, and they would spend an additional year with special  
5 classes and tutors to brush up on the chemistry, physics,  
6 math, those are always the big ones, even prior to secondary  
7 school.

8 I was told by one native medical student  
9 that the students, by the time they reach secondary school,  
10 have left math, physics and chemistry, and even then if  
11 they want to be a doctor it is very difficult, or to get  
12 into one of the science professions, be it pharmacy,  
13 nursing or dentistry.

14 **COMMISSIONER ALLAN BLAKENEY:** That is  
15 an interesting observation, that many of the high schools  
16 don't concentrate on those subjects which would equip one.

17 **DR. SKINNER:** There are two reasons.  
18 One is, many of the native people in Canada come from  
19 outside the large urban centres. The schooling there has  
20 a different context or slant to it. I have heard from  
21 students from there that they just don't get the quality  
22 of education in the basic sciences that they do in larger  
23 high schools in larger centres.

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Another is that it is simply not values out there, sciences or professions  
2 in the sciences, by the community, the aboriginal  
3 community.

4 **COMMISSIONER PEARL KEENAN:** Coming back  
5 to what the doctor said there just a few minutes ago.  
6 Like you said, we have the medical services and everything  
7 else.

8 Coming back, this has something to do  
9 with our self-government, to why we want our  
10 self-government. You really have to try to understand.  
11 We do have health nurses here, we have a doctor coming  
12 out here once a month.

13 Here it has improved in the last 10  
14 years. Believe me, I have the experience of that. I was  
15 raised under my father's name, as a white rule. I could  
16 come and go as I wanted to and do as I wanted to do. A  
17 few years ago, I put in for my status, and I became an  
18 indian. There is just no difference, like day and night,  
19 between a status person and a white person. You have to  
20 go to the nurse and get her permission and go into  
21 Whitehorse to see a doctor.

22 We as status people can't get up and walk  
23 into your office and say, "I want an appointment". No.

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1 We have to have someone there to tell us when to come  
2 and go. This is going back to self-government again.  
3 You see, we are not a free people.

4 This is what are people are all like.  
5 As I told you, it is getting better. Here, 10 or 12 years  
6 ago, that office wouldn't open up until 9:00 and it closed  
7 at 4:00. Our people don't forget these things. We  
8 couldn't go down there unless it was really at 9:00 sharp  
9 before we could get in there. We couldn't do what we wanted  
10 to do. This is the reason why my people are like they  
11 are.

12 I had an experience here shortly after  
13 I got my status back. I have a denture plate, and I dropped  
14 it accidentally and I cracked it. My daughter phoned in  
15 to the dental mechanic, could we come in and get it fixed.  
16 He said, "Yes, come in". So we just up and went in.  
17 We got in there to the dental mechanic and there was a  
18 little woman sitting there. She was about 24, 25 years  
19 old. Don't forget, I am 70. She is telling me when I  
20 was going into the dental mechanic; I am already a  
21 pensioner. I went in there and she said, "Mrs. Keenan,  
22 can I have your status card?" I told her, "I don't have  
23 it, I am a pensioner." Which I didn't. I never picked

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1 up my status card.

2                               She said, "Oh, you have to have your  
3 status card." I said, "I am a pensioner, Madam." I was  
4 very polite. I walked in and he fixed my plate. When  
5 I was coming back out I said, "I will be back because it  
6 is loose. When I have time I will be back." He asked  
7 her, "Does Mrs. Keenan have to come through?" She said,  
8 "Oh yes, she has to come through me." She was just ready  
9 to pound the table. What do you think I felt like for  
10 this little 25 year old to tell me, an old time Yukoner,  
11 dictating to me? That is exactly what our people have  
12 been putting up with.

13                               This is why they are like they are with  
14 you. Please try to understand. I feel like this. I told  
15 her, "I don't have to come through. If I have to pay for  
16 it out of my own pocket, I will." She was very abrupt  
17 for 25 years old, at an old lady. But that is what our  
18 status people really feel like. Be patient with them.  
19 This is why we are fighting for self-government, so we  
20 can come and go freely as we feel like. Free people like  
21 we were before, this is what we had. It is not something  
22 new to us. We have lived it. We never lost our  
23 self-government and our self-identity until the late



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1 1940s. We were a free people. We could come and go.  
2 We made our own living, the government didn't hand us out  
3 anything.

