

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

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"for the record..."
STENOTRAN
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1 **Hobbema, Alberta**

2 **--- Upon Commencing on Wednesday, June 10, 1992**

3 **at 9:20 a.m.**

4 **COMMISSIONER ALLAN BLAKENEY:** Welcome
5 to these Hearings of the Royal Commission on Aboriginal
6 Peoples. We will start our proceedings today by asking
7 an elder and Council member of the Samson Band, Mr. Jim
8 Omeasoo, to ask a prayer.

9 **--- Opening Prayer**

10 **COMMISSIONER ALLAN BLAKENEY:** For a
11 welcome from our hosts I will call upon a Council member
12 of the Samson Band, Mr. Errol Crier.

13 **ERROL CRIER, COUNCIL MEMBER, SAMSON**

14 **BAND:** (No translator in booth)

15 **COMMISSIONER ALLAN BLAKENEY:** Thank
16 you, Mr. Crier.

17 A few words of introduction about the
18 mechanics of our meeting before we move on to the substance.

19 We are the Royal Commission on Aboriginal Peoples. My
20 name is Allan Blakeney and sitting on my left is

21 Commissioner Paul Chartrand, about whom I will say a little
22 bit later, and with us as Commissioners for the day are

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1 elder and Council member Jim Omeasoo from whom we have
2 already heard and Council member Errol Crier.

3 Our community representative, who has
4 made arrangements in this community, is Mr. Casey Rowan.

5 He will be known to you and is back at the back of the
6 hall.

7 These proceedings will be translated
8 into Cree with simultaneous translation and anyone is free
9 to make a presentation in English or Cree. There are
10 little headsets available, so if you are more comfortable
11 in one language than the other and wish a presentation
12 to be interpreted, the sets are available on the far wall.

13 They are no charge. They are available so that you may
14 make part in the proceedings.

15 Our Cree translator is Mr. Danny Montour
16 who no doubt is in the booth. I don't see him at the moment.

17

18 Today's proceedings are being taped by
19 Samson Cree TV here in Hobbema on behalf of the Royal
20 Commission and possibly for use by other media.

21 A little word about the Royal Commission
22 on Aboriginal Peoples. You may remember about two years

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1 ago the Prime Minister undertook to appoint a Royal
2 Commission to deal with aboriginal issues that came at
3 the time of the Elijah Harper failure to agree in the
4 Manitoba Legislature to the Meech Lake proposals and that
5 was the summer of the Oka crisis as well. At any rate,
6 the Prime Minister undertook to appoint a Royal Commission.

7

8 The Prime Minister, wishing to assure
9 the public that the Royal Commission was as impartial as
10 he could make it, asked the then retiring Chief Justice
11 of Canada, Mr. Brian Dickson, the Right Honourable Brian
12 Dickson to set about to draw up some terms of reference
13 for the Royal Commission, the mandate and a list of names.

14 Chief Justice Dickson did that and the Royal Commission,
15 the names that he suggested were appointed. I will tell
16 you who they were.

17 This Royal Commission is a little
18 different than some others, since of the seven Royal
19 Commissioners four of them are aboriginal people, three
20 are not. There are two co-Chairs. One of them is Georges
21 Erasmus. The name will be known to many of you as the
22 immediate past National Chief of the Assembly of First

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1 Nations. George is from the Northwest Territories and
2 he is a Dene. The other co-Chair is Judge René Dussault.
3 He is from Quebec and is a judge of the Quebec Court of
4 Appeal.

5 Another is Viola Robinson. She is from
6 Nova Scotia and she is a Micmac Indian, just retired as
7 President of the Native Council of Canada.

8 Another is Bertha Wilson. Bertha is a
9 non-aboriginal person, born in Scotland, educated partly
10 in Nova Scotia and partly in Ontario and was the first
11 woman to be appointed to the Supreme Court of Canada, just
12 retired from that position and appointed to the Royal
13 Commission.

14 Another is Mary Sillett. Mary is an
15 Inuk woman, one of the Inuit people from northern Labrador.
16 She is a younger woman, probably in her thirties. She
17 has been President of the Inuit Women's Association of
18 Canada and Vice-President of the Inuit Tapirisat of Canada,
19 the main Inuit organization.

20 Another is Paul Chartrand. He is a
21 Métis, born in Manitoba, lives in Winnipeg, a Professor
22 at the University of Manitoba and formerly Head of the

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1 Department of Native Studies there. He is a graduate in
2 law from an Australian university and a Master of Laws
3 from the University of Saskatchewan.

4 I am the seventh. As I said, my name
5 is Allan Blakeney and I spent most of my life, over 40
6 years in Saskatchewan and have been in the Legislature
7 there for 28 years, Premier for 11, during which time I
8 had many dealings with aboriginal people and aboriginal
9 organizations.

10 We have got a huge mandate. We will
11 never do it all. I think it was made deliberately broad
12 so that we could do whatever we thought ought to be done
13 and we would be still within the mandate.

14 We are asked to look at the history of
15 relations between aboriginal and non-aboriginal peoples
16 in Canada, to consider aboriginal self-government, what
17 it means, how it could be implemented.

18 We are to look at a land base, land claims
19 and the legal status of treaties.

20 We are to look at the Constitution, what
21 is meant when it talks about Indians and lands reserved
22 for Indians.

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1 We are to look especially at the legal
2 status of Métis people.

3 We are to look at the special problems
4 of aboriginal people in the north, look at the Indian Act,
5 how it is worked, whether it should be totally abolished
6 or a major overhaul. We are to look in more general terms
7 at social issues, things that might improve the life of
8 aboriginal people on reserves, in cities or where, things
9 like child welfare. Economic issues, ways to develop
10 a viable economic base for aboriginal communities.

11 Cultural issues, how to support and
12 encourage aboriginal languages, family structures,
13 cultures and spirituality. Educational issues,
14 particularly ways to help aboriginal young people complete
15 secondary and university education and issues about who
16 should control these institutions.

17 Justice issues, particularly ways in
18 which the whole criminal justice system does or does not
19 work on behalf of aboriginal people.

20 Finally, we are to look at the role of
21 aboriginal elders, aboriginal women and the special
22 problems of aboriginal youth.

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1 As you can see, that's a huge order and
2 we are attempting now to get started.

3 First, we were organized last August and
4 we said the first thing is to get some staff and that takes
5 longer than you think because you are looking for good
6 people who have to give notice to their current employers
7 and the like.

8 Furthermore, we were looking for
9 aboriginal people whenever we could get them, people of
10 native origin. We wanted to do that not primarily to
11 provide jobs for people of native origin. Most of them
12 were quite able to find their own jobs, thank you very
13 much.

14 What we were looking for was a native
15 perspective. The whole world comes to us interpreted
16 through the eyes of non-native people. The radio, the
17 television, the newspapers, all paint the world through
18 the eyes of non-native people and we were wanting, if we
19 could, to get a good block of people of native origin on
20 our staff, so they could help us filter some of this
21 information through eyes that saw the world from a native
22 perspective.

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1 So, we have staffed up and we have got
2 well over half, I think closer to two-thirds of our people
3 are people of native origin. We have five or six of them
4 here today that are sitting over to my left. We have Bernie
5 Wood, the Team Leader and Dan Gaspé, the Communications
6 Director, Laurie Fenner, Assistant Team Leader, Anita
7 Gordon-Murdoch who is a Senior Researcher, particularly
8 on treaties and I would say particularly on prairie or
9 numbered treaties, and Karen Collins who is a Policy
10 Analyst. They are here with us today.

11 As I said, we have seven Commissioners
12 and we are trying in this round of Hearings that started
13 in April in Winnipeg with the full Commission and is going
14 to end at the end of this month, to contact as many native
15 communities as we can. So, we have split up in three teams
16 and we are covering this country. We will hit 30 or 35
17 communities.

18 I have been in Inuvik, Fort McPherson,
19 Fort Simpson, Watson Lake, Teslin, The Pas, Lac La Biche
20 and here in Hobbema. I will be in Edmonton tomorrow and
21 next week I will be in Fort McMurray and Fort Chipewyan
22 and I have been at Winnipeg at the opening. All of the

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1 other Commissioners can give you a list which would be
2 equally long, but the places would not necessarily be here
3 in the prairie basin and the territories, but in B.C. or
4 in the Maritimes or as the case may be.

5 Our idea is a whole lot of hearings,
6 open-ended hearings, hearing what people have to say.

7 We started last December going to the
8 provincial capitals and talking to provincial governments
9 because we wanted to get them on side and the major
10 aboriginal organizations. We have called for aboriginal
11 organizations, native organizations and others at the
12 national level, the provincial level and at the regional
13 level, tribal councils or the like, to make presentations
14 to us about what they think the problems are and what the
15 solutions are.

16 We were aware of the fact that many
17 native organizations are not geared up to do a lot of
18 research and write detailed briefs and we therefore have
19 got the federal government to spring for some money and
20 any of these organizations are able to apply to get some
21 money, which we have called intervenor funding. This is
22 distributed by a separate little organization so that we

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1 are not funding the people who will give us the answers
2 we want, a separate little organization headed by the Hon.
3 David Crombie, who was a federal cabinet minister, now
4 retired. He was a former Minister of Indian Affairs and
5 who we were assured by the aboriginal organizations and
6 others was a straight shooter who would divy up the money
7 fairly.

8 If you want any more information about
9 intervenor funding, ask at the staff table and there are
10 some pamphlets, application forms and the like available.

11 Essentially, we are here to listen.
12 Later on we may wish to send out some things saying this
13 is what we heard about aboriginal government or about how
14 justice systems ought to work. This is roughly what we
15 are thinking. What do you think? We may try to shape
16 the questions a little later.

17 Right now, up to the end of June, totally
18 open ended. We are just here to listen for what you think
19 the problems are, what you think the solutions are.

20 With that, I will ask my colleague
21 Commissioner Paul Chartrand, to add further comments.

22 **COMMISSIONER PAUL CHARTRAND:** Thank

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1 you. I will add very little to the complete and excellent
2 introductory remarks that you have just heard from Mr.
3 Commissioner Blakeney. As he has indicated, we are here
4 to listen and we are anxious to get along with the task
5 of listening.

6 But I do want to take the opportunity
7 to say that I am happy to be here. I am grateful for the
8 hospitality of the Cree people. I am grateful for the
9 assistance of the councillors and the Cree elders that
10 we have here with us today. In the few short moments of
11 time that we had before we got underway here I had the
12 opportunity to talk to elder Jim Omeasoo here and enjoyed
13 some of the typical Cree humour that the Cree share with
14 many of the other aboriginal people.

15 While that of course is a generalization
16 because I can assure you that if I tried to entertain you
17 or any other audience with humour, I would fail dismally.
18

19 As has already been said, our job is not
20 to come to communities across the country and to offer
21 quick solutions to specific cases. Our job rather has
22 to do with the crafting of policy in the longer term.

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1 Our job is to make policy recommendations to the federal
2 government, addressing matters that endure. I imagine
3 we can contemplate attempting to make things better for
4 our children and for their children in the long run.

5 I would like to refer now to a theme of
6 the Commission which has already been referred to. I said
7 "theme" as opposed to "team". English is not my first
8 language and so I have to be careful with that. Mr.
9 Blakeney was talking about three teams of Commissioners
10 that travelled across the country and it's quite easy to
11 talk about three themes and so on. So, the theme that
12 I have in mind is that of bettering the relationships
13 between aboriginal peoples in Canada and the
14 non-aboriginal peoples in Canada.

15 That reminds me of the saying which
16 indicates I think that one must expect that things will
17 not always be easy in trying to reach that laudable goal.

18 The expression goes this way, when you try to be a bridge
19 between two sides, you should expect to get walked over
20 by some people from both sides.

21 Well, we are optimistic and we are here,
22 as indicated already, to listen to you and without any

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1 further ado then I pass it back to the Chair.

2 **COMMISSIONER ALLAN BLAKENEY:** Thanks,
3 Paul. The way Paul and I have the work spread around here
4 is that I will act as the primary chair for the morning
5 and Paul will act as the primary chair in the afternoon.
6 We both chip in from time-to-time.

7 I thought about that three teams
8 thrashing three themes and seeing whether you could say
9 that fast three times.

10 **COMMISSIONER PAUL CHARTRAND:** Maybe not
11 three times, maybe "tree" times.

12 **COMMISSIONER ALLAN BLAKENEY:** Our first
13 presentation is from the Muskweches Cultural College,
14 Mr. Roy Louis, if he is available.

15 **ROY LOUIS, SAMSON CREE NATION:** Thank
16 you. To clarify that, Mr. Blakeney, my name is Musqua
17 which is bear, but I am not representing the Muskweches
18 Cultural College. I am here as an individual from our
19 tribe, the Samson Cree Nation. First of all, I would
20 like to welcome the Commission members to our country.
21 Although Edmonton is the home of the Edmonton Oilers, the
22 Calgary Flames and if you live in Red Deer you have to

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1 support both teams, so Hobbema has always been a team player
2 no matter what happens in the country.

3 There are some issues and concerns I
4 think that need to be addressed by the Royal Commission.

5 Quite frankly, as an individual, I think this Commission
6 is a bit too late in some regards and perhaps not good
7 enough. As Mr. Blakeney pointed out, there are too many
8 general issues that have been I think put forth by the
9 Government of Canada.

10 I say that with perhaps some concerns.

11 Firstly, I think one of the things that should be pointed
12 out to you people, and it may be done again, is the fact
13 that, number one, you don't have a Treaty Commissioner
14 on the Royal Commission. I don't think you have anybody
15 there that knows and appreciates the treaty positions taken
16 by native bands across the country. I think that is
17 something that is very key to the treaty Indians in our
18 part of the world.

19 I would have much rather seen perhaps
20 even a recommendation from you people, if it could be done,
21 a recommendation where there should be a bilateral process
22 on treaties in dealing with the governments of Canada.

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1 Yes, I've heard the talks of various leaders wanting
2 self-government in the Constitution. As treaty Indians
3 we have always felt that the inherent right to
4 self-government was in there and I think that's a very
5 important factor as far as the treaty Indians are
6 concerned.

7 I don't think you have to hear the litany
8 of problems and issues that affect native people. We all
9 know the issues out there, the social issues, the justice
10 issues, the education issues, the health issues, all of
11 them. What I would like to hear the Commission do is to
12 make possible recommendations or solutions as to what
13 should be done to attack some of these very important issues
14 for native people, because as a native person all I have
15 heard has been talk. We are talking ourselves to death
16 without coming up with anything concrete for native people.

17 Sometimes it is a very numbing
18 experience as a treaty Indian. I think it is hard to
19 swallow at times. But I also feel that there has to be
20 some accountability between governments and perhaps
21 between our own leadership in various parts of the country.

22 I don't think we should make any false illusions as to

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1 what is happening in the country right now when it comes
2 to treaty Indians. There are ongoing processes in terms
3 of self-government. I am sure those have been pointed
4 out like the alternate funding arrangements that basically
5 deal with self-government proposals.

6 There are issues being dealt with in
7 policing through the Solicitor General's Department.
8 There are ongoing negotiations of taxation. There are
9 working groups of chiefs and various other committees
10 looking at many of those different issues that are out
11 there right now.

12 So, I don't know, perhaps it may sound
13 as if you are duplicating the responsibilities of some
14 of the issues being carried out by the chiefs in the country
15 and I think that's one of the reasons why there is a conflict
16 right now with what is happening in the Constitution.
17 It boils down to the issue of the Indian Act. As a person,
18 I'd like to see that Act repealed, to our advantage, to
19 our way of thinking of our people, not to governments,
20 not to other people, not the status quo, but basically
21 what our elders are saying to keep them in line with the
22 spirit and intent of the treaties. So, there are, I think,

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1 very important issues that you have to look at in terms
2 of us as treaty Indians.

3 This morning I wanted to give you some
4 recommendations as to the area of what everybody is looking
5 for, self-sufficiency for aboriginal people and I will
6 say this to you people, to the Commission here, that there
7 is no sense talking about self-sufficiency or
8 self-government. We cannot or don't have a hope in hell
9 of having an economic base. There is no sense. There
10 shouldn't be any false illusions about that and that is
11 what is happening in the country right now.

12 You are saying -- the governments are
13 saying the sky is the limit as far as our talks on
14 self-government. No, it isn't. If you don't have your
15 resource base, there is no sense talking. Then you have
16 got to get the money from somewhere anyway and it is usually
17 from the federal government. But that tie is in there
18 as far as the treaties are concerned, supposedly in
19 perpetuity, but with what is happening is what I think
20 I have said earlier, that there has been just too much
21 talk, no action.

22 I would encourage the Commission to take

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1 a strong look at the issues that are out there in making
2 recommendations to the governments, because there is no
3 guarantee that after this Royal Commission has taken all
4 the concerns and issues and recommendations that they are
5 going to be adopted by governments. He may have what is
6 happening in the country right now, the Province of Quebec
7 saying no to what you are recommending, or the Province
8 of Alberta agreeing to everything and not to some of the
9 provinces.

10 There is no guarantee that what you are
11 recommending is going to be adopted by governments. So,
12 if you can make positive, concrete solutions, after hearing
13 from our elders, from our youth, from our women, then,
14 hopefully, you can do something concrete for all of us
15 who are disadvantaged in the communities.

16 With that, Mr. Chairman, I have a report
17 that I gave to the 2000 Committee on Economic Development
18 for this province. I wanted to table that report to you
19 people.

20 Very basically, I wanted to point out
21 some of the eight recommendations I made to the Economic
22 Development people here in the province. I think, first

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1 and foremost, as you go through the native communities
2 and talk to people, one of the first fundamental things
3 that needs to be addressed in any community across the
4 country is infrastructure. There are probably still
5 reserve in this country that don't have running water or
6 even electricity, so how can you talk about self-government
7 when those are still out there.

8 After you start talking about
9 infra-structure and I think there should be a
10 recommendation on finance, in terms of dealing with banks,
11 trust companies, credit unions and wherever you can get
12 sources for native bands, because it is mighty difficult
13 right now to go to a chartered bank and to try and borrow
14 money because if you are a treaty Indian you always have
15 the problem with one of the portions of the Indian Act,
16 under Section 88.

17 The other is agriculture. In our
18 province there are something like 900,000 acres of land
19 that could be used for agricultural purposes, but only
20 a small fraction is used by our people. But our native
21 farmers have problems because of finance and they can't
22 access any kind of dollars from appropriate lending

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1 institutions.

2 The other is forestry. I don't think
3 we should forget the fact that forestry is big business
4 in this province, but there has to be some working
5 relationships with governments. It doesn't necessarily
6 have to be in Alberta, but all over in terms of forestry,
7 reforestation, if the need be, training, retraining and
8 that has to be carried forward.

9 The other, of course, is one of the
10 biggest items and that is education. We need to graduate
11 more native students from universities. I think that is
12 a very important issue. It is not the panacea for all
13 of our problems. It is not going to solve all of our
14 problems, but certainly it is something that needs to be
15 dealt with because Indian Affairs always has the problem
16 with post-secondary students across the country.

17 The other recommendation I made was in
18 tourism. I think the natives have an opportunity to be
19 part of tourism across the country. It's big business
20 and I think it is something that is very unique, but the
21 natives themselves can have some important role to play
22 in that whole area of tourism.

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1 The other, of course, is joint ventures.

2 I, in my recommendations, made a whole list of things
3 that could be used as recommendations under the use of
4 the Indian Act, but there should be and I think right now
5 there are tax incentives that could be used by corporations
6 to deal with and work with native people across the country.

7 The other recommendation I made was in
8 economic development. As I said earlier, there is no sense
9 talking about self-government or self-sufficiency when
10 you don't have an economic base. I think there are some
11 reserves across the country that have a lot of potential,
12 where they can have joint ventures or good economic
13 development activities.

14 Sometimes it is really hard to work with
15 your local town because sometimes it has a lot to do with
16 racism. They think that Indians can't do business or there
17 is that feeling of you are less than, so that attitude
18 has to change among Canada's status quo. Yes, we are
19 unique people, but I think it is important that if we want
20 trade it has to be done on a proper basis.

21 With that, Mr. Chairman, I wanted to
22 thank you for listening to some of the recommendations

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1 that I have. I am sure you are going to have some unique
2 ideas from some of our people this afternoon. Thank you.

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

5 Do you think we could ask a couple of
6 questions? Would you mind if we have a go? I will ask
7 my colleague Paul Chartrand whether he

8 **ROY LOUIS:** I was trying to sneak away.

9
10 **COMMISSIONER ALLAN BLAKENEY:** That's
11 what I thought.