4 I am really proud of my people, and our  
5 people are coming up strong, our young people. We have  
6 to get this back in order to find our identity. Really  
7 be patient with us. I know. I have a doctor friend and  
8 he was telling me about this, "Why didn't the people use  
9 this?" I appreciate what you are saying. When you are  
10 treating First Nation people and you talk to them, they  
11 can feel right away if you are on a level with them. You  
12 can feel it.

13 This gentleman came in and he talked to  
14 me and he just grabbed hold of me, and I could feel I was  
15 on a one-to-one basis with him, because he thought of me  
16 as straight across the board. All our First Nations people  
17 feel this right away, so really be patient. That is why  
18 we are like we are. Eventually we will come around.

19 I appreciate you, doctor, for bringing  
20 that up. Thank you.

21 **COMMISSIONER ALLAN BLAKENEY:** Thank  
22 you, Mrs. Keenan.

23 I think we have sort of identified that

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1 high school education, the lack of concentration on  
2 sciences in the schools may be a factor. As Mrs. Keenan  
3 says, many of these problems may be addressed, when there  
4 is a greater level of self-government. I think when this  
5 endless negotiation is over on land claims, there may well  
6 be an ability to concentrate on some other issues, such  
7 as professional education for aboriginal people.

8                   So high school education in the  
9 sciences. Keewatin College, which is an operation very  
10 much like Yukon College, has, we are informed when I was  
11 there last week, a course for diploma nurses which is geared  
12 to northern and aboriginal concerns. We had all manner  
13 of problems in Saskatchewan, getting people to go to either  
14 Regina or Saskatoon to come out of the north. It was a  
15 very, very different culture. We were successful in  
16 getting teachers educated by a complicated arrangement  
17 whereby the universities took courses into La Range and  
18 a couple of other native centres, but there again they  
19 tended to be primarily non-science teachers. The point  
20 you raised is still there.

21                   **DR. DUROCHER:** I might just mention, it  
22 is a very complex issue and there are certainly other  
23 approaches to providing health services to native peoples

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1 that don't necessarily go through the conventional  
2 schooling that I went through. There are native college  
3 programs that are looking at a broad range of social health  
4 training that is more applicable to their own people. You  
5 don't have to know all your organic chemistry, for example,  
6 to become a community health representative. There are  
7 programs going on with that. I am certainly not the one  
8 to tell you about that, but it certainly is another  
9 approach. It is another way we could certainly attract  
10 more CHRs or diploma nurses or health care workers. We  
11 use the term "nurse", but it might be another type of health  
12 care worker or educator.

13 **COMMISSIONER ALLAN BLAKENEY:** I think  
14 we should make clear, in case anyone thinks otherwise,  
15 that we are really talking around the fringes here of  
16 getting aboriginal people into the technical side of the  
17 delivery of health care, to deal with infections,  
18 malnutrition, family violence, alcohol abuse, trauma and  
19 suicide. You may not need any of those technical skills.  
20 I am just picking out that list.

21 Let's rephrase it. Many people without  
22 technical skills could deal very effectively with many  
23 of those issues. I think a look at circumstances in a

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1 country like China or Cuba, where their health statistics  
2 look pretty good and they are not using very many high  
3 tech people. They have a range of, by our standards, poorly  
4 trained people, but they are out there and they are talking  
5 about public health all the time in the broader sense of  
6 the word. They have pretty impressive results that will  
7 be in their mortality rate. It took them a long time,  
8 but they are in the low 70s.

9 **DR. SKINNER:** I just want to speak to  
10 that. I once asked a community health representative here  
11 in the Yukon. Your being CHR's, you have your grade 12  
12 education, why not go on and become a community health  
13 nurse, an R.N.? She looked at me and said, "That's white  
14 man's nursing". I thought about that for a long time.

15 What we have to remember here is we have  
16 a white ethnocentric health care system which we have  
17 brought to the native people. We are asking them to see  
18 it and do it our way. As you know, many of the aboriginal  
19 people are cross-cultured, some growing up entirely in  
20 white communities. It is easier for them to appreciate  
21 what a nurse is and a doctor and a dentist and so on, but  
22 many of them aren't. It is our belief, though, because  
23 our white man's medicine is very technical oriented, very

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1 symptom oriented, very drugs and surgery oriented, that  
2 lacks something native medicine has which we desperately  
3 need but don't practice: Spirituality, or a spiritual  
4 component.

5                   We believe, as we said in the last line  
6 of our presentation here, when native people are doctors  
7 and nurses, they will bring to our medical care something  
8 we don't have, and they will enrich our care, they will  
9 enrich it with a spiritual component, which is part of  
10 healing. Many of these things we are talking about:  
11 Family violence, alcohol abuse, suicide, I would believe  
12 the native nurses, native doctors, would have that in their  
13 approach as well, a spiritual component in their practice.

14                   Then we get into that area of traditional  
15 native medicine, things that native people will do. It  
16 is a native traditional medicine, not things the white  
17 man will ever do.

18                   **COMMISSIONER ALLAN BLAKENEY:** So there  
19 are clearly a number of limiting factors.

20                   **DR. SKINNER:** What we need are the CHRs,  
21 at least I say. The key facilitators are the community  
22 health representatives, and I have heard that from many  
23 people here. I learned that when I went to native

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1 communities here. I went to one community for three years  
2 as a visiting doctor. Me and the white public health nurse  
3 would sit with the native person.

4                   The best communication was when the  
5 community health representative was also there. The  
6 dialogue would essentially go on between the CHR and the  
7 patient, and I would basically sit back. If I wanted to  
8 understand what was going on and to deliver some education  
9 and change in ways of living or lifestyle, or drugs to  
10 take, I needed that CHR. The CHR, as you know, puts it  
11 in a language and a way which I couldn't possible do.

12                   **ERIC MORRIS:** If I could just make a  
13 comment, Canada is having a trouble right now with people  
14 dropping out of school. I think it is 30 per cent of the  
15 people who start school will drop out. We were always  
16 experiencing our people dropping out of school. What they  
17 are speaking to is that we have to bring our people up  
18 to a level of education where they can have access to  
19 medical centres and medical universities if they choose  
20 to do that.

21                   I think we have to begin to work on making  
22 sure our First Nations people are being successful in  
23 school, making it through elementary school, making it

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1 through high school and being able to enter into schools  
2 of nursing and schools where they learn to be doctors.  
3 Until then, I think we are sort of trying to fix it up  
4 here, when we have to begin to worry about it down here  
5 first of all.

6 **COMMISSIONER ALLAN BLAKENEY:** Those are  
7 very interesting cultural issues you raise.

8 When people are of the same culture and  
9 feel they are essentially in tune with them, I can go to  
10 a doctor and talk to him and not get "doctors orders" from  
11 him, but get advice from him and probe what I think is  
12 wrong with me to see whether he confirms. This interaction  
13 will allow me to heal myself with the advice he will offer.  
14 This only really works when there is some cultural empathy  
15 between the two, otherwise we won't know what we are talking  
16 about between us. This is why it is, I think, necessary  
17 to get some people in the highly technical fields who are  
18 aboriginal people with whom one can have that sort of a  
19 dialogue.

20 Aside from getting some more people into  
21 the delivery of health services, who are of aboriginal  
22 origin, are there any other steps which you feel  
23 governments should take, obvious steps, in order to tackle

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1 the disparity in the standards to which you refer?

2 **DR. SKINNER:** That has been said by many  
3 people so far. Make necessary changes in constitutions  
4 and honour treaties and settlements, return the rights  
5 and power to the aboriginal people so they can become  
6 self-governing, self-determining. They then, with the  
7 power returned that was taken away, then have their lands,  
8 resources, monies to say "This is what we feel to do, we  
9 now have the power to do it, and we will do it this way."