12 **COMMISSIONER PAUL CHARTRAND:** Thank
13 you, sir, for your presentation. We have it and it shall
14 be considered.

15 I would not like to comment at length
16 on the many points that you have brought before us. You
17 have also indicated that you are tabling a paper, so it
18 would not be right to comment on matters that we still
19 need an opportunity to examine with the care that they
20 deserve.

21 I can say with respect to the mandate
22 of the Commission that in my own view, although I have

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1 a cautious approach towards the eventual outcome of our
2 work, nevertheless, given I am here, I do have some
3 confidence that it can achieve some significant gains in
4 this country.

5 I certainly agree with the proposition
6 that the task in this country is to make recommendations
7 for solutions. You ended your presentation by suggesting
8 that we will have some unique ideas from the people here
9 today and that is what we are here to hear, is unique ideas,
10 as well as not so unique ideas for solutions to the many
11 issues that the country faces with respect to aboriginal
12 peoples.

13 I thank you for your presentation.

14 **COMMISSIONER ALLAN BLAKENEY:** Let me
15 just have a chance to make a comment or two. Let me say
16 I totally agree with you on several key points. First,
17 no guarantee that the Royal Commission is going to deliver
18 anything. All we can do is -- we will deliver a report,
19 but the country is not short of reports. The question
20 is whether we can deliver results and that will depend
21 upon the temper of the times and the decision of the
22 government of the day.

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1 I think we can say that, at least if the
2 present mood prevails, there has never been a time in
3 Canadian history when non-native society has been more
4 willing to acknowledge that things have not gone well in
5 the relationship between native and non-native people and
6 that changes must be made. I am sure you note a receptivity
7 to change. That's only step one. It is very easy
8 sometimes to get people to agree to quote "change" unquote,
9 but not to any individual change. That will come.

10 Second, I accept and endorse you
11 stressing that self-sufficiency and self-government are
12 in part only words unless there is some economic base there.
13 It doesn't have to be a complete economic base. I use
14 the illustrations of provinces like Prince Edward Island
15 and Newfoundland who exercise a very considerable level
16 of self-determination and self-government and still get
17 something more than half of their money from the federal
18 government, but they get it pursuant to some formulas which
19 can't be toyed with all the time and they also have an
20 independent source of funds.

21 I start with the model, just start with
22 the model that I would like to see aboriginal people in

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1 a position that their governments, call them what they
2 like, had some independent source of funds and had some
3 money coming from governments pursuant to a formula which
4 is difficult to jig, is difficult to be twisted as the
5 government of the day or the public servants in this, that
6 or the other departments would like to shift it. That's
7 what the equalization formula is and that is why the
8 provinces talk about getting it in the Constitution in
9 as definite a way as possible.

10 We all understand that an economic base
11 is pretty important for self-government to mean much.

12 You are right also, if I may say,
13 although you didn't say it in these terms, but there have
14 been quite a few studies already, as a fair number of people
15 have been saying we have been studied to death. We know
16 what the problems are and we are conscious of that and
17 really are pushing people, therefore, to tell us what they
18 think the solutions are. As I indicated, in this round
19 we are not pushing very hard. I think by next fall we
20 would be saying we want to start floating the odd solution
21 and see what you think of it, you meaning people who are
22 on the firing line, people like yourself.

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1 So, we really are looking for proposals
2 that will provide concrete solutions. Certainly a good
3 number of the items you referred to in your "Towards 2000"
4 report point in that direction. We will certainly have
5 a look at it and you highlight some very specific points;
6 how do you make credit available, both to individual
7 aboriginal entrepreneurs and to entrepreneurial
8 organizations, how do we promote education? How can
9 aboriginal organizations get in on tourism? How can the
10 forestry resource be made to yield jobs and economic
11 activity for aboriginal groups? All of those are solid
12 questions which we will invite solutions from you and
13 others and will work on in our own research as well.

14 Georges Erasmus would claim to be a
15 Treaty 10 person. I make that point, since he certainly
16 comes from a treaty area. We have on our staff a couple
17 of people who spent many years of their lives researching
18 some of these treaties, but we take your point nonetheless.

19 That is all the comments I have. If you
20 want to have a rebuttal, you are welcome.

21 **ROY LOUIS:** Not really a rebuttal, but
22 just again thank you for hearing our people here in the

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1 heart of good, Cree country.

2 **COMMISSIONER ALLAN BLAKENEY:** Thank
3 you.

4 The next presenter is Mr. Danny Montour.
5 Welcome.

6 **DANNY MONTOUR:** Good morning, sir.

7 Ladies and gentlemen, the Royal
8 Commission, thank you very much for giving me this time
9 to make a speech. My speech is on the treaty Indian and
10 the Indian Act.

11 Who are the treaty Indians? My son
12 asked me this question recently. He went on further to
13 state hypothetically "treaty Indians are natives who are
14 worth \$5 to the government?" I said, "Son, I think not.
15 Five dollars is merely a token payment that dates back
16 to the days when the first white settlers paid this entrance
17 fee to take over our lands and natural resources". That
18 is as far as I went in educating him of that definition.

19 But this treaty Indian question kept coming back to me,
20 so I did a little research and found out that all books
21 about the Indian is fraught with problems of terminology.

22 Today the young generation in Hobbema

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1 call themselves treaty Indians, but even some dislike the
2 word "Indian". I found out an entire vocabulary is tainted
3 with prejudice in some of the books I was researching on;
4 whites are soldiers, Indians are warriors; whites live
5 in towns, Indians in villages; whites have kings, Indians
6 have chiefs; Indians have sundances, whites have ballet.
7 Whites call all victories battles and all Indian victories
8 are massacres. White men who rise to protect their
9 property are called patriots. Indians who do the same
10 were called cold-blooded murderers.

11 I make these statements for a specific
12 reason. It is a reminder for all. The white man was also
13 a signatory. Why not call him a treaty white man? Absurd?
14 No.

15 A friend of mine from the Blackfoot
16 inquired for me the definition of a treaty Indian. The
17 office of the Minister of State replied: A treaty Indian
18 is a direct descendant of an original signatory to a treaty.
19 Therefore, as such, a treaty Indian adheres and honours
20 to hereditary chieftainship and customary law and supports
21 the view that the spirit, terms and conditions of the
22 treaties must be honoured.

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1 A treaty Indian does not acknowledge the
2 validity of the Indian Act of which only section 88 relates
3 to the treaties; and again, usually does not participate
4 in any political process, including the elective system
5 of the Indian Act.

6 A status Indian is a person who pursuant
7 to the Indian Act of 1951 is registered as an Indian.

8 I, myself, was also confused about my
9 status in the Samson Band membership list. My brother
10 George and I did some more research and found our
11 descendants came from the Bobtail clan. Chief Bobtail
12 was one of the original signatories.

13 My friends, if no on has ever informed
14 you or don't know of your present status, then I suggest
15 you do some research and inform your children of your
16 findings as this is going to be very important in the future
17 for the protection of your treaty rights. In this case,
18 you may now apply for treaty status.

19 The present generation is under the
20 provisions of the Indian Act. The treaty Indian is
21 supposedly entitled to more rights than the Indian Act
22 Indian. Why? Because of the fact that the treaty Indian

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1 is a direct blood descendant. There is a wide distinction
2 between the treaty Indian and the status Indian. As an
3 example, some status Indians on the reserve are transfers
4 from other treaty areas.

5 The latest additions to the band list
6 has been the Bill C-31 inclusions. Bill C-31 was a special
7 legislation, an amendment in the Indian Act of which I
8 will comment on later.

9 So where are the Treaty Indians? The
10 Department of Indian Affairs in 1986-87 stated in their
11 annual report that one of their mandates is fulfilling
12 "the obligations of the federal government arising from
13 treaties, the Indian Act of 1951...".

14 The extent to which the Indian Act and
15 the colonial regime it enforces have warped family and
16 social relations in Indian communities cannot be measured.

17 It went in so far that the findings by the United Nations
18 Human Rights Commission, made public in 1981, Canada
19 violated the human rights of a former band member, Sandra
20 Lovelace, amongst other women who were discriminated under
21 the Indian Act, and which cumulatively contributed to the
22 passage into law of Bill C-31 on June 28, 1985.

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1 Even if it seems the act has played an
2 unintended role in preserving cultural enclaves that today
3 provide a base for asserting aboriginal rights, there is
4 all kinds of abundant evidence that the social and
5 psychological cost to all Indians, and Indian women
6 especially, has been very high.

7 There are a multitude of problems with
8 the Indian Act. So when are we the Indian people to start
9 demonstrating our title to our treaties? The treaties
10 have to be given a spirit in order to carry out their intent
11 because the Government of Canada will not volunteer to
12 do it for the Indian people.

13 The BNA Act of 1867 contains only one
14 mention of Indians. Section 91(24) gave to the federal
15 government exclusive legislative authority for "Indians
16 and lands reserved for Indians". Virtually all subsequent
17 legislation then for Indians has three main functions at
18 the time:

19 No. 1, "civilizing" the Indians, that
20 is assimilating them into the Euro-Canadian citizenship.

21 No. 2, the ever more efficient "better
22 Management of Indians and their lands".

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1 No. 3, the important element in "better
2 management" was controlling expenditure and resources and
3 to accomplish this efficiency it became important to define
4 who was an Indian and who was not.

5 I believe the Department of Indian
6 Affairs have in place a 150-year old plan to "destroy
7 Indians" political, religious, economical and Indian
8 institutions.

9 The Indian, his land, his natural
10 resources and his way of life has been dictated by drastic
11 measures far too long by the Indian Act. My friends, the
12 Indian has to start by changing the character of the Indian
13 people by initiating recognition of their treaties.

14 The elective system has to change. The
15 Chiefs and Councils must be elected under our treaties,
16 not under the Indian Act. We must face the fact our Indian
17 leadership today do not represent their Indian people.
18 It is a realization that has to be expounded for those
19 of us who know.

20 The Indian Act band councillors do not
21 represent the Indian Act status Indians nor the treaty
22 Indians. It is plain and simple, they represent those

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1 obligations of the Government of Canada. Basically, that
2 Indian government is an Indian administration operating
3 under the Indian Act. The Indian administration we call
4 Chief and Council is a symbolic gesture approved by the
5 DIA since 1951.

6 The Indian Band Council Procedure and
7 Regulations provides that regular council meetings must
8 be open to all band members. However, although band
9 members are allowed to observe, they are not authorized
10 to participate in proceedings unless invited. The Chief
11 and Council are not accountable to the band members, but
12 accountable to the DIA. This is the game plan of the DIA.

13

14 You can formulate your own thoughts on
15 some of these serious matters. What do we do? Is there
16 someone who can be of assistance for information on this
17 subject? Definitely! We have some good people who can
18 save you from your confusion and frustration.

19 It may seem I am making irrational and
20 negative statements about elected officials. I guarantee
21 you, I am merely pointing out facts. The band members
22 need to change the elective system. Leadership to be

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1 elected under tribal law.

2 I would now like to comment on Bill C-31.

3 This is another prime example of special legislation which
4 has no clear title, no clear meaning and very inconsistent
5 and encourages divisions. It also legitimizes
6 trespassing from unwanted elements, especially criminal
7 elements on the reservations.

8 Because of Bill C-31, the band forecast
9 they will spend millions of dollars in compensation for
10 housing, education and litigation and the list goes on.

11 We did not create discrimination nor the assimilation
12 process in the Indian Act. The Government of Canada should
13 foot the sole responsibility of compensation. The onus
14 is on the DIA. A legal opinion has been offered from many
15 legal sources to challenge Bill C-31 in court. This is
16 a serious wrongdoing on the part of the Government of
17 Canada's DIA.

18 Today as we near the end of the 20th
19 century, it is very important that the Government of Canada
20 and the Indian people come to a reasonable level of mutual
21 understanding as to the present-day meaning of the
22 treaties. Until those treaties are clearly defined,

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1 explicitly, and then only I would support and urge our
2 people for another form of Indian constitution.

3 Today, the concept of treaty rights is
4 subject to different interpretations across different
5 treaty groups in Canada, across non-Indian governments
6 and across time. With each new political, legal,
7 constitutional developments, non-Indian governments also
8 change their conception of treaty rights, sometimes quite
9 drastically over a short period of time. Treaty rights
10 are the rights held by the descendants of the original
11 peoples of Canada by virtue of their ancestors' occupancy
12 of the land since time immemorial.

13 I only hope that our children and
14 grandchildren who have the opportunity to witness these
15 historic events made possible by the Royal Commission are
16 a basis for a learning experience.

17 At one time I was privileged and felt
18 honoured to make a presentation to the Minister of Indian
19 Affairs, the Right Honourable Cadieux. The very next day
20 I was having my coffee and catching up with the news of
21 the day when I came across the Honourable Minister's name
22 and that he was shuffled to another portfolio. I hope

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1 I didn't say anything bad at the time.

2 I thank you very much for your time and
3 patience and hope your deliberations in the Royal
4 Commission guides with the Great Spirit. Thank you.

5 **COMMISSIONER ALLAN BLAKENEY:** Thank
6 you, Mr. Montour. Would you like to remain and answer
7 a few questions? Don't feel you have to.

8 **DANNY MONTOUR:** No, I don't think so.

9 **COMMISSIONER ALLAN BLAKENEY:** I wonder
10 then could I ask you to give us a copy of your presentation.

11 **DANNY MONTOUR:** I have left one with the
12 interpreters.

13 **COMMISSIONER ALLAN BLAKENEY:** Yes, we
14 are grateful for you interpreting it. Thank you again.

15 I now invite Marlene Buffalo.

16 Norman Yellowbird. Just press the
17 little button and if the red light comes on your are in
18 business.

19 **NORMAN YELLOWBIRD:** Mr. Chairman,
20 Commissioners, ladies and gentlemen. I haven't got a
21 presentation to make here. I am here to ask a couple or
22 three questions.

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1 First of all, I would like to say I am
2 not exactly new in the political arena. Back in 1969 I
3 was the person that presented the Red Paper to counteract
4 the government's White Paper. As I can see sitting here
5 this short while, I see a repetition here of the White
6 Paper.

7 I am a treaty Indian, a bona fide treaty
8 Indian. I have stepped out from the system and, in fact,
9 I have resigned from being a chief. I saw then back in
10 1970 when I resigned what is happening today, on account
11 of the Indian Act. So, I haven't been instrumental in
12 the political battles that they have launched in the last
13 few years, but if I see there is a chance where my treaties
14 are going to be put in jeopardy, I am there for my
15 grandchildren. I have a lot of grandchildren. I have
16 a big family.

17 I represent those and my treaty spells
18 out that I can represent those that aren't born yet, so
19 the question is why aren't the treaty Indians represented
20 in this Aboriginal Peoples. To me, it is kind of a subtle
21 word. It could be anybody, aboriginal; Métis, except the
22 treaties. When are you going to meet with the treaties

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1 to talk about treaty rights and have us stirred in the
2 melting pot with the rest? That's number one. You
3 don't have to answer me here, but I'd sure like to have
4 it in writing and I would like to leave you my address.

5 If you mention my name in Ottawa, I am sure they will
6 know right away because I have some dealings coming with
7 them.

8 I've been in so many battles with them
9 and then I've been fumbling near the bottom all the time,
10 but things are looking brighter. I am on the verge of
11 knowing where I am at with them, as a treaty Indian, not
12 as a status Indian because a status Indian is created from
13 the Indian Act which is a foreign legislation, illegal
14 legislation to me as a treaty Indian.

15 I've challenged Revenue Canada for
16 charging me duty for stuff that I've sent in the States
17 a couple of times. I've written a letter to them, telling
18 them that I was a nation dealing with another nation.
19 No third nation has any right to interfere in trying to
20 collect something that he hasn't got coming and that's
21 duty. I have a letter to that respect and I've also
22 forwarded a letter to the Prime Minister, the same letter.

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1 This was six months ago and I threw myself open to them
2 for them to take me to court where I could prove that I
3 am eligible to be duty free. This is just one little thing
4 that I would like to bring across.

5 There is the GST too that we are going
6 to look into. Right up until yesterday I had a big argument
7 in one of our neighbouring towns here. They got red in
8 the face, but I had the money and so he cooled off and
9 I gave him the money and bought some stuff from him. I
10 paid the GST as a gesture of courtesy.

11 If there are any questions you want to
12 ask me about what I said you are welcome to.

13 **COMMISSIONER PAUL CHARTRAND:** I simply
14 want to thank you for expressing your views. You have
15 expressed them clearly and I have no questions.

16 **COMMISSIONER ALLAN BLAKENEY:** Thanks,
17 Mr. Yellowbird. I want to assure you that we are aware
18 that there are some special problems with respect to
19 treaties and the honouring of treaties, particularly, I
20 might called the numbered treaties. You are aware that
21 there are some treaties on the east and west coast which
22 did involve land as such and they were treaties of a

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1 different kind of treaty. But these prairie treaties are
2 a different animal and we as a Royal Commission, I will
3 just digress for a minute, as well as Hearings, we are
4 also having round tables, where we sit down for a couple
5 of days with a smaller number of people, maybe 100 people
6 drawn from a group and say, let's look at this single
7 problem or single issue.

8 We propose to do that with respect to
9 treaty issues, essentially numbered treaty issues, prairie
10 treaty issues, probably next fall. We haven't set a date,
11 but we will probably do that, in which we will get out
12 on the table all of the issues which surround the numbered
13 treaties, the different interpretations of them, whether
14 or not they contain within them a right to aboriginal
15 self-government or whether it doesn't matter whether they
16 are there because the right was inherent and was there
17 when the treaties were signed and the like. Some of those
18 issues which have come up.

19 It is a general agreement that the Indian
20 Act as it stands, a general agreement with the people who
21 make presentations to us, that the Indian Act as it stands
22 cannot survive. It's a colonial act and cannot survive

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1 in its present form. The issue really surrounds do you
2 repeal it or do you cut it up into pieces, say ten heads
3 and let aboriginal nations say we don't want any part of
4 heads 1, 3 5 and 7 for the moment and next year we will
5 drop 8, so that they can take their time in setting up
6 their own organizations. Those are some of the issues.

7 but we certainly are aware that there
8 is a vast difference between a status Indian and a treaty
9 Indian, if I may put it that way.

10 **NORMAN YELLOWBIRD:** Thank you. That
11 leads on into a second question or a third. Back several
12 years ago, Bill McKnight made a declaration that the
13 federal government has no mandate to deal on treaties and
14 he hasn't. That's an international matter. That's why
15 we are a nation today. You are dealing with a nation
16 sitting there in talking to me. I cannot foresee how you
17 can deal on treaties without -- we can only talk with the
18 Queen. The Queen herself cannot even tell you to go ahead
19 and do it. It has got to be bilateral with the native
20 people before she can go ahead and give an order to deal
21 on treaties. I have that document too.

22 If you could in your letter explain what

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1 type of mandate you have, they must have something in place
2 to deal on treaties. I would sure like to have that and
3 who gave them the mandate.

4 **COMMISSIONER ALLAN BLAKENEY:** Fair
5 enough.

6 **NORMAN YELLOWBIRD:** We can sit here and
7 talk about treaties galore until we get blue in the face,
8 but we have to know these things. There is nothing to
9 talk about treaty, but who is really the treaty Indian
10 here and who are the two nations that agreed on it. Is
11 it you? Can you answer that one, your government? No.
12 I will answer it for you. So, you have a big problem.

13 Before the government can go ahead and
14 legislate self-government or any petty legislation such
15 as Bill C-31, he has to rectify the treaties first. He
16 has to put the treaties in place. Thank you.

17 **COMMISSIONER ALLAN BLAKENEY:** Thank
18 you. We will take a ten minute coffee break and be back
19 after the break. Thank you.

20 **---Short recess at 10:40 a.m.**

21 **---Upon resuming at 10:50 a.m.**

22 **COMMISSIONER ALLAN BLAKENEY:** We will

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1 resume.

2 Our next presenter is Marlene Buffalo.

3 Welcome.

4 **MARLENE BUFFALO:** My name is Marlene
5 Buffalo, and I'm a member of the Samson Band. I am
6 currently a university student. My presentation is pretty
7 well a mix of everything.

8 Before I start, I would like to quote
9 Senator George Fleming from the State of Washington. He
10 says, "Do we have as much sense as a goose?"

11 This fall, when you see geese heading
12 back south, flying along in a "V" formation, you might
13 be interested in knowing what scientists have discovered
14 about why they fly that way. It has been learned that
15 as each bird flaps its wings, it creates an uplift for
16 the bird immediately following.

17 By flying in a "V" formation, the whole
18 flock adds at least 71 per cent greater flying range than
19 if each bird flew on its own.

20 Basic Truth No. 1: People who share a
21 common direction and sense of community can get where they
22 are going quicker and easier because they are travelling

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1 on the thrust of one another.

2 Whenever a goose falls out of formation,
3 it suddenly feels the drag and resistance of trying to
4 go it alone and quickly gets back into formation to take
5 advantage of the lifting power of the bird immediately
6 in front.

7 Basic Truth No. 2: If we have as much
8 sense as a goose, we will stay in formation with those
9 who are headed the same way we are going.

10 When the lead goose gets tired, he
11 rotates back in the wing and another goose flies point.

12 Basic Truth No. 3: It pays to take turns
13 doing hard jobs with people or with geese flying south.

14 These geese honk from behind to
15 encourage those up front to keep up their speed.

16 Basic Truth No. 4: We need to be careful
17 what we say when we honk from behind.

18 Finally, when a goose gets sick, or is
19 wounded by gunshot and falls out, two geese fall out of
20 formation and follow him down to help and protect him.
21 They stay with him until he is either able to fly or until
22 he is dead, and then they launch out on their own or with

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1 another formation to catch up with their group.

2 Final Truth: If we have the sense of
3 a goose, we will stand by each other like that.

4 My topic is pretty well on the subject
5 of self-determination.

6 The right to self-determination
7 includes the right of every aboriginal tribe to choose
8 its own form of government, to enjoy its spiritual and
9 material patrimony without restriction, to live freely
10 in accordance with its most cherished traditions and to
11 be exempt from any form of subjection to any more powerful
12 nation or people. The fact that the aboriginal peoples
13 of Canada were unquestionably colonized and that their
14 position in Canada today is a direct result of the
15 colonization process, and can be analyzed as such; the
16 destructive effect on the social and cultural structures
17 of the aboriginal peoples, including the aboriginal
18 political, economic, kinship and religious systems and
19 the aboriginal values and norms were either ignored or
20 violated.

21 Aboriginal self-government has been
22 effectively prevented by the due process of acculturation

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1 and the erosion of aboriginal self-identification. The
2 process of low quality social services in such areas as
3 health, education and housing and other essential services
4 and obligations as outlined in the treaties have been
5 substandardly provided by the federal government of
6 Canada.

7 The motives for colonization were
8 religious, economic or political, and the rewards were
9 clearly economic for the colonizers, the Canadian
10 government. Aboriginal people under the colonial rule
11 are unable to exercise the rights inherent in the principle
12 of self-determination.

13 The right to self-determination of
14 aboriginal people constitutes a collective right. It is
15 a concern to every individual since deprivation of it would
16 entail a loss of participation.

17 The right to self-determination is a
18 fundamental right without which other rights cannot be
19 fully enjoyed.

20 To respect the aboriginal people and
21 their existence and their personality is also to respect
22 their sovereignty, which is the essential factor in the

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1 exercise of the right of aboriginal people to be
2 independent, to determine their own future and to organize
3 their life as they see fit.

4 There are different approaches to
5 government -- a linear, analytic one of European thinking
6 contrasting sharply with the aboriginal people's holistic
7 view of the world, with government simply part of the larger
8 whole centred on a spiritual relationship with the land
9 and the environment.

10 The various aspects of economic, social
11 and cultural development are interdependent, because the
12 conditions necessary for the wellbeing of aboriginal
13 people are numerous, varied and linked to one another.

14 If improving the material living
15 conditions of aboriginal people is to be realized, then
16 the all around development of men and women as part of
17 a comprehensive process must be accompanied by deeply
18 entrenched cultural values, social relations, education
19 and wellness so that they may achieve fulfilment as
20 distinct personalities in accordance with their
21 possibilities and capabilities.

22 If Indian government is to be realized,

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1 a number of organizational, political, social and economic
2 conditions must be fulfilled.

3 Some common threads run throughout all
4 Tribes in this country called Canada. Indian leaders lay
5 claim to sovereignty and nationhood for their people.
6 Their conception of sovereignty and nationhood, with some
7 variations, usually includes ideas of self-government,
8 autonomous institutions, a territorial land base and a
9 resource base, so that the integrity of their culture and
10 society can be maintained. They hold that their right
11 to self-government is an inherent right derived from the
12 Creator, who gave that authority to all the Indian people.
13 They point out that this is a right that pre-dates the
14 Canadian government. Thus, the Canadian government was
15 never in a position to create or grant Indian
16 self-government, but merely to acknowledge it. They
17 assert, furthermore, that their inherent and historical
18 right to self-government was explicitly recognized by the
19 Crown in the treaties with Indian nations.

20 Indian leaders point out that their
21 forefathers never surrendered their nationhood or right
22 to self-government, nor was it taken from them by conquest.

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1 The Indians' sense of their own nationhood derives also
2 from having their own language and culture. The
3 continuing sense of nationhood is further fostered by the
4 fact that we are significantly unlike other Canadian ethnic
5 groups. We alone have an inalienable land base,
6 aboriginal and treaty rights, and a special status in the
7 Constitution and Royal Proclamation. Also, we are not
8 immigrants; we are the original people. We have no other
9 homeland.

10 I see self-government as being necessary
11 to preserve our philosophical uniqueness. I do not want
12 to see merely a European western model of government that
13 is run by Indians. Rather, I want an Indian government
14 that operates in accordance with traditional principles
15 and customs, one that rests on a spiritual base and
16 emphasizes group, not individual rights.

17 I understand very well that
18 self-government implies certain essential requisites,
19 such as an adequate land base and economic
20 self-sufficiency. I maintain that under the treaties
21 the Government of Canada is obligated to provide the
22 essential requisites that will enable all Indian people

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1 to achieve a meaningful level of self-determination.

2 Right now Indian people are sitting on
3 the fence, damning the Indian Act, but afraid to abolish
4 it. Other people are afraid to change the Indian Act for
5 fear that the purse strings of the federal government are
6 going to be tightened or treaty and aboriginal rights will
7 be abrogated. But if we keep sitting on the fence, I think
8 that past experience tells us which side we are going to
9 fall on, so we have to make a move, and I advocate the
10 traditional way.

11 We have to sit down with each other
12 within our own communities. We have to reconcile the
13 factions that exist. We have to tell those people who
14 just want money or glory for themselves that they must
15 think of the nation first. We have to sit down and speak
16 the truth to each other and make a great peace amongst
17 each other. That peace will bring unity, and with unity
18 there is strength, and with strength we can start assuming
19 control over our own affairs.

20 Clearly the native problem has been
21 created by the economic, cultural, and political structure
22 of Canada. The early colonizers were primarily interested

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1 in native people as military allies, as a potential market
2 for their capitalism, or as a source of labour.

3 Aboriginal people must be in control if
4 self-determination is to be realized. The current state
5 of underdevelopment limits the economic options for the
6 future of the people. The poverty, poor health,
7 under-education and high mortality rates all indicate the
8 long term impacts of the colonization mindset.

9 It is the aboriginal peoples' conception
10 of their needs and interests which must be the starting
11 point -- the real importance of the term
12 "self-determination".

13 Thank you for listening.

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

16 Are you prepared for us to address a few
17 questions to you? I will start, and then I will ask my
18 colleague to ask you a question and then we'll come back.

19 I noted that you formulated
20 self-determination in a number of sentences, one of which
21 was "every aboriginal tribe must be free to choose its
22 own form of government". That substantially is what was

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1 said, and I want to raise with you, what I might call,
2 the unit of self-government. I note that you refer to
3 it as the tribe. Others have talked to us in terms of
4 aboriginal self-government based upon tribal councils,
5 i.e, a group of tribes, or as nations, thus the Cree Nation,
6 or treaty nations, thus the aboriginal people covered by
7 Treaty 6; occasionally, in terms of all of the treaty
8 Indian people in a provincial area, all of the treaty Indian
9 people in the Province of Alberta or Saskatchewan, and
10 occasionally in national terms of all of the treaty and
11 status Indians of Canada. Obviously, these are different
12 concepts of self-government. I noted that you felt that
13 the fundamental unit is the tribe. Would you care to
14 comment on why you feel that that is the essential unit
15 for self-government?

16 **MARLENE BUFFALO:** I guess my own
17 personal thoughts are that when you take care of the tribe,
18 as a whole, and there is no distinction as to who should
19 get more or less, when everybody is taken care of, then
20 everything else takes care of itself. My personal feeling
21 is that the Indian people, the members of the tribe, are
22 the ones that have the final say in whatever goes on,

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1 because it is them ultimately that are affected.

2 **COMMISSIONER ALLAN BLAKENEY:** The
3 counter-argument, as you know, runs like this: A number
4 of things are going to be necessary for aboriginal people
5 to realize self-government or self-determination, and some
6 of these are going to be that they are going to have to
7 have schools and post-secondary institutions of some kind
8 and an aboriginal justice system, and it is very difficult
9 to think of these types of institutions in terms of a tribe;
10 that you need a larger unit to be the basis for an
11 educational system that aboriginal people will need, or
12 as the case may be, I could argue it on the health system.

13 Do you have a comment on that? I am not
14 trying to be argumentative. I am just trying to see
15 whether we can explore some of these ideas.

16 **MARLENE BUFFALO:** I think any option or
17 any alternative is worth exploring. It is better than
18 what we have now. I think, if people can send people to
19 the moon, I think the probability of finding the necessary
20 alternatives is there. It just means people willing to
21 do the work that is required.

22 **COMMISSIONER ALLAN BLAKENEY:** Let me

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1 make one final question, and this one will be a hypothetical
2 question, if I may put it that way, not necessarily
3 presenting my own views, but saying that some would say:

4 I have studied the treaties; I have looked at all of the
5 material that is around -- the written material and the
6 records of oral comments by elders with respect to the
7 treaty -- and while I fully concede that the treaties carry
8 with them quite a bit more than is written down in the
9 words, I do not think it involves the Government of Canada
10 providing any greater land base than that which is defined
11 in the Treaty. I'll just use that as a argument.

12 Do you dispute this? I suspect you do
13 from what I am saying, and I guess it is how much is read
14 into the treaties, and there certainly is a reading in
15 of much more than was there. I think almost everybody
16 can see that, particularly the courts, which is the
17 important thing at the moment. But, that doesn't mean
18 we can read everything into them, and I'll just put the
19 question: Why do you think that involves a much bigger
20 land base?

21 **MARLENE BUFFALO:** I guess historically
22 we know that the land base was far greater than what we

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1 ended up with. One just has to grab a history book --
2 mind you, not just any history book -- to find out that
3 we did have that land base, but because of the colonization
4 methods that were employed, we ended up with a little bit.

5 I think, from what I have learned, the land base that
6 was allotted, nobody thought that Indian people were going
7 to continue surviving. They thought that they were going
8 to wipe us out -- they were going to wipe out my forefathers
9 and so on.

10 But we are here today yet, and that is
11 another issue that has to be addressed, because as I see
12 it, and as a lot of other people see it, Indian people
13 are not going to go away.

14 **COMMISSIONER ALLAN BLAKENEY:** I agree
15 with that. I'll ask my colleague, Professor Chartrand
16 -- Mr. Chartrand -- whether he would like to ask any
17 questions.

18 **COMMISSIONER PAUL CHARTRAND:** Thank
19 you. You have presented us with a number of important
20 and very interesting issues, and it is important that they
21 be considered with care, and that requires a good
22 understanding of them. So, if you will, I would like to

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1 ask a very few questions to assist me in understanding
2 those ideas.

3 Let me begin, if I may, by checking if
4 I understand the results of your presentation in the
5 dialogue you had with Commissioner Blakeney about your
6 views on self-determination and the relevant collective,
7 because you have emphasized the collective nature of the
8 right of self-determination.

9 You say, if I follow, that the right is
10 a collective one which inheres in the relevant group.
11 That relevant group, then, for your purposes of
12 understanding the right of self-determination, would
13 include those Cree who have not signed treaties, and it
14 would also include all the Crees who have signed treaties
15 as well, regardless of the particular treaty entered into.
16 Is that your thinking, or is it different?

17 **MARLENE BUFFALO:** My thinking is, I am
18 only looking at the Samson Band as a whole, because I cannot
19 speak for any other Indian person, regardless of status.

20 I can only speak for what I view and how it will affect
21 my band and its members.

22 **COMMISSIONER PAUL CHARTRAND:** So, let

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1 me ask then, so as to understand, when you say tribe, you
2 mean the Samson Band?

3 **MARLENE BUFFALO:** The Samson Tribe.

4 **COMMISSIONER PAUL CHARTRAND:** Is that,
5 in reality the same? The same as the Samson Band?

6 **MARLENE BUFFALO:** Yes.

7 **COMMISSIONER PAUL CHARTRAND:** Thank you
8 for clarifying that.

9 The remarks with respect to
10 philosophical approaches thought patterns, I am trying
11 to follow that, too, and this is definitely not my field
12 -- holistic versus linear. Does that pertain also to the
13 Samson Band? Is that the source of inspiration for those
14 thoughts as well, or are you suggesting that those ideas
15 apply generally to aboriginal peoples?

16 **MARLENE BUFFALO:** Those ideas apply
17 generally to every Indian person, because we view things
18 in terms of the bigger picture as opposed to a narrow view
19 of whatever it is that the person is looking at.

20 **COMMISSIONER PAUL CHARTRAND:** How might
21 the Commission brief itself more fully on these matters?
22 Are there associations that discuss these matters in

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1 Canada that we might usefully contact, or can you assist
2 us in pursuing our research in this area?

3 **MARLENE BUFFALO:** I guess the best way
4 that yourselves can understand it is to put yourself, for
5 a moment, in our boots.

6 Historically, we have had to conform to
7 the dominant society's ways.

8 **COMMISSIONER PAUL CHARTRAND:** I have
9 not made my point clear, I am sorry.

10 You say it applies generally, so I
11 understand that to mean that it applies to Micmac, the
12 Haida, the Inuit and so on. So, I am asking if there a
13 way in which we can learn quite quickly about those views
14 as they pertain to all the aboriginal peoples.

15 **MARLENE BUFFALO:** Well, I guess the
16 quickest way is to consult with elders, because when we
17 are troubled, we consult the elders. We ask for their
18 advice, and they're the ones which tell us that we have
19 to view things not in a narrow frame of mind, but the fact
20 that everything that is interconnected and that there are
21 four directions to everything. I guess that is the best
22 way that I can explain it for you.

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1 **COMMISSIONER PAUL CHARTRAND:** All
2 right.

3 One last question, if I may. You did
4 not touch upon this, but I think the question arises from
5 part of what you were saying. You referred to a spiritual
6 basis for what you would propose to be a model of
7 self-government. That raises a question which has been
8 discussed across the country. It has to do with the
9 application or, on the other hand, the non-application
10 of the Charter.

11 You would know that in the Preamble the
12 Charter refers to -- contains a declaration that -- Canada
13 is founded upon principles that recognize the supremacy
14 of God. In Section 2 it refers to the protection of freedom
15 of religion. In light of all that, I wonder if you have
16 a view on whether or not the Charter ought to apply. That's
17 really putting the question narrowly, so I invite you to
18 comment upon it more narrowly or more generally as you
19 wish.

20 **MARLENE BUFFALO:** Well, I guess, again
21 there, Indian people have had to apply, or fit into,
22 something that has already been set up by somebody else

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1 without their involvement. I think that's why a lot of
2 people refuse to recognize many of the government
3 initiatives, even to the point of questioning the Charter
4 of Rights and how they apply to aboriginal people.

5 The thing that I will say is that never
6 mind the Charter of Rights; I think what people have to
7 recognize is those basic human rights. The right to
8 education; the right to health; the right to freedom of
9 speech -- name it.

10 I don't know if I clarified your quandary
11 there.

12 **COMMISSIONER PAUL CHARTRAND:** Thank you
13 for your assistance.

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

16 I would like to invite presenters from
17 the Ermineskin First Nations, Mr. Jim Minde and Art
18 Littlechild. Have I got that right?

19 Welcome, and whenever you want to
20 proceed, just press the little button on the base of your
21 mike, and when it shows red you're in business. Thanks.

22 **BRIAN LEE:** Thank you, Mr. Chairman.

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1 I would like to make some introductions.

2 This is Jim Minde to my left and Miss
3 Carol Wildcat to my right, both Ermineskin Band members
4 and also employees.

5 I am Brian Lee. Art Littlechild was
6 unable to make it.

7 First of all, I would like to welcome
8 you all and make our presentation.

9 Members of the Royal Commission, on
10 behalf of our community, the Ermineskin Tribe, I would
11 like to extend our sincere welcome to you to our community.

12 This undertaking which was announced by the Prime Minister
13 back in August 1991 to examine the issues concerning
14 aboriginal peoples in Canada is a welcome initiative,
15 providing the concerns being expressed by First Nations
16 communities and individual people is used for constructive
17 purposes and does not fall on deaf ears.

18 First of all, we want to put the record
19 straight. We do not agree nor comply to being labelled
20 as aboriginal people, such as the way the Canadian
21 Constitution reads. We are not aborigines who have been
22 transplanted from Australia, although it must be noted

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1 we mean no offence to these people. It is our position
2 that there are only two races of people who are indigenous
3 to this country. These are the indigenous First Nations
4 people and the Inuit. The Canadian Constitution must be
5 amended to reflect this misconception.

6 Our presentation here today is divided
7 into two parts.

8 One, we will voice our concerns with the
9 current constitution process;

10 Two, we will highlight current problems
11 within our community which we face on a regular basis.

12 When the newcomers came to our
13 territory, we were and continue to be sovereign and
14 independent nations with our own laws and forms of
15 government. As nations, we entered into an alliance with
16 another nation in which we agreed to live side-by-side
17 in peace. Treaty 6 was an agreement between two nations
18 to understand one another's laws and governments, and not
19 to interfere.

20 Furthermore, the Imperial Crown made
21 binding obligations to the treaty First Nations under the
22 treaty. These trust obligations were placed in the hands

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1 of the Canadian state unilaterally by the Imperial
2 Government of Great Britain.

3 Yet, despite these agreements, the
4 federal and provincial governments are forever trying to
5 interpret our treaties. As treaty First Nations, we have
6 our own laws and our own way of understanding and
7 interpreting. Our interpretations must be recognized.
8 This was the agreement pursuant to the treaty.

9 Treaty 6 recognized and affirmed our
10 inherent governments and laws. Treaty 6 First Nations
11 are founded upon principles that recognize the supremacy
12 of the Creator, the sacredness of the pipestem and the
13 oral traditions of our elders who have passed on our laws
14 from generation to generation. The Canadian Charter of
15 Rights and Freedoms in the Constitution Act 1982 opens
16 with the words, "Whereas Canada is founded upon principles
17 that recognize the supremacy of God and the rule of the
18 law". Moreover, Section 52(1) of the Constitution Act
19 1982 reads, "The Constitution of Canada is the supreme
20 law of Canada, and any law that is inconsistent with the
21 provisions of the Constitution is, to the extent of the
22 inconsistency, of no force or effect". Canada makes

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1 something supreme by writing words. Our way of making
2 something supreme and sacred is not with written words,
3 it is with our sacred pipestem.

4 The Canadian governments and legal
5 systems deny the capacity of First Nations to be empowered
6 by the Great Spirit, yet this is exactly the way in which
7 we derive our authority. It is our law, a law which the
8 Crown agreed to respect under treaty. There is a need
9 for Canada to recognize and acknowledge our way of
10 understanding as we have recognized and acknowledged
11 Canada's way.

12 It is imperative that as treaty First
13 Nations the relationships which the treaty set out is
14 maintained. Treaty 6 First Nations have their inherent
15 laws and governments, and Canada has her laws and
16 governments. Treaty 6 was an agreement to coexist and
17 not interfere in one another's governments and laws. The
18 binding obligations set out and agreed to in Treaty 6 were
19 to be honoured and fulfilled by the Crown. These
20 obligations created a bridge between the two nations.
21 The Treaty 6 First Nations and the Crown, respectively,
22 must set up a mechanism within their own respective

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1 governments and legal systems to ensure that these
2 obligations are fulfilled.

3 Therefore, any provisions in the
4 Canadian Constitution with respect to the treaties or the
5 inherent rights of the Treaty 6 First Nations must be
6 structured to reflect this original agreement pursuant
7 to the international agreement entitled Treaty 6. All
8 existing laws of Canada must be entirely restructured to
9 reflect the spirit and intent of Treaty 6 to ensure
10 continued existence of inherent rights, including the
11 right to self-government, and to ensure that the Crown's
12 trust obligations as set out in Treaty 6 are honoured.