10 There are many examples where we see,  
11 in small communities, where native run community health  
12 groups are very successful. That is because they are  
13 native run. There have been previous troops of white  
14 people in there to do it and we are culture inappropriate.  
15 There is no way we can cross that. It is unrealistic  
16 for us to think, no matter how good hearted we are, to  
17 think we can cross it.

18 What we said is, "Let's look around".  
19 If land claims, et cetera, the self-governing issue, is  
20 still down the line, right today we can look around and  
21 see all the programs that are already successful which  
22 are native run, support them more. Invariably they lack  
23 money, enough trained people, things like that,



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1 facilities.

2                   **DR. DUROCHER:** I think it would be wrong  
3 for us to offer the solutions, then we are falling into  
4 the same trap that has been happening for years. I may  
5 say a certain community needs an anti-smoking campaign  
6 or a driver education program, or who knows, but that may  
7 not have anything to do with the interest of the community  
8 at that point in time. They may have a totally different  
9 agenda, and they will know what is right for them at that  
10 point in time.

11                   **COMMISSIONER ALLAN BLAKENEY:** It would  
12 be fair to say you feel the level of high tech medicine  
13 available to Yukoners, aboriginal and non-aboriginal  
14 alike, while not perfect, is pretty adequate, and that  
15 is not the focus.

16                   **DR. DUROCHER:** I don't think we are  
17 above all criticism. There are certainly ways we can  
18 improve. There is no doubt about it, but I think in a  
19 general sense, yes. To come at it from the conventional  
20 approach which has been used in the past is not going to  
21 level out that disparity that is very evident from  
22 statistics. We haven't given statistics. I don't think  
23 that is what we are really here to do today, to give

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1 statistics. The statistics are there, they bear out what  
2 we say.

3 **COMMISSIONER VIOLA ROBINSON:** May I  
4 must make one comment here? You spoke about  
5 under-representation by aboriginal people in hospitals.  
6 You talk about other aboriginal ways of healing.

7 You have a hospital board, or whatever,  
8 that governs your institution of delivering your service.  
9 Have aboriginal people been approached to be a part of  
10 that, to see how they can fit in or what could happen that  
11 would help their under-representation?

12 **DR. DUROCHER:** Our hospital has been run  
13 by the federal government from Ottawa, and we have not  
14 had a hospital board. Health transfer, as you may know,  
15 is in process. Council for Yukon Indians is rightfully  
16 demanding that, on this new board, nominations of people  
17 have been invited from all members of the Yukon community.  
18 They demand that a significant portion, at least equal  
19 to the population, if not 50 per cent, be aboriginal on  
20 this board.

21 **COMMISSIONER VIOLA ROBINSON:** But they  
22 haven't had any response yet.

23 **DR. DUROCHER:** The decision isn't made

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1 yet.

2 **DR. SKINNER:** Transfer will likely  
3 happen within the next month or year. With that, we will  
4 see increased powers of native social workers. We may  
5 see traditional diet incorporated into the hospital food  
6 plan. There isn't anything of that sort at the present  
7 time. We may see rooms provided for traditional  
8 ceremonies, grieving ceremonies or healing ceremonies,  
9 within the hospital. Those kinds of things are being  
10 looked at, but we do not have them now.

11 **COMMISSIONER VIOLA ROBINSON:** But in  
12 essence, there are plans underway to address a lot of these  
13 things you are talking about now, by the Council.

14 **DR. DUROCHER:** They are being  
15 requested. Whether or not they will be addressed is  
16 another issue.

17 **COMMISSIONER VIOLA ROBINSON:** It is  
18 just that I haven't had, during our hearings at least,  
19 an awful lot of presentations with respect to the delivery  
20 of health to communities.

21 There is one other thing here. You say  
22 that despite Royal Commissions in recent years, there have  
23 been other studies done, I take it. Are there any

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1 particular studies we might be able to get that might help  
2 us?

3 **DR. DUROCHER:** I happen to have brought  
4 one of them just in case you asked that question. I am  
5 thinking of the Scott McKay Bain report, Steps Along the  
6 Way. This is in reference to the Sioux Lookout. One of  
7 the recommendations on staffing was that person years for  
8 CHRs and interpreters be increased, and they have actually  
9 outlined the increased number for that particular area.  
10 That has been looked at for that particular area.