13 Historically and currently, it has been
14 the agenda of the Government of Canada to attempt to weaken,
15 break or domesticate the sacred international treaty.
16 When Canada was formulating in the 1860s, the Imperial
17 Crown insisted that Indians and lands reserved for Indians
18 be placed under the exclusive federal jurisdiction. This
19 is Section 91(24) of the Constitution Act 1867. This
20 provision was to ensure that the federal government would
21 have exclusive jurisdiction to administer the obligations
22 which the British Crown had given pursuant to treaty.

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1 The enactment of the Federal Indian Act and all other laws,
2 regulations and policies enacted under Section 91(24) was
3 a violation of the trust placed in the hands of the Canadian
4 State by the Imperial Government of Great Britain.
5 Furthermore, pursuant to this section, there has been an
6 attempt to transfer the trust responsibilities under
7 treaty to the provinces. The agreements with the
8 provinces to deliver services to Treaty 6 First Nations
9 are but one example of the attempt to gradually transfer
10 federal responsibility under treaty to the provinces.

11 Treaty 6 is between two nations, and so
12 discussions must be bilateral between Treaty 6 First
13 Nations and the Canadian federal government. This means
14 that the provinces will not, under any circumstances, have
15 a role in any discussions respecting Treaty 6.

16 Furthermore, such bilateral discussions must be conducted
17 separate and apart from any discussions of any nature
18 whatsoever that the Canadian federal government may be
19 conducted with the Metis, Inuit or non-status Indians.

20 Moreover, there is an attempt by the
21 Government of Canada to discuss treaties with
22 organizations. Such national, provincial or regional

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1 Indian organizations did not enter into treaty. First
2 Nations did. Further still, such organizations are
3 creatures of the Government of Canada through
4 incorporation under the laws of the province or the laws
5 of the federal government. They are artificial entities
6 not indigenous, as are the traditional governments who
7 entered treaty as sovereign, independent nations. As
8 such, these political organizations do not have
9 jurisdictions to enter into discussions on treaties.

10 For these reasons, we have given notice
11 to the national organization, the Assembly of First Nations
12 and to the Government of Canada, any agreements or deals
13 mutually agreed to during the recent multilateral process
14 will not be binding on our Treaty 6 First Nations.

15 Under international law Canada is
16 compelled to honour the original treaty obligations of
17 the British Crown. Treaty 6 First Nations have never
18 consented to the altering of the relationship of the Crown
19 and the First Nations set out under Treaty 6. Nor have
20 Treaty 6 First Nations consented to the altering of the
21 relationship of the Crown and the First Nations set out
22 under Treaty 6. The spirit of co-existence and reciprocity

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1 that characterized the early relations between Treaty 6
2 First Nations and the Crown at the time Treaty 6 was entered
3 must be continued in these times.

4 This means that the constitutional
5 reform process must strictly be bilateral between Treaty
6 6 First Nations and Canada. Any other constitutional
7 reform process cannot be unilateral because it departs
8 from the consensual approach reflected in Treaty 6 between
9 the First Nations and the Crown. Therefore, Treaty 6 First
10 Nations must play a role in ensuring that Treaty 6 is
11 recognized, honoured, respected and enforced by the
12 Canadian government and the law. In playing such a role,
13 we do not make the Canadian government and laws ours.
14 We merely reflect the consensual approach reflected in
15 Treaty 6, which allows all Treaty 6 First Nations to play
16 their rightful role in any constitutional reform that
17 reflects or impacts upon treaty relations between the First
18 Nations and the Crown.

19 As the treaty was entered between First
20 Nations and the Crown, it set out the special relationship
21 and obligations flowing between them. Treaty 6 places
22 us in a different position than that of other aboriginal

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1 groups. It is our position that, as Treaty 6 First
2 Nations, we must have our own separate and distinct
3 discussions with Canada. We are not beginning discussions
4 as other aboriginal groups may be. We are reaffirming our
5 understanding of the constitutional relationship that was
6 set out in the treaty over one hundred years ago.

7 In the same spirit of co-existence and
8 reciprocity upon which Treaty 6 was founded, there must
9 be negotiations of a tribunal which would ensure the
10 enforcement of the treaty obligations. Such a tribunal
11 would be composed of representatives selected by the First
12 Nations and the Crown.

13 We are not a lawless people, but we
14 cannot be subject to the Canadian Charter of Rights and
15 Freedoms or federal and provincial laws of general
16 application. This is interference. The Queen made
17 promises in the treaty to protect our traditional way of
18 life, to protect our land and to ensure our social and
19 economic advancement. Only laws with these objectives
20 can apply to us and only when there is agreement on the
21 nature of these laws by the treaty First Nations. This
22 is clearly in the treaty. As a Treaty 6 First Nation,

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1 we say again that we have our own laws and government which
2 emphasize different principles and values than the
3 Canadian government. Specifically, the Canadian Charter
4 of Rights and Freedoms protects individual rights. In
5 our way, collective rights always take priority over
6 individual rights.

7 A constitution sets out the rules by
8 which a people governs itself. A constitution also sets
9 out the values of the people. We, as a Treaty 6 First
10 Nation, state that our values are different than those
11 of the Canadian Constitution. Our treaty recognizes our
12 values. Our treaty also recognizes the values of the
13 Queen. The treaty was an agreement of two nations to
14 understand one another and to peacefully coexist. As a
15 Treaty 6 First Nation, we cannot agree to any
16 constitutional amendments which reflect anything less than
17 this. To do that would be a breach of the treaty.

18 Therefore, any amendments to the law,
19 the Constitution of Canada, must be made to reflect the
20 spirit and intent of the treaty and to ensure that inherent
21 rights and trust obligations are honoured. The Canadian
22 government, together with its laws, must, as we as Treaty

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1 6 First Nations must, honour the relationships and
2 obligations set out under treaty within our respective
3 systems. The Canadian system is the Constitution.
4 Therefore, Section 25, Section 35 and Section 91(24) will
5 need to be reworked together with the amendment procedures
6 to reflect the treaty arrangement. In addition, the
7 tribunal which would enforce the obligations would need
8 to be set out. The importance of reworking Section 91(24)
9 cannot be over-emphasized. As stated previously, when
10 Canada was formulated in the 1860s, the Imperial Crown
11 insisted that Indians and lands reserved for Indians be
12 placed under exclusive federal jurisdiction. This is
13 Section 91(24) of the Constitution Act 1867. This
14 provision was to ensure that the federal government would
15 have exclusive jurisdiction to administer obligations
16 which the British Crown had given pursuant to treaty.
17 Section 91(24) can no longer be an open box to legislate
18 in any way with respect to Indians and lands reserved for
19 Indians. It is a legislative power of the federal
20 government to ensure it fulfils its obligations pursuant
21 to treaty. It is here that the spirit and intent of the
22 treaty obligations must be reflected. The true nature

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1 of the trust relationship must be set out.

2 To state it once more, the Queen made
3 promises in the treaty to protect our traditional way of
4 life, to protect our land to ensure our social and economic
5 advancement. Only laws with these objectives can be
6 legislated under the 91(24) authority, and only when there
7 is an agreement of the nature of these laws by the treaty
8 First Nations. Moreover, Section 91(24) must ensure the
9 fiscal responsibility and accountability of Canada to
10 Treaty 6 First Nations under Treaty 6.

11 Finally, there is the question of the
12 degrees of readiness of First Nations to reclaim their
13 inherent rights to self-government. It is a Crown trust
14 obligation to ensure that by making certain that First
15 Nations that cannot handle self-government will be
16 accommodated by the government until such inherency to
17 self-government can be reclaimed. Under treaty the Crown
18 has an obligation to ensure the existence of First Nations,
19 their principles and their lands.

20 Thank you.

21 I'll now hand over the mike to Carol
22 Wildcat who will be doing the second part of our

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1 presentation.

2 **CAROL WILDCAT:** Good morning.

3 The second presentation deals with the
4 Ermineskin Tribe. I have made some generalities that look
5 at Hobbema as a whole, and I think as I talk the generalities
6 will come through.

7 The social and economic needs of the Cree
8 people is an ongoing discussion and concern within the
9 communities of Hobbema. These are problems which are
10 faced on a day-to-day basis for the people caught in this
11 cycle and a challenge for the leadership within the
12 communities. By no means are these examples exhaustive,
13 for they merely scratch the surface of the community's
14 concerns. Today's presentation has been categorized in
15 the following manner:

- 16 1. Education
- 17 2. Housing
- 18 3. Social problems
- 19 4. Life skills
- 20 5. Justice

21 In Ermineskin we have an in-school
22 program and for us our population of students that should

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1 be in school from grade 4 to grade 12 as of September 19,
2 1991 are counted at 797. Student population on record
3 at the Ermineskin Education Trust is 635 students. There
4 is approximately 162 students unaccounted for at this time.

5 Of this 162 students, 60 per cent of these have withdrawn,
6 or withdrew, due to poor attendance. Another 40 per cent
7 are students not located in Hobbema primarily because they
8 don't live on or near Ermineskin.

9 The highest drop out rate occurs at the
10 high school level. In September of 1991, eleven students
11 were enroled at the Ponoka Composite High School. As of
12 June 4, 1992, seven student remain. In Wetaskiwin
13 Composite High School 17 students enroled as of September
14 1991, and in June there are eight remaining. The Pigeon
15 Lake High School received four students in September, and
16 in June 1991 two students remain enroled. In total, 31
17 indigenous students enroled and only 15 have maintained
18 their educational growth.

19 The overall average attendance at all
20 grade levels is approximately 60 per cent. Bear in mind
21 that this average has been lowered due to the high drop
22 out rate and poor attendance of high school students,

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1 thereby decreasing the overall average. The drop out rate
2 seems to begin at 14 years of age.

3 These people grow and develop families.
4 Most adult students begin to pursue an education around
5 the age of 25 years.

6 The current tuition agreements cover
7 students for the whole school year, whether or not they
8 attend. It is hoped that Ermineskin can rectify these
9 situational payments if and when the tribe enters into
10 agreements with INAC so that we can be in control of these
11 tuition dollars. The Roman Catholic School Board in
12 Wetaskiwin has denied indigenous participation at the
13 board level. Indian children represent 40 per cent of
14 the Catholic schools in Wetaskiwin. If we pay for 25 per
15 cent of the school tuition, we feel we should also receive
16 25 per cent participation at the school board levels.
17 We require further affirmative action within the Roman
18 Catholic School system in Wetaskiwin. If there were
19 Indian representation in this area, perhaps an Indian
20 teacher would be hired, and the other language offered
21 as an option would be Cree and not French.

22 Post-secondary funding has also been

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1 reduced, making it harder for students economically. This
2 is a treaty right. It was stated at the time of treaty
3 signing in 1976 and 1877 that the government would teach
4 our people European ways in order to survive. Only
5 recently have indigenous people taken advantage of higher
6 learning without the risk of being disenfranchised upon
7 recommendation by the Indian agent, the church and the
8 Federal Department of Indian Affairs. Indigenous people
9 should not be made to suffer because more people are
10 becoming interested in a process which elevates them out
11 of poverty and a cycle of abuse introduced by
12 non-indigenous groups.

13 The Ermineskin Education Trust has
14 developed, in conjunction with Canada Employment
15 Immigration Commission, a project entitled "Stay in
16 School". The mandate for this program is to try to
17 decrease the drop-out rate. The target group is aimed
18 at junior high school students from grade 7 to 9. There
19 are programs of personal development as well as
20 psychological and sociological development being
21 introduced. The students come in reserved and inhibited
22 about certain social issues which affect their lives one

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1 way or another. By the end of the program, many are more
2 open and willing to talk about themselves and their
3 personal needs.

4 It is the age group of 14 to 16 years
5 that need different avenues for growth. They do not fit
6 into a mainstream program, for their problems go beyond
7 lack of motivation. This age group is dealing with issues
8 of child abuse, incest, physical and mental abuse, no food,
9 lack of proper housing needed to maintain some sense of
10 human hygiene, and the list goes on. We are no different
11 from the other indigenous groups across Canada, whether
12 the reserve has money or not. These problems are great,
13 and they do occur in the mainstream society as well as
14 on reserves. Only recently has the federal and
15 provincial governments noticed these areas as problems,
16 because their society is also feeling these pains of abuse.
17 When it was just an Indian problem, your government lay
18 a blind eye on us.

19 The indigenous tribes require more
20 funding to develop and implement programs which can be
21 effective for the children, youth and adults, whether they
22 are entering school for the first time or re-entering

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1 school system as a youth or as an adult student. These
2 programs are needed within the educational system and can
3 be administered through the Ermineskin Education Trust:

- 4 1. Coping with anger;
- 5 2. Positive learning;
- 6 3. Survivors of sexual, physical and
7 mental abuse;
- 8 4. Cultural awareness -- what it means
9 to be Cree;
- 10 5. Life skills;
- 11 6. History of Ermineskin;
- 12 7. Historical ways of learning; I
13 guess in terms of Cree learning;
- 14 8. Tutorial services;
- 15 9. Coping with death and suicides, and
16 10. Money management.

17 The next area I'll be making reference
18 to is housing.

19 Ermineskin reserve has a population of
20 1,965 members as of January 23, 1992. These members
21 reflect registered members of the Ermineskin tribe.
22 Tribal populations are not contingent on birth

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1 registrations, rather upon approval of membership
2 applications. The population mix of members below the
3 age of 18 years consists of 529 males and 508 females,
4 giving a total of 1,037 members, or 52.8 per cent of the
5 population. The adult population has 424 males and 504
6 females, totalling 928 or 47.3 per cent.

7 The residential needs of the community
8 are addressed through Ermineskin Property Management, a
9 division of the Ermineskin Tribal Enterprises. This
10 division consists of nine departments specializing in the
11 various trades and services applicable to the program
12 mandate given to them. There are approximately 400 homes
13 situated throughout the Ermineskin Reserve, Pigeon Lake,
14 Bulk Lake and on the surrounding land owned by the tribe.

15 Water, sewer, electrical and heating services, as well
16 as driveways, are provided for each house. Housing
17 demands have grown over the years, and there is a backlog
18 of housing requests from the membership. A report was
19 done for the tribe by Kinnaird Planning and Research
20 Limited. This report states that there is an overcrowding
21 of 77 homes. More members are coming home, thus requiring
22 more housing.

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1 Problems are:

2 1. Lack of funding to build enough
3 housing for the eligible membership.

4 2. No laws regulating the water tables
5 on lands with more than four houses on a quarter section
6 of land. Off reserve have laws which limit the growth
7 on quarter sections to two houses, thereby allowing water
8 tables to service the area for longer periods of time.
9 This is also having a serious impact on the environment
10 of our reserve.

11 3. Land is limited on the reserve, and
12 money has to be redirected to educate people in living
13 in different housing environments that cannot be achieved
14 until other social problems are looked at realistically.

15 4. Based on population changes, the
16 tribe would have to program 35 to 40 housing units per
17 year to meet the demands.

18 5. It has been estimated that there
19 are approximately 437 homes with \$4.8 million needed to
20 upgrade.

21 6. Members have concerns about
22 privacy if people are placed within a townsite setting.

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1 The memory of aboriginal people is not conducive to
2 townsite settings.

3 Possible solutions:

4 1. Educational programs required to
5 educate tribal members on maintenance and upkeep of homes.

6 Financial contributions should be accessed through INAC
7 and other government agencies.

8 2. Workshops on home construction in
9 order for members to get the most out of their dollar.

10 3. Housing seminars which would
11 educate the membership's perception on community living,
12 i.e., suburban areas.

13 The third item of topic to be discussed
14 is social problems.

15 The Ermineskin reserve is situated
16 within a land base of 29.5 square miles. It hosts a
17 membership of 1,956 people. Many social problems
18 encompass the walls of the Ermineskin land base, as can
19 be seen by the high statistics on suicide, family violence,
20 deaths related to alcohol and drugs.

21 What percentage of our women go to
22 women's shelters because it is no longer safe for them

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1 to live on the reserve with their children; to fear for
2 your own life because one person's behavioral patterns
3 are dangerous for your very existence. This may sound
4 melodramatic, but somewhere within the four reserves of
5 Hobbema there are cases such as this occurring.

6 There is a high correlation between low
7 education and acts of violence. We have a scenario in
8 which we have a large number of low-skilled employable
9 youths. No skills mean no jobs. Low skills means menial
10 work and low pay. All built into one, it is a mass ball
11 of confusion and frustration. The cycle never ends; it
12 continues to fester and develops into a slave mentality,
13 which is hard to come out of. Slave mentality, because
14 the individual has become part of a lifestyle, not
15 understanding that they can get out of these violent
16 cycles. These can be done if we develop programs which
17 address the problems of alcohol and other codependent
18 addictions.

19 We must begin programs in conjunction
20 with funding agencies to develop programs which assist
21 people to grow and heal. What we are witnessing on
22 reserves is a halted growth produced by years of

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1 As the family slowly deteriorated, so
2 did the social and cultural norms of the society. What
3 is required today is further funding to education centres
4 promoting and developing curriculum for indigenous-based
5 communities. It is time for children to learn of their
6 Cree heroes and history. It is time for children and the
7 community to learn about the relationship we have with
8 the federal government and the responsibilities that the
9 federal government of Canada has towards the treaty people
10 of Canada. We need monies injected into the addictions
11 centres based on tribal land bases. This money would go
12 into programs developed to heal the bruised and wounded.
13 We need more funding injected into programs which deter
14 deviant behaviour. These deviant behaviours have a strong
15 root in physical and mental abuse, neglect and
16 malnutrition.

17 The health centres located on reserves
18 also require major funds to help develop women well
19 centres. We need to recognize the importance of tribal
20 teachings of respect and humility.

21 Above all, we need programs which make
22 people look into their pasts in order to heal their present

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1 day injuries. We need to undertake massive programs in
2 child rearing practices and proper nutrition. We need
3 motivational courses which empower people to think and
4 act on their own behalf. We need to reprogram and retrain
5 people who are educatable.

6 Next topic is life skills.

7 I wrote very little on that because I
8 believe that everything else that has been discussed leads
9 us towards the life skill program.

10 This section will be short because it
11 involves everything spoken of to this point. Life skills
12 encompasses everything, because many of our people do not
13 know how to handle a budget, how to purchase proper food
14 and how to make it stretch from month to month.

15 Many of our people do not know how to
16 stand up for themselves, so there need to be courses in
17 self-assertion. Programs are required to educate the
18 tribal population about their civil and judicial rights.

19 Justice.

20 Hobbema is cited as being the third most
21 violent and crime-oriented society in Alberta. A
22 community with the approximate population of 10,000 people

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1 is being compared to the cities of Edmonton and Calgary.
2 Are these due to any cultural norms? No, they are not.
3 These high-crime incidents have their foundations built
4 on social problems which cause reactions in the form of
5 deviant behaviour. It is a cycle which is vicious and
6 life-consuming. The crime factors rise in Hobbema because
7 of stress due to poor education, overcrowded housing,
8 alcohol and drug abuse, low employment and, in some case,
9 racism. For it is easier to incarcerate a person who is
10 not assertive, who is unsure of their legal rights and,
11 above, all one who cannot pay their fines.

12 The court system has far too many
13 indigenous people in its judicial institutions. The
14 justice system should try to respect and recognize an
15 indigenous judicial system which could be responsible for
16 the disbursement of justice on crimes which are not federal
17 offenses. This would keep the level of unnecessary
18 incarceration down. It would seem that the indigenous
19 population keeps a segment of the Canadian population
20 employed. It is time to redirect these dollars to the
21 reserve level to develop and building our own judicial
22 system which could include hearing rooms for minor

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1 offenses; counselling areas for minor offenders, again
2 bearing in mind federal offenses would still be under
3 federal laws.

4 Ermineskin places forth a suggestion
5 that fines received from speeding and other minor traffic
6 infractions be redirected back to the community. We are
7 paying out to other communities and never receive benefit
8 of our own hard-earned dollars. We also have
9 police-related expenses for wages, office rent, equipment
10 and upkeep, as well as towards safety programs. If this
11 money is not coming to the reserve, where does it go and
12 how is it disbursed?

13 All said and done, the indigenous people
14 in North America require more funding injected into
15 educational programs. These programs need to be geared
16 toward assisting youth and adults living in the violent
17 circle of poverty and other social problems. The
18 Government of Canada, in conjunction with certain groups
19 and institutions, took away the moral fibre of a people,
20 only to be replaced with nothing. Our people are lost
21 in a system which scars them and does not help them.
22 Repeatedly we return to the same conclusion. Many of our

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1 people have been educated under the administration of
2 Indian Affairs, and this often meant they were 3 to 4 grade
3 levels lower than their counterparts off reserve. Many
4 of our people are malnourished, causing behavioral
5 problems even before school starts. We need funding to
6 develop preventative programs which will assist some of
7 the affected population.

8 In conclusion, the Cree people of the
9 four bands require further funding to educate our
10 community, both formal education and personal development.

11 Again, we have a scenario of a large number of employable
12 unemployables due to a lack training and educational
13 skills. This has only fostered a ghetto mentality of
14 despair and frustration. We need financial assistance
15 to develop programs which assist in the programming of
16 people who could not fit or learn in a box-type situation.

17 We need to start with the basics. We
18 need to incorporate the traditional Cree teaching of group
19 help, group nurturing, with the European skills of trade,
20 commerce and higher learning. We need to teach many of
21 our unskilled how to work towards more fulfilling lives.

22 If left alone, it continues to foster conducive breeding

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1 grounds for violence and crimes. This adds stress to an
2 already overcrowded justice system.

3 Healing centres need to be opened.
4 Traditional Cree methods and healers need to be recognized
5 and used. Cree healers should be consulted and paid as
6 their European counterparts.

7 Housing needs to be addressed. The
8 overcrowding of people lays stress on the community and
9 its members. People become irritated. Unlike the urban
10 areas, buildings are being built and rented out by the
11 private sector, or subsidized by the government. The
12 rural reserve does not and cannot build multi-family units.
13 We require financial aid to build accommodations which
14 will meet our needs. We need program dollars to educate
15 people in housing and environmental concerns.

16 It is hoped that this presentation will
17 be used for formulate positive programs and responses which
18 can be implemented in reality and not just on paper.

19 Thank you.

20 **COMMISSIONER ALLAN BLAKENEY:** Thank
21 you.

22 Thank you for a comprehensive brief

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1 which raises many issues. I would like to ask one or two
2 questions, then my colleague will doubtless wish to ask
3 some and perhaps we can get into a bit of a discussion.

4 I was not too clear on some of the earlier
5 aspects. Perhaps I was reading some of the material a
6 little too literally, but I think we will agree that Treaty
7 6 was signed in 1876-1877, and we will agree that Section
8 91(24) of the British North America Act went into that
9 Act in 1867. We agree that none of the numbered treaties
10 were signed before 1867.

11 So, whatever 91(24) was put in there for,
12 it was not to see that Treaty 6 was implemented, because
13 there wasn't any Treaty 6, or there wasn't any Treaty 1
14 or 2 or 3. So, I suggest to you that it did not have that
15 direct relationship to the implementation of the treaties,
16 which the brief seems to suggest. The treaties which were
17 around in 1867 were much less definite treaties than
18 Treaties 1, 2, 3, 4, 5, 6, 7, 8, 9, 10.

19 I want to, then, put a more general
20 question. If you take the position that the treaties were
21 bilateral treaties with two nations -- our treaty
22 recognizes our value -- the treaty was an agreement of

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1 two nations. I am at the bottom of page 4. What two
2 nations would you say signed Treaty 6?

3 **BRIAN LEE:** The Cree Nation and the
4 federal government of that time.

5 **COMMISSIONER ALLAN BLAKENEY:** Okay.

6 **BRIAN LEE:** The British government.

7 **COMMISSIONER ALLAN BLAKENEY:** Well,
8 okay. I do not want to argue that. Why do you think it
9 was the British government in 1876. Do you think -- a
10 good case can be made for it. I am not denying it. I
11 am just saying that they sort of came out from Ottawa,
12 and -- You can argue the other way. You can argue that
13 it is an international treaty and as an international
14 treaty it had to be the British government that was doing
15 it. I am just wanting to know what argument you are putting
16 forward.

17 **JIM MINDE:** As you know, in the time that
18 Trudeau was prime minister he patriated the Constitution.
19 I believe that was in 1982. Before that Constitution
20 was patriated, the BNA Act was delegated authority from
21 the British Crown. So, any agreements that were made
22 between the First Nations and, say, the federal government,

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1 was on behalf of the British Crown, because Canada did
2 not have that authority.

3 **COMMISSIONER ALLAN BLAKENEY:** I would
4 want to argue that. Canada entered into all manner of
5 treaties. To say that Canada joined the United Nations
6 in 1945, and they did not have the authority to do so,
7 I think that's a long bowl. That's a long bowl, and we
8 are going to have real trouble getting Canadians to accept
9 the proposition that up until 1982 Canada could not enter
10 into any treaties, when we entered into them by the fistful.

11 **JIM MINDE:** I think one of the other
12 things you might be overlooking is the fact that First
13 Nations, especially the numbered treaty First Nations,
14 started entering treaties after the Indian Act was already
15 incorporated. But, prior to that, there were a lot of
16 treaties that were entered into, and these are the
17 post-confederation treaties. Now, those
18 post-confederation treaties have been recognized by the
19 Supreme Court, that First Nations were nations, and they
20 had the authority to enter into treaties.

21 **COMMISSIONER ALLAN BLAKENEY:** I do not
22 deny that for a minute. I am just asking who they entered

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1 into them with, and I do not think with the British Crown.

2 I think they entered into them with the Canadian
3 government as post-confederation treaties. I do not think
4 it matters a whole lot.

5 **JIM MINDE:** I guess that is where you
6 and I differ on that opinion.

7 **COMMISSIONER ALLAN BLAKENEY:** Indeed,
8 and I was just asking you the basis for your opinion, why
9 you felt that the British Crown was the one that entered
10 into these treaties, and you told me it was because the
11 Constitution had not been patriated until 1982.

12 **JIM MINDE:** I guess, maybe, if you go
13 back and study the negotiations that took place between
14 the First Nations and, say, the federal government or the
15 British Crown, it was made clear that the negotiators,
16 or the commissioners, were out here representing the Queen.
17 So, who is the Queen? Was the Queen the federal
18 government, or is the Queen the British Crown?

19 **COMMISSIONER ALLAN BLAKENEY:** Same as
20 she is today, the Queen of Canada. Although I put that
21 argument, there is another argument, and I am not denying
22 what you say that there is another argument, but it is

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1 not perfectly simple that the Queen --

2 Look at any document that we have today,
3 if you go to court. It will be the Queen is saying this,
4 and she is not the Queen of Britain. The Queen of Canada
5 is saying this.

6 **JIM MINDE:** But why would the
7 commissioners represent the Queen rather than representing
8 the federal government of Canada?

9 **COMMISSIONER ALLAN BLAKENEY:** Because
10 any treaty that is signed today would be signed by the
11 Queen. The Queen of Canada, but the Queen. I mean, this
12 is just the legal language used. It is not to suggest
13 that the Queen cannot be carved up. She is carved up all
14 the time. She is the Queen of Australia and the Queen
15 of New Zealand and the Queen of Canada. This is not to
16 suggest that the British government is acting on behalf
17 of Australia and New Zealand and Canada, just because they
18 are acting in the name of the Queen.

19 But, I will get off this and ask a more
20 general question. If you take the view that you do here,
21 and I am not challenging this; I am just probing, why do
22 you care what's in the Canadian Constitution, except that

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1 it recognizes the treaty. After that, you just say it
2 does not apply to you anyway, so what does it matter whether
3 we put charters of rights in it or have Section 25 in it
4 or Section 35 in it or whatever?

5 **JIM MINDE:** We take the position that
6 we don't care what it says. All we want is the treaties
7 recognized and the obligations that were made under treaty
8 are recognized.

9 **COMMISSIONER ALLAN BLAKENEY:** Fair
10 enough. That's a straightforward position, and I think
11 it follows from your brief that, as I understand your
12 proposition, what you would like to see is aboriginal
13 self-government based upon the treaties, funded pursuant
14 to the treaties and that the aboriginal self-governments
15 would be looking after the educational needs and the
16 housing needs and all the other items that are there; and
17 that it goes to the issue of whether or not the treaties
18 provide for aboriginal self-government. I think you can
19 argue that the Canadian Constitution, sort of, recognizes
20 this in Section 35, and if it doesn't, it is about to
21 recognize it further, I suspect, before the year is out.
22 We'll see.

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1 Once that is done, then the issue is
2 solely one of performance of the treaty, and then all the
3 rest follows from that.

4 Is that a fair way to put your
5 proposition?

6 **JIM MINDE:** Yes, I think you have kind
7 of touched on what our position is.

8 **COMMISSIONER ALLAN BLAKENEY:** I'll ask
9 my colleague to get into the discussion here.

10 **COMMISSIONER PAUL CHARTRAND:** If I may
11 do otherwise, I would simply like to thank you for your
12 written presentation which you have read to us, and I am
13 happy to let the weight of its substance dictate its
14 influence in the crafting of our recommendations. It
15 follows, then, that I have no questions at this time.
16 I thank you.

17 **COMMISSIONER ALLAN BLAKENEY:** Thanks
18 very much.

19 I would invite representatives of the
20 Montana Band. Cara Currie is on my list.

21 **CARA CURRIE:** I am being joined this
22 morning by my father, Cecil Currie, and by Violet Soosay.

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1 **COMMISSIONER ALLAN BLAKENEY:** Welcome.

2 **CARA CURRIE:** I'll let my father begin.

3 **CECIL CURRIE:** Good morning.

4 Welcome to the West. We are from Big
5 Bear Clan. We were supposed to get 20,000 square miles,
6 but we haven't got it yet. We are members of the Montana
7 Band here in the south-west. I don't know what they are
8 going to talk about, but I want to talk about what has
9 bothered me for a long time.

10 I have heard Indian government,
11 self-government, being talked about and different
12 interpretations. It really disturbs me because,
13 according to the treaty we were supposed to have a
14 government as if the foreigners have never come. When
15 those treaties were signed, they came over here with the
16 Indian Act, and to me if you really studied that Indian
17 Act, all that does is dictate the lifestyle of a human
18 being. That's why today we are in trouble.

19 It tells us what we can do; what we can't
20 do, and I am afraid this is what self-government is going
21 to do also.

22 Maybe I would like to illustrate to me

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1 what self-government is. See, what I see here --
2 self-government -- I have nothing against the Metis, the
3 non-status Indian, the registered Indian. I see them like
4 this, and there is the treaty Indian here. I see the treaty
5 Indian always at the bottom of the totem pole. So, okay,
6 the government -- this is going right back to the
7 termination policy from 1846, what the government intended
8 to do with us Indian people. So what they are doing is
9 they are pouring us into this melting pot. Once these
10 guys are all put into that pot, all they are waiting for
11 this sovereign person, that is the Indian nations, to get
12 in here.

13 Then, what they have set out to do is
14 to terminate us totally, but we are still here. I think
15 that what Jimmy talked about the Imperial government and
16 the Government of Canada, when they brought back the
17 Constitution in 1982, I remember that very clearly. At
18 that time, Prime Minister Trudeau announced that he was
19 going to bring the Constitution back to Canada. At that
20 same time, maybe in less than an hour, Premier Lougheed
21 says: I am going to increase my jurisdiction.

22 So, I look at the map. Where is he

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1 talking about jurisdiction? He's got jurisdiction just
2 about all over, except the Crown land along the foothills.

3 I looked at the pink spots on the map, where the
4 reservations are. Then I figured, oh, this is what he's
5 talking about. He's talking about Section 88 of the Indian
6 Act. That Indian Act has really hurt the Indian people
7 of Canada.

8 We talk about self-determination. We
9 want that, but not with that Indian Act. We want it from
10 the sovereign tribes; the authority that tribes have that
11 they've never given up. To do it from there, we can have
12 self-government, but all the time we have the Bureau of
13 Indian Affairs in Ottawa dictating: Oh, no, you can't
14 do that; you can't do this. You have to ask permission
15 from me. You have to have a signed permit, or you have
16 to have a Band resolution. Make themselves look like the
17 Almighty on a pedestal. Well, we can't accept that.
18 We're tired of that.

19 We're told -- you know, our elders have
20 told us we have never given up anything below that surface,
21 below 12 inches. Our resources have been taken away from
22 us, and I question many times: What doctrine of law did

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1 the Government of Canada use to extinguish our right to
2 the resources of this country? Show me that document --
3 proof -- because I believe that our elders told us the
4 truth.

5 Today we are just like beggars. They
6 put us on welfare. Here, we'll give you some money. Just
7 enough to keep you quiet. We don't like that. Indian
8 nations don't like that. It's a terrible thing to have
9 to live under dictatorship. Your life is being dictated
10 to from the time you are born right until the time you
11 are put into the ground. All kinds of permits.

12 No wonder we have all kinds of problems
13 on the reservation. I am not saying all of this is the
14 blame of the government, but I think a little honesty with
15 the government -- this country is going to fall apart
16 otherwise.

17 The Quebec people are asking for
18 sovereignty. We hold that balance of the sovereignty that
19 this country wants. We don't want the moon; we just want
20 to be treated fairly, as human beings, so we can look after
21 our people; not be dictated to. This is how you get
22 educated; this is when you get sick. If you had to live

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1 under an Indian Act, boy, you couldn't take that.

2 These are things that have bothered me
3 for so long. Oh, the Indian is the welfare of the taxpayer;
4 he's a burden to the taxpayer. What about those resources
5 that were taken away without our consent? There isn't
6 a document that exists where we gave up those resources.
7 There isn't.

8 I talked to a friend of mine in the
9 Alberta Legislature and he says it doesn't exist, there
10 is nothing. We could have been running our own government.
11 You see, the government took upon itself that they could
12 extract the mineral and put a tariff on that mineral and
13 tax that, the company that extracted the mineral. We do
14 all of that. We don't get nothing. It's something that
15 we didn't give up.

16 I would like some answers why all of a
17 sudden self-government is being pushed on us. I got a
18 paper here last week that self-government -- President
19 George Bush is pushing this also in the United States,
20 self-determination, but they interpret the
21 self-determination for the Indian. As a result, the
22 Yakimo tribe, there are 31 families there that are being

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1 taxed. They are going to be evicted because they are too
2 poor to pay tax. The government can do better than that.

3

4 We don't want handouts. We want
5 something that belongs to us. The Creator has given us
6 a mind to use and now it's too bad that somebody else comes
7 in and twists our minds all up with that Indian Act. Today
8 we don't see no unit among our people. They are all going
9 in different directions, but it's part of the policy,
10 Canada's Indian policy since 1864, to eliminate the Indian
11 all together.

12 We know their goal. When I was
13 illustrating this thing, their goal is to put us in
14 municipalities to be under the lowest form of government,
15 but we want our own, but we the treaty Indian interpret
16 that.

17 I can go on and on all night, but I am
18 going to quit right there.

19 **CARA CURRIE:** My name is Cara Currie and
20 I am a treaty Indian. I just wanted to make a few very
21 general comments this morning. I just want to say
22 congratulations finally to the Prime Minister of Canada

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1 for sending his representatives here to hear what the
2 Indian people of this country have to say because it's
3 about time that the government of this country realized
4 and admitted that they cannot and they have not effectively
5 created legislation to govern the indigenous people of
6 this land.

7 That same statement was made to Mr. Clark
8 the day of his appointment to this portfolio in April of
9 1991 by myself. At that time we told him the Indian Act
10 was nothing more than legislative genocide and, even worse,
11 monolithic communism is a country that claims to be
12 democratic. We are being communist to the native people
13 of this country, dictating the lifestyles that they would
14 live.

15 Bill C-31 did nothing more than divide
16 and create negative impacts on Indian reservations. It
17 also had its good point in that it was the first step towards
18 native self-government. It allowed us to decide who will
19 be Cree and who will not be Cree, who will be members of
20 this Nation.

21 The Meech Lake Accord, the native
22 leaders of this land manipulated the federal government

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1 by their own laws. The native people moved into the
2 forefront of the political arena and displayed their skill
3 at a game created by yourselves. This should have been
4 a wake-up call to Canada that native people have special
5 rights, which gives them authority over the governance
6 and constitutions of this country and they are not afraid
7 to use that authority.

8 Oka. Well, this was just plain
9 political stupidity. They should have learned from weeks
10 before what happened at the Meech Lake Accord because it
11 was the Indian leaders of this country through Elijah
12 Harper that stopped that accord. Also at Oka it was a
13 demonstration of the new generation of native people who
14 will not tolerate injustice any longer.

15 A point made in the past several times
16 is that native people have power. They just don't know
17 how to use it. Since we have been sending forth messages
18 since the White Paper was stopped, that message being don't
19 tell us what we need, ask us. Ask us what we need. Ask
20 us what we want. We will tell you how we want to govern
21 our people. We have been given that responsibility to
22 represent them.

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1 We have only been given the privilege,
2 not only as native people, but as non-native people, to
3 occupy this land. Let us never forget that we only
4 co-habit the land that belongs to the only Sovereign One.
5 How dare we say that we are sovereign to this land. We
6 are sovereign to our peoples, but not this land. This
7 land belongs to an Almighty God.

8 Dr. Grant MacEwen spoke recently and
9 shared his thoughts on the duty of man. He said it should
10 be rather to seek understanding of being God's ambassadors
11 and caretakers of the world, rather than seeking to be
12 the richest and the most powerful. I think Grant MacEwan
13 shared a wealth of information with us that night and being
14 the elder that he is, and being the Queen's representative
15 in this country, we should listen to our elders more often,
16 both native and non-native because I too believe that they
17 were not lying to us when they said that we did not give
18 up our rights to the resources of this land. It is only
19 common sense to believe them and say that we didn't
20 extinguish every right that we had.

21 I think we should be honest with
22 Canadians that this is not a language issue that is going

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1 on in Canada. It's not about being a distinct society.
2 It's not about self-government. It's all about power,
3 isn't it, how the scriptures continue to come alive and
4 that money is the root of all evil. Isn't that a shame.
5 That would be our motive of our leaders of this country
6 and even worse of the world.

7 This work is great and large but it is
8 not impossible. The vision for Canada, which was the
9 vision of our forefathers, should not be forgotten. It
10 should be revived and used as our direction today. I
11 believe they had a plan for us. Let's find out what it
12 is again.

13 Native people do not want to be
14 assimilated into society. We want to participate. We
15 want to participate on an equal level, on a level that
16 we have a right to participate on, a right given to us
17 by our treaties.

18 Those treaties -- I believe that
19 self-government should not be based on the contents of
20 the treaty. I believe that it should be based on the
21 authority given to you by the treaty. That treaty gives
22 you special rights. It gives you the right to authority,

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1 authority to maintain the autonomy of the tribe and of
2 a nation, in this case being the Cree nation. It gives
3 you authority to maintain tribal lands and dictate the
4 laws of that land, to dictate the laws of membership, to
5 dictate the types of administrations you will have over
6 medical and education and even capital and revenues.

7 You cannot continue on with your work
8 to finding out what self-government is until you understand
9 what the treaty is because that treaty cannot be unravelled
10 and cannot be undone. Certainly there is question into
11 how that treaty was entered into, but we are standing on
12 that and that is our power, that is our law that we stand
13 on.

14 But self-government should be
15 self-government as defined by Indian people, by native
16 people in this country, not dictated by the federal
17 government and what they did in Bill C-31 and what they
18 do through the Indian Act because we are hypocrites if
19 we say that we are a democratic country, when in actuality
20 we are nothing more than a communist country.

21 I even say how dare Canada campaign on
22 a new Canada platform and not include aboriginal people.

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1 This is not a new Canada. It's a new attitude on being
2 Canadian.

3 Treaty peoples have the inherent right
4 to participate not only in the governance of this land,
5 but over their people.

6 Some solutions. There should be a
7 two-pronged approach in that we co-ordinate and deliver
8 together, because native people have a different set of
9 social demands and different spiritual understandings.
10 They need to be valued. They need to be respected by
11 yourselves and, yourselves, I say as representatives of
12 the federal government and the non-native society.

13 Another solution is learn how to manage
14 diversity, where we will make adjustments and not one party
15 dictating. When we can learn to manage diversity and the
16 diversity of the native people and the non-native people
17 of this country, then we will successfully co-exist.
18 Until then, it will continue to be a power struggle where
19 one party is dictated to. Until then, the Meech Lake
20 Accords will continue to be killed, because it was only
21 a matter of days before the native people of this land
22 united. I have no further comments.

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1 **VIOLET SOOSAY:** Good afternoon. I
2 would like to welcome the Commission members. My name
3 is Violet Soosay and I am "eano" (ph) "eseano" (ph), a
4 human being.

5 I speak on behalf of the people of Big
6 Bear and the descendants who still do not have a land base,
7 and for the other treaty descendants of "Bapates" (ph),
8 of Sharp Head, of Bobtail. These are the people who signed
9 the treaties, that signed the treaties with the Queen,
10 Treaty No. 6.