11 I am also aware that, in Manitoba, a  
12 recent Northern Native Health Study released in 1991 again  
13 suggested there be an increased number of  
14 interpreters/advocates, full and part-time in the  
15 communities.

16 **COMMISSIONER VIOLA ROBINSON:** Do they  
17 have any hospital liaison workers of aboriginal origin?  
18 For instance, if somebody came into the hospital who  
19 couldn't speak english, do they have liaison people who  
20 can act as interpreters?

21 **DR. SKINNER:** Yes we do. We have been  
22 very fortunate. Some monies were made available for a  
23 position of native social worker. We have had one there

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1 for several years now and she is so valuable, overworked  
2 of course, she is willing on the phone at nights and on  
3 weekends to be called but we try not to. We have had a  
4 second one join her in part. There are funding problems  
5 now, but whether or not these will continue; when we do  
6 have native people, these persons address them very  
7 quickly. When there is a language problem, we know who  
8 to call to get an interpreter because we have seven  
9 different dialects in the Yukon.

10 **COMMISSIONER VIOLA ROBINSON:** Thank  
11 you.

12 **COMMISSIONER ALLAN BLAKENEY:** So there  
13 is no doubt that people who are culturally attuned are  
14 enormously valuable.

15 **DR. SKINNER:** The CHR is so important.  
16 If I have an elder who has a complicated problem I have  
17 family around which helps some, but that social worker,  
18 who is not related to family, is a very important addition.  
19 She spends time with that patient when I am not here.  
20 The history I might get from the patient is very different  
21 from the one the social worker gets.

22 **COMMISSIONER ALLAN BLAKENEY:** Where do  
23 you think she was trained?

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1                   **DR. DUROCHER:** In the community. I  
2 don't know whether she was professionally trained. I  
3 don't think that is a big item.

4                   **COMMISSIONER ALLAN BLAKENEY:** They may  
5 or may not have a university degree.

6                   **DR. DUROCHER:** It wasn't a social worker  
7 in terms of a degree. She does social work.

8                   Our hospital doesn't even have a white  
9 social worker. We could use two or three white social  
10 workers as well.

11                   **COMMISSIONER ALLAN BLAKENEY:** I wanted  
12 to open up the area of psychiatric services or mental health  
13 services. It always strikes me that is a problem in spades  
14 when there is a cultural difference.

15                   What sort of assistance do you have in  
16 dealing with psychiatric problems of your patients?

17                   **DR. DUROCHER:** From the typical medical  
18 perspective, even at this point in time, we don't have  
19 a psychiatrist. In terms of alcohol counselling, family  
20 violence, unless it is a very critical situation, there  
21 is a long waiting list. I am sure there are other people  
22 in this room who could speak to that better in terms of  
23 what the local services are, although I was very encouraged

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1 by what Eric Morris was saying, that there are local  
2 programs underway.

3 To see conventional white psychologists  
4 in Whitehorse, it is almost certainly not going to be the  
5 appropriate mental health support an aboriginal person  
6 from Teslin is going to need.

7 **COMMISSIONER ALLAN BLAKENEY:** What do  
8 they need? What sort of services should be put in place?

9 **DR. DUROCHER:** I think Eric Morris  
10 addressed a lot of it in terms of the life skills programs,  
11 the wilderness camps. These are locally generated  
12 programs.

13 **COMMISSIONER ALLAN BLAKENEY:** You  
14 wouldn't have any argument with him on those.

15 **DR. DUROCHER:** No. I don't think we  
16 have any opposition to that. If people want to use  
17 traditional healing ceremonies, whether it be sweat lodge  
18 or that kind of thing, if they feel comfortable with that,  
19 and there are people in the community who are able to offer  
20 those treatments, we don't have any barrier.

21 **DR. SKINNER:** I would like to make a  
22 distinction between psychiatric and psychological.  
23 Strict psychiatric illnesses are simply few. Most of

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1 those are treated by medications in hospital. The chronic  
2 ones are either in institutions or back out in the  
3 community, usually on medications, and often going off  
4 medications. I personally don't see a big difference  
5 there between native and non-native in terms of a strict  
6 psychiatric diagnosis.