11 I heard you say just a while ago that
12 the treaties signed with the Queen, the legalities of the
13 definition with the Queen was one that I contradict. You
14 stated that the Queen in this arena is with the federal
15 government and not the Queen per se. If that is so, then
16 this country was built on a facade. This country, with
17 all its problems now, is a result of that facade.

18 To me, my history is fact, the history
19 that has not been written yet from the Indian point of
20 view. Presently there is an awareness across the country
21 that native peoples are now standing up and talking and
22 trying to portray to the rest of Canada that we are here,

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1 that we are human and we have our problems; problems that
2 came from the policies of the federal government.
3 Policies that were made to assimilate and condition our
4 people.

5 I would like to state that this
6 conditioning of the people has made our people dependent
7 upon your policies. If you talk about self-government
8 and self-determination, then we have to do it on our terms.

9 I cannot speak for the other nations across this country
10 because each nation was given their own form of government,
11 their own form of spirituality other than the Cree. I
12 say this because it hurts me to see the social problems
13 that we have here within a community. I am speaking from
14 the grassroots point.

15 Our men do not have an identity, only
16 within the Indian Act. Everything, their way of thinking,
17 is conditioned by the Indian Act and that's a very dependent
18 kind of thinking. It's sad because it doesn't give us
19 our integrity. You have taken that away.

20 As I have said before, I am a descendant
21 of Big Bear and in the future I hope to see our people
22 deprogrammed, to really stand on their own two feet, to

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1 really understand the concept of self-government and
2 self-determination, not self-government or
3 self-determination as dictated by the federal government.

4

5 I am sure I could sit here and talk all
6 afternoon, but I respect the other speakers that will be
7 presenting. That is all I am going to say for now. Thank
8 you.

9 **COMMISSIONER ALLAN BLAKENEY:** Thank you
10 very much.

11 A number of key statements were made.
12 I think the one that I thought was most relevant to the
13 work of our Commission which, by the way, we are here
14 representing the Royal Commission on Aboriginal Peoples
15 and not the federal government and four of us are aboriginal
16 and three of us are not, so that we are here -- I don't
17 know if you know anything about my political background,
18 but I haven't spent a whole lot of my time defending the
19 federal government. So, I am not here for that purpose.

20 I obviously speak in a sense for white
21 society because I am a product of it and a product of white
22 governmental systems, but in no official sense am I that.

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1 The one point that I wanted to underline
2 what was said was don't tell us, ask us. That's one which
3 very much I agree with and we are here to ask and in order
4 to ask I feel we have to ask some questions which some
5 people may feel are unfair questions.

6 I would say if I ask a question it doesn't
7 mean I share the view that I am expressing in the question.

8 **CARA CURRIE:** The same point made back
9 to you. If I make the point to you, I don't necessarily
10 suggest that you share the opinion of the federal
11 government.

12 **COMMISSIONER ALLAN BLAKENEY:** Right.

13 **CARA CURRIE:** I understand, though,
14 that you will be reporting back to the federal government
15 and I hope that you would take this and not put this report
16 on the shelf and that it be heard and that it be dealt
17 with immediately, not in 100 years from now.

18 **COMMISSIONER ALLAN BLAKENEY:** I can
19 give you no assurance of that. All I can do is say that
20 we will report and we will attempt to promote our
21 recommendations. Whether any future government ever pays
22 any attention to them will be beyond our ability to

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1 influence effectively, so that's all we can tell you.

2 **CARA CURRIE:** If you might take back
3 this one last question then, that the federal government
4 might begin to ask themselves, how do you begin to manage
5 someone who is not like you nor does aspire to be like
6 you?

7 **COMMISSIONER ALLAN BLAKENEY:** I would
8 say hear, hear. The answer I hope that would be given
9 is to structure things so that those people who are not
10 like, I'll say us for a moment, and do not aspire to be
11 like us, would manage their own affairs with as little
12 interference from us as is possible because we are all
13 living here together, so we all interact, but this doesn't
14 mean that white society needs to make the number of
15 judgments that have been made in the past about the way
16 aboriginal people live.

17 I totally accept the proposition, as I
18 have suggested on many occasions, that the regime of the
19 Indian Act was inappropriate to choose the kindest word
20 one can think of, the kindest to the drafters of the Indian
21 Act and that changes clearly must be made.

22 I won't say any more because I see an

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1 elder wishes to speak.

2 **CECIL CURRIE:** You've got that right,
3 I'm an elder. No, but I really truly believe that we can
4 live in harmony and all it takes is some honesty by both
5 sides, like the different levels of government. I think
6 there is enough for all of us here, you know.

7 It really disturbs me when I think us
8 Indian people went wrong somewhere in our immigration
9 department, you know, by letting so many different
10 languages in and you've got a bunch of groups in Canada
11 here, and the French people, trying to -- it seems to me
12 that they are black-mailing the federal government, trying
13 to get their sovereignty recognized instead of us, because
14 if anyone qualifies for a distinct society that is the
15 Indians of North America.

16 I just want to thank the Commission for
17 coming. Thank you for listening to us and I will just
18 pray that God takes care of all of you. Thank you.

19 **COMMISSIONER ALLAN BLAKENEY:** Thank
20 you.

21 I will ask my colleague Mr. Chartrand
22 whether -- it's such an interesting presentation that I'd

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1 like to sit here chatting away, but as you say there are
2 good number of other presenters. I know Mr. Chartrand
3 will want to ask some questions.

4 **COMMISSIONER PAUL CHARTRAND:** I am on
5 the other hand quite content to let your speak for
6 themselves and I am concerned not to put my own gloss upon
7 them, so it remains only for me to thank you for your
8 presentation.

9 **COMMISSIONER ALLAN BLAKENEY:** Thank you
10 very much.

11 I think we will break for lunch and try
12 to reconvene about a quarter after one or half-past one,
13 depending upon how things are moving.

14 **--- Lunch Recess at 12:35 p.m.**

15 **--- Upon Resuming at 1:25 p.m.**

16 **COMMISSIONER ALLAN BLAKENEY:** We will
17 begin our afternoon session with one presentation from
18 the Open Forum. I should say that the Royal Commission
19 welcomes written presentations and if you wish to send
20 anything in writing to the Royal Commission, you can send
21 it to the Royal Commission on Aboriginal Peoples, Post
22 Office Box 1993, Station "B", Ottawa, Ontario, K1P 1B2

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1 and that address is over on the wall.

2 If you want to find out more about the
3 Royal Commission and how you can participate, we have 1-800
4 lines. We have one in English and French and in Chipewyan,
5 1-800-363-8235. That number is also over at the table
6 by the wall. If you would prefer to speak in Cree,
7 Inuktitut or Ojibway, 1-800-387-2148.

8 I don't expect you to remember those
9 numbers, but they are all over at the table.

10 We will start our presentation with the
11 one segmentation of the Open Forum. I ask whether Mr.
12 Randy Nepoose is available?

13 **RANDY NEPOOSE:** I would just like to say
14 hello, "dancet" (ph) to all of my people here.

15 My name is Randy A. Nepoose. I am 22
16 years old and I would like to speak also for the younger
17 people. My concerns. I am currently living on the Samson
18 Cree Nation Reserve. I believe in self-sufficiency.

19 I don't see why I can have my own land
20 base outside the reserve. I believe right now in my
21 community there is too much violence, there is too much
22 deaths, suicides. With these kinds of things, I don't

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1 see why the federal government or the provincial government
2 can't come up with a crisis centre for this kind of problem.

3 I believe that the Indian people are
4 stereotyped. What does it mean to be stereotyped? I've
5 heard a lot of people say that we, native people, are
6 nothing but drunks, or nothing but derelicts. I believe
7 when a young Indian hears that he sticks to that. That
8 shouldn't happen.

9 This is where self-sufficient comes in.
10 We should train ourselves and I think that way we can
11 help our people that way.

12 I also expect what Ovide Mercredi is
13 trying to do, native self-government. That's a big step,
14 but I believe that when the white man signed the treaty
15 a long time ago they were expecting this. I believe we
16 should stand up for ourselves and we should have more Indian
17 people involved with the House of Commons. This is where
18 Wilton J. Littlechild comes in. He is another guy I really
19 respect. He proved that an Indian person can make it into
20 the House of Commons. Therefore, I believe we should have
21 more Indian people in the House of Commons. They should
22 speak for the Indian people. They shouldn't be scared

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1 of politics. They shouldn't be scared of what to so.

2 They should speak their mind.

3 I believe the only way we can help Indian
4 people -- an Indian person knows another Indian person.

5 This is where our traditional values come in. I believe
6 that the government don't understand our traditional
7 values. I believe that we should all -- I believe in
8 unification also. Unification. If Germany did it, I
9 don't see why the Indian people -- and I also believe in
10 -- I was taught when I was brought up to believe in equality,
11 no matter what race, white, brown, yellow. Everybody is
12 equal. In other words, everybody should be considered
13 equal, nobody better than the other person because we are
14 all human beings.

15 The Creator created us and that's the
16 way it should be.

17 Another one of my concerns is the urban
18 Indians, the Indians that live in the big cities. They
19 all live on welfare. I see a lot of Indian people in
20 Vancouver and Edmonton that live on the streets. It's
21 really sad. When I see them I pity them. They are pitiful
22 human beings. This is where unification comes in. This

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1 is where the Indian people should be more self-sufficient.

2

3 They should be more involved with human
4 rights, rather than money. Money. This is where
5 capitalism comes in. What is capitalism? It seems to
6 me that the government comes into native land. They see
7 the money they can make off that land. Therefore, they
8 scheme and they say, okay, we will give you this and this
9 and we take this and that. In the end, eventually, the
10 Indian people get ripped off.

11 But for us, the Samson Band, the four
12 bands, we are fortunate. We get oil money, but there are
13 other small reserves out there that have natural resources
14 and the government takes over and that's not fair. We
15 should stand up for ourselves and we should be able to
16 -- as a self-government we should be able to capitalize
17 our own resources. I don't see why it's possible, anything
18 can happen.

19 Also, I would like to speak about the
20 judicial system in Canada. It seems to me that there are
21 a lot of Indians that go through this system. I ask myself
22 why are there so many Indians that go through the judicial

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1 system. Is the judicial system unfair? It just seems,
2 I think sometimes a judge, for example, is a bigot. Maybe
3 he is having a bad day, I don't know, and just nails them,
4 but he spends three years and he is away from his family
5 and it's really sad. I have a lot of family members that
6 are in jail right now and I never see them. In other words,
7 I don't know them any more. They come out and they are
8 different people.

9 We should be more involved with creating
10 jobs. This is where we can help the Indian people. Job
11 creation should be a factor, a main factor. This is where
12 an Indian person can learn to be self-sufficient. There
13 is a lot of people that I know out there who have families.
14 They need that support. They need that job. They need
15 that experience, that working from 9:00 to 5:00, that
16 40-hours a week. I believe if they can get paid for 80
17 hours and get that cheque and say, hey, I worked my butt
18 off for 80 hours and I got paid, that's how they can learn
19 to be self-sufficient. I believe it's -- I've learned
20 that. I grew up in another place. I grew up
21 with my greatgrandfather. He taught me a lot of things
22 and I am really proud. I truly respect the elderly people.

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1 Even somebody that is a year older than me I consider
2 an elder because they know something because they were
3 here before me.

4 I am also a taxpayer. I've worked off
5 my reserve. I would like to know where my money and how
6 it is spent, where is it going.

7 Another thing I would like to talk about
8 too is Quebec. What is a distinct society? Does it mean
9 a distinction or what? I totally disagree with them.
10 We were here first. We were here before Christopher
11 Columbus came. We should have more right than Quebec.
12 So what if they made this country. It still doesn't mean
13 that they should be distinct. We should be distinct.
14 We should be looked at because we were here first.

15 I was really proud of Elijah Harper when
16 he spoke against the Meech Lake Accord. He's a good
17 example of a role model. We need more Indian people like
18 him to speak out. He's not afraid to speak his mind.

19 I am also speaking for all the indigenous
20 people across Canada. I am a young man. I am trying to
21 make it in this tough world. It's really tough. I've
22 seen a lot of bad things that happen through my community

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1 throughout my travellings. It's really scary, but hey,
2 I can learn from those obstacles. I've gone through them
3 and I don't see why I can't go through another one.

4 I would just like to believe, I hope
5 there is hope for our people. I truly believe we have
6 hope and these are my concerns. I am glad to speak out.

7 I am glad that all these people around here listened to
8 me. I just hope -- I'd like to see some changes.

9 I believe now is our time. Now is our
10 time. We are starting to be looked at now and I believe
11 we can really make a difference now because we are finally
12 standing up. Anyways, that's all I have to say. Thank
13 you.

14 **COMMISSIONER ALLAN BLAKENEY:** Thank you
15 very much.

16 Do you want to answer any questions?
17 Don't feel you have to.

18 **RANDY NEPOOSE:** Okay. Fine.

19 **COMMISSIONER ALLAN BLAKENEY:** I should
20 say that these headsets work not only to translate from
21 English to Cree and back, but to amplify what the speaker
22 is saying. If you are having trouble and the acoustics

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1 in this room are not great, if you are having trouble
2 listening, just put your headsets on and just dial it up
3 and it will come in very, very clearly.

4 I'd just like to make a couple of
5 comments. You make some good points and you are absolutely
6 right when you say that in many parts of Canada Indian
7 people are stereotyped. But there are a couple of things
8 that should be noted. One of the stereotypes is that
9 a great many Indians are alcoholics. Well, they are, but
10 a great many non-Indians are alcoholics too. There are
11 more indigenous people who are tea-totalers than
12 non-indigenous people. The number of people who just
13 don't consume alcohol at all, the numbers among indigenous
14 people are higher than the number among non-indigenous.

15 Another stereotype that you hear is that
16 Indian people or native people who live in the cities are
17 sort of quote "all on welfare". Well, some of them are,
18 but a lot of non-native people are on welfare as well.
19 The latest figures I have in front of me are the 1986 census
20 figures and it shows that in Edmonton there were a good
21 number of native males, I have the figures here, and of
22 them just 89 per cent of them had jobs and 11 per cent

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1 of them were unemployed.

2 So, maybe that's a far cry from what you
3 sometimes hear about half of them don't have jobs. Not
4 true at all. In Calgary the figure was not quite as
5 attractive, but over 80 per cent had jobs. That is not
6 what you sometimes hear.

7 While native people certainly have
8 troubles, it is quite wrong to stereotype them as they
9 are mostly on welfare. That is certainly not true in urban
10 Canada. I wish I had all of my figures here, but they
11 in effect reflect these.

12 We should not be guilty of stereotyping
13 and whenever a native person hears it you should say not
14 true, not true, because it isn't. We certainly
15 appreciated you raising some of these points. I certainly
16 share your views that, as you were suggesting, to have
17 an opportunity to have a job and earn some money is pretty
18 important for a person who is wishing to start out in life
19 and have some feeling or idea of who he is or who she is
20 and what life holds for them.

21 I certainly want to thank you for making
22 a presentation and for making your points very clearly

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1 and well. I will ask my colleague Mr. Chartrand to
2 comment.

3 **COMMISSIONER PAUL CHARTRAND:** Thank
4 you. I hope you don't mind me referring to you as a young
5 man. You told us your age and I think that's quite
6 appropriate.

7 What I want to say is that we are
8 particularly anxious to hear from the younger people, the
9 younger aboriginal people particularly in Canada. We
10 indicated in our remarks this morning that we aim to be
11 a listening Commission and it is particularly important
12 that we learn from young aboriginal people. We need your
13 vision in trying to craft recommendations, that we have
14 an obligation to pass on to the federal government and
15 we are trying to do what we can to assist you when you
16 are thinking out loud here, as you say, to make that voice
17 heard. I want to thank you for having come and giving
18 us your ideas today.

19 **--- Short Pause**

20 **COMMISSIONER PAUL CHARTRAND:** Thank you
21 for your patience. We didn't have not, but we were making
22 a switch. We were switching the Chair, not physically

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1 of course. As Mr. Blakeney indicated this morning, we
2 take turns Chairing the Hearings and so I have the duty
3 of Chairing for the remainder of the afternoon session.

4 I am advised that consultations have
5 resulted in the following agenda which is developing and
6 we have moved from the Open Forum, everyone is satisfied
7 with that situation and we are now hearing from individual
8 presenters and we will have an Open Forum later on in this
9 afternoon's session. That's what I am advised.

10 I then invite the first presenter on my
11 list, Mr. Raymond Cutknife.

12 **RAYMOND CUTKNIFE:** Thank you, Mr.
13 Chairman.

14 Good afternoon, members of the
15 Commission and all my fellow members of this community,
16 as well as the press that are present in this room.

17 Not much has changed regarding the
18 status quo situation affecting the lives of the First
19 Nations, not only in Canada, but all of the western
20 hemisphere of both Americas. The colonial mentality is
21 still ever persistent and indications lead me to believe
22 that the same mentality has no desire to remove itself

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1 rom the basis of its dictatorial foundations.

2 When Prime Minister Brian Mulroney made
3 the announcement some time ago in regards to addressing
4 the First Nations that they have a ten-year time frame
5 to structure and put in place Indian self-government, but
6 just as long as it is consistent within the Canadian
7 Constitution. There is certainly strong connotations
8 being implied to the principles of the colonial mentality
9 within that statement. In essence, it tells me that not
10 much of great significance will change. Perhaps the
11 Indian Act may be scrapped, but the overall federal
12 government Indian policy and agenda will no doubt be kept
13 quite active.

14 Unless the federal government has a
15 sincere will and desire to demonstrate and inform the First
16 Nations that they will discontinue implementing and
17 imposing the balance of assimilative laws and policies
18 against the will of the First Nations, chances of improving
19 the lives of the First Nations will no doubt establish
20 more effective and understanding relationships. If not,
21 then this exercise of the Royal Commission on Aboriginal
22 Peoples will have been a useless process and a waste of

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1 time for everyone concerned.

2 If the federal government is serious
3 with its mandate with this exercise, they would scrap the
4 thought of the assimilative policies from its agenda and
5 only time will tell us which direction they wish to pursue
6 and we will be able to detect its directive course of
7 action. We, as the First Nations of this country,
8 are fully aware of the federal government's projected
9 ambitions on its policy pertaining to the same First
10 Nations.

11 I read a media article in the Globe and
12 Mail regarding the commencement of this Commission which
13 began in Manitoba. The emotional factor that generated
14 from that one experience where some ladies who addressed
15 this Commission were unable to complete their stories did
16 not surprise me why this happened. The effectiveness of
17 the Indian Act policy had perpetuated a traumatic change
18 in the mind of the red man. His cultural and spiritual
19 values were transformed into Euro-Canadian values and this
20 change had its tremendous negative impacts on all native
21 communities across Canada.

22 The introduction of the elective system

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1 within the Indian Act has done a great deal of harm to
2 the First Nations. Within the society of the First
3 Nations, the elections never existed. After its
4 implementation by the federal government, it has created
5 divisions amongst native communities. It has strained
6 relationships. It has generated social problems. It has
7 developed different native character. It has also
8 affected the land base.

9 It clearly evident that we can no longer
10 tolerate this transition of the Indian Act. We need to
11 heal the basics of our lives. We need to establish the
12 basis of our own government, since we know what is good
13 for us. We do not need outside sources on how we should
14 put our government into place.

15 The Indian Act had also provided us the
16 social problems that are still with us today. With the
17 gradual change of native mentality shying away from its
18 spiritual principles which progressed along rather slowly,
19 the Indian policies began to take its course of effectively
20 manifesting a change. The character of the red man was
21 absorbed with the values of the Euro-Canadian mentality.
22 The transition developed the social problems, the

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1 problems that did not exist prior to the arrival of the
2 European.

3 It is a formality today to observe events
4 that leads to the destructiveness of our people within
5 our communities. This type of experience only hurts our
6 community. The pain and anguish that we go through each
7 time does not have to be maintained by us.

8 It is also a commonality that the deaths
9 in our communities are related to illicit substances and
10 amongst other related negative elements. These deaths
11 by far outnumber the natural deaths which gives an
12 indication that there is something drastically wrong with
13 the mind of the red man.

14 We need to retain our dignity. We need
15 to re-establish the foundations of our principles and
16 values. We need to strengthen our own self-esteem. We
17 need to govern ourselves. The federal government's Indian
18 policy and agenda will not create success and will not
19 achieve positive results for us under its laws.

20 The Indian Act is a failure for Indians.
21 The various Indian policies are also failures. The
22 federal government has to stop with experiments based on

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1 those policies. The Indian reserves have become
2 laboratories, the First Nations as the guinea pigs and
3 the Department of Indian Affairs the lab technicians.
4 These experiments promote the interests and aspirations
5 of the federal government. The same federal government
6 has to understand that we are fully aware of those
7 experiments.

8 It was mentioned by the First Minister's
9 meeting that a third order of government be established
10 as a suggestion, but what nobody talks about today is the
11 original government that existed in this country from time
12 immemorial. Are the two levels of governments in this
13 country prepared to educate the First Nations as to
14 whatever happened to it? What was the prime purpose of
15 legislating and phasing out its existence?

16 We are fully aware of the fact that the
17 basis and basics of the federal government system and
18 concept simply does not benefit us. We cannot afford to
19 maintain the failures that are destroying our way of life.
20 We need to determine our own destiny. We can no longer
21 allow the federal government to manifest its policy of
22 determination of First Nations termination.

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1 In terms of economics, the First Nations
2 had become the technicians to industry of this country.
3 The overall industry had more or less created us into
4 slaves as well as beggars. We find ourselves today begging
5 for something that is rightfully ours. There is no
6 historical records or documents to indicate that we
7 wilfully and knowingly agree to relinquish and totally
8 surrender the sources of our natural resources. The same
9 resources today sustains the balance of Canada's economy,
10 except for the First Nations, which otherwise comes in
11 the form of special funding arrangements as arranged by
12 the Department of Indian Affairs.

13 The issue of Indian treaties is a major
14 issue for the treaty Indian people. They rely their
15 livelihood on the basis of those treaties, but the federal
16 government over the past century had simply refused to
17 acknowledge their existence.

18 The Indian treaty sector needs to
19 determine the purpose, scope and nature of those treaties.
20 Are they in fact international instruments based on
21 nation-to-nation relation-ships or are they domestic
22 agreements, inducing and perpetuating land surrenders of

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1 an unconditional nature?

2 Our elders have repeatedly maintained
3 their convictions that at no point did the Indian nations
4 unilaterally agree to relinquish their land. Yet, to this
5 day, the Department of Indian Affairs still maintains the
6 transition of expropriating Indian land without the
7 consent of the Indians.

8 The principles of Indian values have to
9 find its proper perspectives. In order for us to sustain
10 and maintain our culture, we need to stress more emphasis
11 of addressing ourselves accordingly. Without our culture
12 and our land base we are absolutely nothing.

13 I am not for a moment criticizing the
14 concept of the academics of the white man's religion, but
15 I became of the Roman Catholic church congregation by
16 virtue of section 91(24) of the British North America Act
17 of 1867. Why the same institution did not allow me to
18 understand the principles of our native spirituality is
19 beyond reason and question.

20 It is important for the First Nations
21 to maintain the principles of their cultural values on
22 the basis of its originality of this country. It is the

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1 only true culture we have.

2 Canada is in the process of celebrating
3 its 125th year of the formation of a dominion government
4 and country, and for that matter all of the Americas are
5 preparing for the acknowledgment of Christopher Columbus
6 landing on this continent. It is somewhat ironic and
7 strange that such celebrations could actually accommodate
8 their respective recognitions of exploitive achievements
9 on the dignity of the red man. Are these same celebrations
10 prepared to encourage the thought of eliminating the role
11 of colonial stability being enhanced by the dominant
12 governments?

13 Some forms of healing processes had
14 actually commenced in various areas of Canada. In order
15 for the healing process to succeed and achieve positive
16 results, everyone has to commit sincerity, honesty and
17 apply diplomacy as well. Without sincere convictions this
18 exercise is useless. It will not improve the situation
19 any, but in all practical purposes it will only escalate
20 the existing relationships the First Nations have with
21 the governments to a point of deterioration.

22 In summary, in order for the First

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1 Nations to survive as a unique and distinct entity, the
2 colonizer has to decolonize itself and establish
3 co-existence relationships as understood by our Indian
4 treaty signatory in August and September of 1876.

5 The First Nations are uniquely tolerable
6 people and the government should discourage itself from
7 taking advantage of that tolerance. They should not even
8 consider the thought of the same First Nations being easily
9 submissive to their policies. They have done a credible
10 task of conquering the Indian leadership and dividing
11 Indian communities. It is very important that the
12 government takes the initiative to understand us more
13 effectively and be more humane to our concerns.

14 We understand the character of the
15 federal government and, unfortunately, most of it is
16 negative. We have no desire to maintain our relationships
17 on that negativeness.

18 At this moment the indigenous nations
19 of both Americas are promoting peace and dignity, not only
20 to the indigenous nations, but to the entire world. They
21 are promoting the concept of peace because of the strong
22 convictions they have as a natural gift based on love for

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1 fellow mankind.

2 The promotion of this peace and goodwill
3 to all men will coincide with Columbus' arrival on this
4 continent with one group of Indian runners who commenced
5 the runs from Alaska and the other group starting from
6 Argentina in South America and who will eventually meet
7 in Mexico City on October 12, 1992.

8 Perhaps it may be suggested that the
9 governments of the Americas be encouraged to acknowledge
10 their festive profound relationships with the First
11 Nations and in order to do that they have to decolonize
12 the thought of maintaining their colonial mentalism. One
13 way or the other, the beginning of the new 125th year period
14 or the next 500 years should give us some sort of clear
15 indication which direction the government of both Americas
16 aspires to project their ambitions.

17 That completes my presentation to the
18 Commission.

19 **COMMISSIONER PAUL CHARTRAND:** Thank
20 you, Mr. Cutknife. I was particularly interested in the
21 fact you mentioned towards the end about the groups of
22 runners starting from opposite directions and meeting in

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1 Mexico City.

2 I was reading recently the literature
3 by Ronald Wright regarding the circumstances of aboriginal
4 people in 1492 and I think I recognized extracts from that
5 book made by one of the presenters earlier today. It seems
6 to be quite a significant event that you are talking about.

7 Thank you for bringing it to our attention.

8 I would like to start by asking
9 Commissioner Blakeney if he has any comments or questions.

10 **COMMISSIONER ALLAN BLAKENEY:** I don't
11 have any questions. I just thank Mr. Cutknife for just
12 emphasize and re-emphasizing that the problem we are
13 dealing with is one that arose because of the colonizing
14 steps taken by non-aboriginal society in dealing with
15 native people.

16 White society don't recognize
17 themselves as colonizers, which they assuredly are. Part
18 of the role of this Commission is to see if we can get
19 across to white society that the policies have been
20 colonial almost in a classic sense of the word. They have
21 been designed to break down the language and the culture
22 and the spirituality and the former governmental

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1 organization of aboriginal people and to replace it with
2 those of the "conqueror", if I use that word in quotes,
3 but certainly of the colonizer. That is part of the role
4 of the Commission. Whether we will be successful or not
5 I don't know, but that's certainly our role and I thank
6 you for emphasizing it.

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

9 I now invite Mr. Harrison Bull to come
10 forward and make his presentation.

11 Welcome, Mr. Bull. You may proceed
12 whenever you wish. There is a little button there.

13 **HARRISON BULL:** Thank you, Mr. Chairman
14 and distinguished members of the Royal Commission on
15 Aboriginal Peoples.

16 At the outset, I would like to inform
17 the Royal Commission today that the Louis Bull Cree Nation
18 will not be making a formal presentation. The Louis Bull
19 since the commencement of the fiscal year has undergone
20 a tremendous amount of change and transition, both at the
21 Council and administrative level. We have just gone
22 through an election and as of April 1st we have a new Chief.

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1 Since the commencement of the fiscal year, the new Chief
2 and his Council have gone through changes, a tremendous
3 amount of changes and also have been analyzing how the
4 new administration will continue and how they are going
5 to continue from the previous administration without
6 jeopardizing and impeding the service delivery of the
7 tribal members.

8 It is with this unfortunate situation
9 with the tribe that there will be no formal presentation
10 on their behalf. Unfortunately, and I regret that this
11 is all that I have to say on behalf of the Louis Bull,
12 but they will prepare a written submission at a later date
13 which will be forwarded to the co-Chair, Mr. Georges
14 Erasmus because the organization that is needed to make
15 and to prepare a formal presentation of this nature
16 couldn't be done with the present changes that are
17 happening in the administration.

18 Again, personally, I would like to
19 commend the Royal Commission in their endeavours to at
20 least hear out the Indian people. At least the Indian
21 people are being given a chance to outline their concerns.

22

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1 I beg I guess, beg or request the Royal
2 Commission to take seriously the recommendations that will
3 be forwarded in this forum. Indeed, the people that are
4 here are sincere in the rights that indigenous peoples
5 or Indian peoples deserve.

6 Unfortunately, the federal government
7 since time immemorial have taken the paternalistic
8 approach. They have not listened to Indians and they have
9 also looked down on Indians. Even at the International
10 Forum, the Canadian government was saying Indians are not
11 peoples, they are a population and when we talk about a
12 population we look at a pack of wolves, a herd of buffalo,
13 you name it. That's how the Canadian government looked
14 at the Indian people, not as peoples, but as populations.

15 That's why I commend the Royal Commission in identifying
16 at least aboriginal peoples as peoples, not as populations.

17 Thank you.

18 **COMMISSIONER PAUL CHARTRAND:** Thank
19 you, Mr. Bull.

20 I want to begin by thanking you for your
21 good wishes. From my perspective there is absolutely no
22 need for you or the Louis Bull First Nation to apologize

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1 for not having a written presentation here today at all.
2 The Royal Commission is anxious, as you have indicated,
3 to give all aboriginal people a chance to express their
4 concerns and we are not going to disappear very soon.
5 We are going to be around for a while. We have an
6 Intervenor Funding Program to assist people in making their
7 views known to us in writing, orally, any way you wish
8 to present them to us. So, we welcome your contribution
9 whenever you wish and are prepared to make it.

10 **COMMISSIONER ALLAN BLAKENEY:** I have
11 nothing to add, except to reinforce what Commissioner
12 Chartrand has said. First, we welcome presentations in
13 writing. Secondly, this is not our last time around.
14 We probably won't be back to Hobbema again because we will
15 probably pick another location, but we will be back in
16 this general area of Alberta again to hear what people
17 have put together as their thoughts of what we should be
18 hearing. We can either receive presentations in writing
19 or we can hear from you again and we would look forward
20 to that.

21 **COMMISSIONER PAUL CHARTRAND:** The next
22 presenter on my list is Mr. Wilson Okeymaw. I invite Mr.

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1 Okeymaw to come forward.

2 I want to welcome you and ask you to take
3 your time and to begin whenever you are ready. Take all
4 the time you need.

5 **WILSON OKEYMAW:** First, I would like to
6 address the First Nations and the Cree Nations, my people
7 here that are present and, secondly, you gentlemen from
8 the Commission. I am honoured to be here in front of you
9 and to present to you a short presentation. The copies
10 that I have made, some are point form and it is relating
11 to the drug and alcoholism among the First Nations of our
12 people, the aboriginal people.

13 I would like to firstly open my comments
14 and in my report or my presentation it's on the third page.

15 If you would bear with me, it is in clear relevance to
16 the dilemma of addictions that we are in in Indian country.

17 If you look on the third page it says "Cleaning Up and
18 Keeping the Balance", and that's the topic.

19 A lot of social damage has been done to
20 this country, to this continent by the foreign
21 philosophical system called "government". Some of
22 those working now as instruments of this system can see

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1 this damage and they want to clean it up and that is good.

2 I believe the Commission is somewhat here to address this
3 concern.

4 But they are trying to do it cheaply.

5 It cannot work that way.

6 For every action there is an equal
7 reaction. As much as it cost to do this damage is how
8 much it will cost to undo it, which is the state in confusion
9 and the social problems that we are having is what I am
10 alluding to.

11 Over time, a lot of people have been paid
12 very well for the activities that made this mess.

13 Now, some other people must be paid as
14 much for -- now, some other people must be paid as much
15 or for the activities that will be cleaned up. There is
16 a misprint there. I wrote it and then she just typed this
17 out. What it should read is people have to be paid as
18 much, if not more, to clean up this mess.

19 And those to be paid for the undoing are
20 those who were exploited by the doing, which is definitely
21 in relation to us here as I sit in front of you.

22 Even at this man-made monetary level

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1 that I sit in front of you, the cosmic laws of balance
2 and harmony will apply.

3 To clean up and restore the balance of
4 my people, which they will be functioning again the way
5 we used to, without the addictions and social problems
6 that we encounter.

7 I refer to the next comments and I think
8 they are pretty relevant as I go into the alcoholism stage.

9 If you will bear with me, these need to be said. I feel
10 if they are not it is senseless to go on.

11 The most striking difference between the
12 philosophies and the teachings of the North American Indian
13 and the modern man is the manner in which each views his
14 role in the universe. The prevailing non-Indian views
15 that man is superior to all other forms of life and that
16 the universe is his to use as he sees fit. The value placed
17 on every other life form is determined only by its
18 usefulness to man, an attitude justified as "the masterly
19 of nature for the benefit of man".

20 However, the Indian view is that man is
21 part of a delicate balanced universe in which all
22 components -- all life forms and natural elements --

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1 interrelate and interact, with no part being more or less
2 important than the other. Further, it is believed that
3 only man can upset this balance.

4 It is a tragedy indeed and I say this,
5 tragedy indeed, man in his headlong quest for progress
6 could not have paused long enough to learn this basic truth,
7 one which he is now being forced to recognize, much to
8 his surprise and dismay. Ever anxious to teach "backward"
9 people, he has been ever reluctant to learn from them and
10 which I speak solely for myself as an Indian person.

11 So, what is an Indian?

12 The Indian was a true naturalist, a lover
13 of nature. He loved the earth, the attachment growing
14 with age. The old people came literally to love the soil
15 and they sat closely to the mothering power. It was good
16 for the skin to touch the earth and the old people removed
17 their moccasins and walked bare feet on the sacred earth.

18 The birds that flew in the air came to rest upon the earth
19 and it was the final abiding place for all things that
20 lived and grew.

21 The soil was soothing, strengthening,
22 cleaning and healing. This is the way of the Indian (sic)

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1 still sits upon the earth instead of propping themselves
2 up away from the life-giving forces. For him, to sit or
3 lie upon the ground, it is to be able to think more deeply
4 and to feel more keenly. He can see more clearly into
5 the mysteries of life and come closer to kinship to other
6 living things about him.

7 We talk of kinship. Kinship with all
8 creatures of the earth, the sky, the water was a real and
9 active principle in the animal and bird world. There
10 existed a brotherly feeling that kept the Indian safe among
11 them and so close did some of the Indians come to their
12 feathered and furred friends that in the true brotherhood
13 they spoke a common tongue. Somewhere we lost that as
14 Indian people of this North American continent.

15 The old Indian was wise. He knew that
16 man's heart away from nature became hard. He knew the
17 lack of respect for growing living things soon led to lack
18 of respect for humans too. He knew if he lived this way
19 long enough that self-respect would also deteriorate.
20 This is why he kept the young ones, the young people close
21 to its soothing influences.

22 After opening with those kinds of

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1 remarks, those are basic, fundamental things that I see
2 in Indian country, but in reference in to the alcohol and
3 addition problems in this community -- I work at "Neoskan"
4 (ph) as the Executive Director. Consequently, I see in
5 the National Native Association of Treatment Directors.

6 I feel that, yes, the trend is changing to the basic
7 fundamental principles that we need to go back to in terms
8 of solution and I will reach what are those sorts of
9 solutions.

10 On the next page, alcoholism is not
11 prejudice. One of the first things that I get in terms
12 of response to alcoholism, yes, funds comes into the
13 picture immediately. I know that alcoholism isn't
14 prejudice. It's in all races, we know that, but
15 predominantly as I look across Indian country it's very
16 devastating. It's killing my people.

17 Alcoholism is a symptom of something
18 else. If we could identify what that something else is,
19 whether it be guilt, hurt, whatever, we can deal with it
20 with alcoholism a little better.

21 We must heal from within. In the
22 process that I am seeing with the opening statement that

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1 I made in the so-called system called government, in
2 working within the alcoholism field and being sober for
3 over 21 years, I feel -- one of the presenters said we
4 are always told what to do. It is really ludicrous at
5 this point that we have to abide by guidelines that are
6 set in Ottawa because we are funded by Ottawa to try and
7 deal with this complex problem that nobody else wanted
8 to tackle and they call us para-professionals.

9 Then we are given guidelines and said,
10 "Here is how you treat the problem". I am saying the
11 problem has to be dealt with my people the way they see
12 fit. It's very ludicrous to say that you take a European
13 program and apply it within the context of this reserve
14 and say, "Here, this is how you treat the problem of
15 alcoholism or addiction". It will not work.

16 The only way it will work is for the
17 people to have the resources; number one, the money and,
18 secondly, the people or vice versa. The community itself
19 has to work within those confines of human resources and
20 in the financial resources that are rigidly told this is
21 the way we've got to work to deal with our problem. If
22 we don't, sometimes our funds are taken away and that has

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1 to be seriously looked at.

2 The phase one, why do Indians become
3 alcoholics and these are some points. I talk about
4 genetics. Alcoholism is very foreign in this community,
5 very foreign. Even currency is foreign in this community.
6 Abscessed teeth is very foreign in this community. We
7 have an epidemic of diabetes in this community. It is
8 foreign. We never had anybody die of heart attacks in
9 this community. We do now, very readily. These are all
10 foreign things that are related to this alcoholism and
11 also the symptom that we see, a symptom of another cause.

12

13 I say alcohol is foreign to the Indian
14 body because it is not used in any of our ceremonies in
15 Indian country, nothing. Within the Indian culture there
16 is no use of alcohol, never was and still today.

17 The use of alcohol is relatively recent
18 in Indian country. I think a lot of this alcoholism stems
19 from residential -- I call it residential syndrome and
20 still today I see a residue happening among our young people
21 because a chain reaction has happened since the residential
22 school. I myself have experienced personally the tail

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1 end of the residential schools and we have literally been
2 beaten every day in school. As a result, I became an
3 alcoholic.

4 My parents weren't, but I was beaten just
5 about every day. As a result, I hated white people and
6 I had to deal with that as I was growing up. Hate becomes
7 a heavy word, but all I saw were these priests and sisters
8 beating me up. In order to deal with that, in order to
9 deal with that pain, I had to drink alcohol. It seemed
10 like it soothed the pain a little bit, but as I went through
11 progress in life I got addicted to alcohol. It didn't
12 sooth the pain any more and I just drank to get drunk.

13 I became to hate my people also. I think
14 as a community we get caught into that system. As I started
15 to have children I started to realize the residue was still
16 within myself. I started to abuse my own children in terms
17 of -- I thought it was discipline. It has changed since
18 and I think it is going to be a lifetime scar within myself.

19 I think the change that is going to happen is the next
20 generation of alcoholism. That's where the change is
21 going to be.

22 We have to look at prevention, to take

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1 a look at that and see it very seriously. Coupled with
2 that, we have to take a serious look at what are the values
3 of Indian people. How can the Commission help us to go
4 back to that because even us Indian people deny that we
5 are Indians. How do we deal with that kind of thing?
6 How can the Commission help us, when I myself don't even
7 believe that I'm an Indian when I hold my braids up like
8 this? When I tell my kids they are Indians, how do I
9 convince them? They hate to be Indians. That's the
10 dilemma that alcoholism has done to my people, who are
11 fighting among ourselves. We can't even be related to
12 each other.

13 I am saying some solution, resolutions,
14 and I have some ideas and we can start to work towards
15 those solutions. It's devastating, not only in this
16 community. I travel across the community and I watch
17 Indian people.

18 However, as I speak to you, the pendulum
19 is swinging the other way. We are finding our roots.
20 It's not totally lost and I'm not saying here on one knee
21 -- I'm saying proudly, yes, we are getting a grasp and
22 understanding our principles and our teachings that the

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1 pendulum is definitely swinging the other way, but it's
2 a slow process. Yes, you people in the Royal Commission
3 can play a role in this.

4 The welfare system. Indian people --
5 I have never seen an Indian person -- the quote "lazy,
6 drunken Indian". I have never seen in my life to this
7 day a lazy drunken Indian. As I was drinking, when I woke
8 up, I worked hard to stay drunk. It was a heck of a job.
9 So the terminology is very wrong. There's no such thing
10 as a lazy, drunken Indian.

11 You take the welfare system, you take
12 all the pride from an Indian person and that's what I'm
13 alluding to. If you can take them out of the welfare
14 system, they're proud to work. A lot of good people are
15 sucked into the welfare system. How can we move from that
16 welfare system to where we were once proud and we were
17 able to provide for our young ones and be role models of
18 our community and to our wives, to our families, to our
19 elders. Welfare don't give you that pride. It's very
20 degrading. It's hurting. It's damaging. We lose all
21 dignity if you give us welfare. I know that.