7                   The far greater number of emotional or  
8 mental illnesses are psychological. Those are almost  
9 always culturally or socially based, childhood based.  
10 How can we, as white counsellors, really deliver the kind  
11 of psychological support, interpretation, training and  
12 so on to that aboriginal person. We can't.

13                   **COMMISSIONER ALLAN BLAKENEY:** Thank  
14 you.

15                   I am going to ask anyone else whether  
16 they want to add anything further? Would you like to add  
17 anything further? We have kept you more than an hour now.

18                   **DR. DUROCHER:** I would just simply add  
19 that I know the national level of the Canadian Medical  
20 Association is also interested in participating in some  
21 manner with the Royal Commission's activities. I am not  
22 sure how they might best be able to serve you, but they  
23 are quite ready.



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1                                   **COMMISSIONER ALLAN BLAKENEY:** May I  
2 just say, in closing, what struck me about your brief was,  
3 not the obvious to the extent to which the medical problems  
4 were connected with social problems, but the less obvious,  
5 that the social problems were, in your judgment, not going  
6 to be successfully addressed until the governmental  
7 structural problems were addressed, until we had some form  
8 of aboriginal self-government. That was your first  
9 prescription. That is directly germane to our mandate.  
10 It is a message which I think we had only dimly thought  
11 that aboriginal self-government was a significant factor  
12 in the delivery of health services.

13                                   Thank you very much gentlemen, we  
14 certainly appreciate the time and insights you have given  
15 us. What you say is germane, not only to the Yukon, but  
16 with a few a modifications, to most of Canada. We  
17 certainly appreciate that you have given a good deal of  
18 time, virtually the whole day, to come in here and be with  
19 us and make this point so effectively and so strongly.

20                                   We are now more than happy to have a  
21 presentation from any other person who may want to say  
22 something to us. Does anybody else want to add a word  
23 for the good and welfare?

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1                   I will take this opportunity to thank  
2 all of the presenters, to thank particularly, Pearl Keenan  
3 as Commissioner-for-the-day, and as you have heard, by  
4 no means a silent Commissioner.

5                   Thanking all the people here at Teslin  
6 for their warm hospitality and, I think a very fruitful  
7 day. I won't attempt to sum up the proceedings, except  
8 that one could not have been here today without reaching  
9 the conclusion that the Teslin community and the Teslin  
10 Tlingit Council and others are more than anxious to assume  
11 the management and direction of their own affairs, appear  
12 to be fully competent to assume the direction of their  
13 own affairs, and that the next step that should logically  
14 be taken for the advancement of the aboriginal and  
15 non-aboriginal people in this community is to move through  
16 the technical steps necessary in order to get some  
17 effective method of self-determination on the part of the  
18 Teslin Tlingit, so they may proceed with their lives and  
19 make the appropriate arrangements to deal with  
20 non-aboriginal people in this community, so the entire  
21 community will benefit.

22                   That is hardly a summing up, but it is  
23 what I would offer. Do you want to add anything?

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1                   **COMMISSIONER VIOLA ROBINSON:** I just  
2 want to as well, thank the Chief and our Elder, Pearl,  
3 as well as other community people here for the hospitality  
4 and for sitting with us here today. I am very encouraged  
5 by the presentations that were made. I have to say, I  
6 think in this part of the country, as Canada, you are well  
7 ahead on the road to some form or model of self-government  
8 that I hope will be a model for the rest of Canada. There  
9 are a lot of problems out there. I feel encouraged, and  
10 you should feel encouraged. It is discouraging sometimes,  
11 and it have been going on for 20 years, but I think you  
12 see a light at the end of the tunnel, and I am very  
13 encouraged by that.

14                   I thank you anyway, for everything  
15 today.

16                   **COMMISSIONER ALLAN BLAKENEY:** I will  
17 ask Pearl Keenan to close our proceedings with a prayer.

18

19                   **(CLOSING PRAYER)**

20

21 --- Whereupon the Commission was adjourned at 3:35  
22 p.m. on Wednesday, May 27, 1992 to resume May  
23 28, 1992