22 I talk about something called the GDT.

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1 It's called the "governmental diverse tactics" and that's
2 a whole misinterpretation about Indian people. I see
3 reservations fighting one another, no, not this community
4 here, I am saying different reservations. They give us
5 a pot of money that we fight for, so we are on everybody's
6 throats.

7 Right now, as I speak to you, I believe
8 Treaty 6 has broken away from the National Brotherhood.

9 Why is that? That's what the funding agencies does to
10 my people. They fund us so we will fail, but we take it
11 because there is nothing else. We are always funded to
12 fail.

13 Then they say to us, "Ah, hah, Wilson,
14 I knew you would fail!". Well, I was set up to fail in
15 the first place.

16 So, what happens at the end of all these
17 things that I am talking about, we begin to start off with
18 a lack of trust, and then I don't start trusting my own
19 friend.

20 First, I don't trust the government.
21 I was reluctant to come and speak over here to the Royal
22 Commission. Why? Number 9 --- lack of trust. Why am

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1 I talking here for? Where is this all going to happen?
2 What's the outcome of this thing? What is this exercise
3 all about? I question myself. Wouldn't it be better for
4 me to go out there and talk to somebody who really needs
5 talking to that has a problem, than have a lending ear?
6

7 Lack of trust --- yes, there is lack of
8 trust. And it's extending to our own families. It is
9 very destructive.

10 The outcome of misuse of drugs and
11 alcohol, I put as Phase 2. Nobody needs to tell us what
12 happens when alcohol and drugs are abused. We only look
13 around us to see the effects. We just take a look around,
14 and if you're sober, consequently, there's a lot of people
15 who are still indulging, they'll attack you right away,
16 because you talk about sobriety. So all you have to do
17 is just look around and you'll see the visible effects
18 of alcohol.

19 So, the state of depression is brought
20 by alcoholism and drug abuse. And I look at it and I've
21 been talking holistic, by the way, for a number of years,
22 and Phil Wayne from the University of Lethbridge took the

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1 concept of the tree, the holistic line, and put it on paper.

2 And what happens when you become alcoholic or abuse
3 alcohol or drugs? Physical deterioration happens.

4 You look at the mortality rate. I did
5 a study here a number of years ago. The mortality rate
6 of this community is 32 years old, 32 years of age. It
7 is scary when you start looking at the statistics. What
8 do you do?

9 Our youth in this community, I believe
10 -- and don't quote me on this -- it's a high percentage,
11 75 per cent, I believe, of our community here is under
12 the age of 25. We have to seriously take a look at the
13 physical deterioration of the First Nations.

14 There is a mental deterioration, where
15 we start hating one another. How come? It never used
16 to be like that. I'm old enough to remember when I was
17 a child there was so much love in this community.
18 Heartbreak. Right now there is pain and sorrow, right
19 now as I speak to you. That's the emotional impact of
20 alcoholism and drug abuse.

21 And the spiritual denial. We run all
22 over the place for healing and we don't believe in our

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1 own selves as Indian people that, yes, we can pull this
2 together.

3 You know, there was no child abuse in
4 this community when alcohol wasn't around. But there sure
5 is now. Child abuse, number one -- and I've got them listed
6 here at the bottom. And this is just only a few. I'm
7 not going through all of them.

8 There was no sexual abuse in this
9 community. There is now. A lot of these people who are
10 coming up front and talking why they're abusing alcohol
11 is because they can't handle the abuse that they've taken
12 sexually. I was one of the fortunate ones in the
13 residential school, but the boy who slept next to me wasn't
14 very fortunate. I saw him being sexually abused. As a
15 result, he died violently. He couldn't handle it when
16 he became of age.

17 There wasn't any wife abuse in this
18 community, but there is now when there is alcohol. Indian
19 people never beat up their wives. They do when they drink.
20

21 So is husband abuse. People laugh when
22 I say husband abuse. This is a reality.

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1 Elder abuse. We have only a few more
2 elders in this community and we need to hang onto these
3 elders. There never was any elder abuse in this community.
4 There is now, when alcohol is consumed.

5 What about crime and jail? People are
6 trying to deal with --- and I've been involved with the
7 Cawsey Report, I sit on the Policy Review Board committee
8 --- they are trying to stop the cycle. And it's an
9 extenuating thing to the residential school, as I look
10 at it. They're told when to get up, they're told when
11 to eat, they're told when to go to the bathroom. That's
12 what the jails do. They're not rehabilitated over there.
13 It's an extension of the residential school syndrome.
14 And crime happens because people don't have self-respect.

15 What about dropouts? There's a lot of
16 dropouts, and people abuse alcohol and drugs when they
17 drop out of school. A high, high rate, not only in this
18 community. I'm looking right straight across the board.
19 A high dropout rate.

20 Death. Diseases. Accidents.
21 Consequently, I don't know if you've got the report. This
22 is highest in Alberta in this community -- impaired driving

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1 -- per capita-wise. Ten times more than Edmonton.

2 Divorce. We have children that are
3 suffering the repercussions of divorce.

4 Unwanted pregnancies. We have children
5 now that never happened before. There are so many unwed
6 mothers, unwanted kids. The other component is AS,
7 alcohol syndrome babies. Another one that is really
8 coming up fast.

9 The grief and pain of all these things
10 that I've named is really what we need to address. And,
11 finally, I want to mention in number 15 in the point system
12 that I have there, something very devastating that needs
13 to be addressed by the Commission, and very seriously
14 looked at.

15 It is AIDS. There has been a prophecy
16 about this disease of no name. It's coming into this
17 community. And when you're dwelling in the area of alcohol
18 and promiscuity and drugs, there will be AIDS. There is
19 no question in my mind. You don't need to be a scholar
20 to figure that one out. It's going to happen.

21 The last thing I would like to conclude
22 is probably the first thing --- working toward dealing

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1 with alcoholism. Understanding the problem and how it
2 affects the person suffering from alcoholism. You've got
3 to understand that feeling, going through alcoholism.

4 And I identified some strong points in
5 this community, and in Indian country in general. One
6 is our elders. They have to take their rightful place
7 in talking to our young people, the teachings and
8 philosophies of Indian people. They have to play their
9 role. They cannot go to another form of entertainment
10 at this point in time. And I say this very diligently.
11 They have to take that role.

12 What about our ceremonies that helped
13 this country before the coming of the European? The
14 ceremonies held this country together. They were so
15 respected. There's dialogue that we have in here and it
16 never was like that before, but this is a system that we
17 have to adapt to at this point in time. We didn't have
18 debates like this; it was a ceremony that was done in order
19 to come to some kinds of resolutions. It was a ceremony,
20 sacred.

21 I thought about bringing my sweetgrass
22 and lighting up here and I thought, no, not at this point

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1 in time. But that's what I should have done. And I told
2 my wife as I came up here, I left my sweetgrass, I didn't
3 light it up. But in order to get some resolutions and
4 some directions, those are the things that we seriously
5 have to look at.

6 Our culture. A lot of people
7 misinterpret that concept. I see a lot of people wearing
8 beads and moccasins, and that's all fine. But we need
9 to talk from the heart down the line, and be proud. Culture
10 is strong. Alcoholism is not a part of our culture; we
11 have to take a look at that very seriously.

12 "Nehewahawen" (ph). I wish I could talk
13 to you in Cree all the time.

14 (Translation): You should be spoken to
15 in Cree instead of in English to be told, to be made to
16 understand, exactly how you can help us here, you people
17 that have come from Ottawa. It would look a whole lot
18 better and it would make more sense, our words would make
19 more sense.

20 Even though we speak only English to our
21 children, and even our old people. Our old people are
22 not here to speak to you in Cree, but it is good that you

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1 have come to talk to us, but we have so many broken things
2 such as home. The old people used to say, "Our words will
3 be taken from our home", and this is exactly what has
4 happened. If we would even speak to each other in our
5 own language. We have broken our living, our humanity,
6 and it is not your fault.

7 You go tell the government this, exactly
8 what we mean when we say we are native, that we are native.
9 You go tell them all the problems that we have, and we
10 wish that they could be resolved.

11 I'm speaking Cree because I want you to
12 understand better through our Father, the Creator. He
13 has given me these words. He has given me my language
14 and this is the way it should be. Now I can speak English,
15 there is not too much left to say. In about two more
16 minutes now I'll be finished. (End of translation.)

17 Role models. "Tee quah ahn menowah"
18 (ph). What is role models? It is people who are
19 abstainers, people in leadership, people that kids look
20 up to. The residue of their kids that are taking alcohol,
21 somewhere they're seeing that. Somewhere they're seeing
22 a role model behaving as such, and we need to have a strong

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1 role model.

2 Fasts. How many of us fast any more?

3 And I don't want to keep bragging that I fast here and
4 there, no, but we have sacred ceremonies that will happen
5 pretty soon. One is sundance, the sacred sundance. We
6 need to go back to them as Indian people. Those are ours.

7 It is not the government's to interfere.

8 Music. A drum should have been used
9 here because all we are addressing right here as I am
10 talking to you is the physical thing that I am talking
11 to you here. It's the physical component. There is
12 somebody else listening here. There's greater things that
13 are listening, beyond just the people that are here.

14 And finally, I'd like to start making
15 my closing remarks. We have to understand, we have to
16 develop a unique approach in dealing with alcoholism and
17 addiction. Why? Because we are different. We are
18 unique. "Eeni seenoht" (ph). That means, "Indian
19 people", are different people, and we have a different
20 value system. We have to understand that. And you
21 people, the Commission, have to relay that to whoever
22 you're going to relay it to.

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1 We have a different thought pattern.
2 "Peetos inuehman tunatescun" (ph). That's what we've got
3 to take a look at.

4 We are naturalists. We're not people
5 of concrete or driving around in the cities. People of
6 nature.

7 We are non-systematic people. That's
8 why people joke around in Indian country of "Indian time".
9 We broke here, not at noon, but whenever it was done,
10 and you said "take your time". That's the format that
11 it's always been. But you know, everything was always
12 on time --- it was never late. And somehow we have to
13 put that on track because we are non-systematic. And we
14 have problems when it comes to this. "Quemonia waya" (ph).
15 we have problems; which means, when we try to act as white
16 people we have problems. And we try to sit behind a desk,
17 and wear a tie and a shirt. That's all fine, but the whole
18 process, we run into some difficulty.

19 Understanding the family structure,
20 that there is a real strong connection from people in this
21 community, all the extended families. When something
22 happens to an individual, everybody goes over there and

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1 the funding agencies come back to me and say, "You're
2 spending too much time over there". You have to be inside
3 here, inside one 10 x 10 office, and stack me with some
4 papers, because there's an underlying family structure
5 that the system has a hard time understanding.

6 Only the Indian people can deal with
7 alcoholism most effectively with the help of other
8 resources outside.

9 In closing, we have developed a program
10 on impaired driving. It's called Impaired Driving
11 Prevention the Indian Way. The title of it is AVAC. AVAC
12 means --- I'll give you a copy of this --- means:
13 Awareness. First of all you've got to create an awareness.
14 This is in forms of solution. And I believe you have
15 to fund these programs like this. It is a one-time trial
16 program that the Solicitor General gave us \$50,000. for
17 three months, and we've got reports, we've got the
18 evaluation of this program which is very effective. If
19 you want those, I will give you those reports. I have
20 those reports in detail, and there are phenomenal and
21 astonishing things that we found in the school after
22 running this program. What we did is we created an

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1 awareness.

2 Secondly, we took a good look at the
3 value system of the Indian people. Do you know what
4 happened? Attitudes start to change. When attitudes
5 start to change, you make better choices. That's what
6 AVAC stands for, AVAC. Awareness is just knowing our
7 traditional Cree culture. Values is respecting the ways
8 and beliefs of our elders. Attitude is humbly living the
9 spiritual teachings. Choices, made wisely for today, and
10 for tomorrow.

11 Where do you do these things? Firstly,
12 you deal with them for children who, today, need
13 yesterday's wisdom for choices of tomorrow.

14 And for adults who must learn and model
15 the wisdom for the children, it's choices.

16 In where? In day cares, the schools,
17 homes, band offices, community services, communities.

18 With who? You do it with individuals,
19 you do it with parents, you do it with teachers,
20 administration personnel, social, health and social
21 services employees, and business organizations.

22 Through how? Through modelling,

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1 elders, stories, legends, drums, songs, dances,
2 traditional arts, games, cultural activities, feasts,
3 sweetgrass, sweatlodges, the sacred pipe.

4 These are some of the things in order
5 to run these programs. This is a pilot project and, also,
6 right now I am developing a book that you can do this thing.

7 But I have no funds to do it, and I'm slowly doing it.

8 I have a writer that's doing this program. I believe
9 this is one of the answers. We went over to James Bay
10 and delivered this program and they want some more.

11 The Indian people say when you talk to
12 somebody and they never ask you questions and sit quietly,
13 you've given me, in essence, you've given me part of your
14 life in listening to me. And I'd like to thank you for
15 listening to me and sharing part of your life. "Hie hie!"
16 (ph).

17 **COMMISSIONER PAUL CHARTRAND:** I want to
18 thank you, Mr. Okeymaw, for your presentation.

19 I would like to do three things. First,
20 to make some preliminary comments, then to ask Mr. Blakeney
21 if he has questions or comments, and then to ask you a
22 question.

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1 You referred to us as "you people who
2 have come from Ottawa" and I had other indications, too,
3 that you might have the view that we are from the federal
4 government. I wanted to make it plain that we are not
5 from the government. I come from Winnipeg, and the
6 commissioners come from different parts of the country.
7 We were appointed to this Commission by the federal
8 government, but we are not a part of the government. The
9 government, rather than taking advice internally from its
10 own people, has asked us, has appointed us, to make
11 recommendations to it.

12 You mentioned also that the old people
13 are not here to speak to us in Cree. What I forgot to
14 mention when I began to chair this afternoon is that the
15 two elders and counsellors that we had invited and who
16 accepted to assist us in these proceedings had to leave
17 earlier in the day and we are sorry about their absence.

18 But, it is one of the practices of this Commission that,
19 wherever we go to have hearings in the communities, we
20 have a commissioner or commissioners of the day from the
21 community to advise us and assist us with respect to the
22 proceedings. So, I wanted to bring you that information.

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1 My last preliminary point is this: You
2 referred to some reports from the AVAC program. I
3 positively, definitely invite you to submit them to the
4 Commission. Our staff is over here and they will be happy
5 to accommodate that, and we thank you very much for that
6 offer.

7 I'd like to turn to Mr. Blakeney, now,
8 to see if he has questions or comments.

9 **COMMISSIONER ALLAN BLAKENEY:** Thank
10 you, Mr. Chartrand.

11 I thought the presentation was very
12 comprehensive and, while clearly it raised many issues,
13 I think I was able to follow the presentation with a fair
14 degree of ease because it was presented with clarity and
15 thoroughness. So, I'll leave it at that.

16 **COMMISSIONER PAUL CHARTRAND:** My one
17 question, then, has to do with asking if you have some
18 information with respect to the practices that might be
19 useful in dealing with some of the difficulties associated
20 with alcoholism, drug abuse and the other things that
21 you've been talking to us about.

22 I notice that in your paper, you have

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1 reference to the sweatlodge ceremony. Elsewhere we have
2 received information regarding what have been described
3 to us as healing circles, and these are used in various
4 contexts. I wonder if you might wish to make comment about
5 these circles and whether they are used in your program,
6 or any other comments that you may wish -- you may not
7 wish to make them, that's fine -- but if you would like
8 to make some comments about that, I invite you to do so.

9 **WILSON OKEYMAW:** Yes. Firstly, I guess
10 I have to, uh, my comment would be that, for the people
11 who work in the area of addictions, we have to work very
12 diligently in terms of looking at the individual for what
13 he or she may be in terms of his denomination, and not
14 to force our own ideas on the individual. And to have
15 other resources available that we can refer to. Primarily
16 -- and the majority of the people that come in and want
17 to do, in my own personal experience in dealing with their
18 problems and addictions -- are two things that stand out
19 that help them very readily.

20 First and foremost is the traditional
21 teachings of my people, which encompasses the healing
22 circles, the sweatlodges, and all different ceremonies,

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1 sweetgrass and all this. That is the primary thing that
2 I see as a healing process.

3 Secondly is the AA concept, the
4 Alcoholics Anonymous. It's a large component of the
5 healing factor.

6 And thirdly is the denominational
7 component where a person would like to go to a chaplain
8 or a minister or whatever his beliefs are.

9 But it is up to us who are working in
10 the addictions area that we don't try to say, "Here's what
11 works". It is only our experience that we find that, when
12 they ask a certain healing circle that you're talking
13 about, yes that does work. And yes, they should be
14 implemented more often or wherever applicable. That is
15 my response to that.

16 **COMMISSIONER PAUL CHARTRAND:** Thank
17 you, sir, and I'll merely add that if you have materials
18 other than the materials you offered to us, or other
19 materials that you know about or any other source of
20 information with respect to these healing circles, then
21 we invite you to submit them to us as well.

22 And, again, on our behalf, I thank you

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1 for your presentation.

2 **WILSON OKEYMAW:** Thank you very much.

3 **COMMISSIONER PAUL CHARTRAND:** We have
4 reached on our agenda now a coffee break point, so we will
5 resume in about 13 minutes.

6 **---Short recess at 3:05 p.m.**

7 **---Upon resuming at 3:20 p.m.**

8 **COMMISSIONER PAUL CHARTRAND:** Thank
9 you, ladies and gentlemen. We're resuming the last
10 portion of the afternoon session of the hearings of the
11 Royal Commission on Aboriginal Peoples here at Hobbema.

12 I begin by inviting our next presenter,
13 Claudine Louis, to come forward.

14 **CLAUDINE LOUIS:** Welcome Elders,
15 Commissioners, and ladies and gentlemen. My name is
16 Claudine Louis and I am a member of the Samson Cree Nation.

17 I am 24 years old and I have a Bachelor of Arts degree
18 from the University of Alberta. I was asked today to come
19 here and make some comments on the issues surrounding
20 post-secondary education.

21 Currently, I am working for the Samson
22 Cree Nation. I am a Samson Education Trust Fund

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1 coordinator, and, being a former student, I am well aware
2 of the current policies in place for post-secondary
3 education. Indian and Northern Affairs Canada have a
4 policy called the Post-Secondary Student Support Program,
5 which governs all education concerns at that level.
6 Samson Cree Nation is one of 11 bands in Alberta that hold
7 the Edmonton regional office responsible for administering
8 this program, whereas the remaining First Nations in
9 Alberta hold ministerial control over this. In this
10 program, it defines what, who, how, where and when. It
11 stipulates what types of programs qualify in order to
12 receive funding, who may qualify to receiving funding,
13 how long they qualify to receive funding, and where they
14 can attend in order to receive this funding. And when
15 this funding should be applied for.

16 I would just like to make a few general
17 comments on each of the above.

18 (1) What types of programs qualify for
19 funding? The department defines post-secondary
20 education, program of studies, and post-secondary
21 institutions, which all determine the types of educational
22 institutions that students must attend in order to receive

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1 funding. Of course, I agree with the idea that certain
2 guidelines have to be put in place, but I feel that we,
3 as First Nations people, should not be confined or
4 restrained to enter any educational institution we wish.
5 After all, we, as individuals, should know what is best
6 for ourselves.

7 (2) Who qualifies to receive this
8 funding? In order to be eligible to receive the
9 post-secondary student support funding, you must be a
10 treaty-status Indian, whose name has been entered into
11 the Indian Register maintained by the department as defined
12 by the Indian Act. Being from the Treaty Six region, we
13 are eligible to receive this funding. But I think greater
14 consideration should be given to the First Nations instead
15 of to the Indian Act as to the definition of who is a member
16 of that nation.

17 (3) How long do students qualify to
18 receive funding? INAC has a schedule of different levels
19 of funding and set months attached to each level. For
20 instance, there is UCEP, Level I, Level II and Level III
21 funding. UCEP is the University College Entrance Program,
22 which is a one-year program, and you can only qualify up

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1 to 12 months of that program. And students only qualify
2 to receive this funding once. Level I is a community
3 college, diploma or certificate program. Level II is all
4 undergraduate programs and Level III is the masters and
5 doctoral programs. INAC will only fund a student once
6 in each level, therefore limiting a student's access to
7 another degree in the same level. For instance, I have
8 a Bachelor of Arts degree. If I wanted to obtain another
9 undergraduate degree, I would no longer qualify to receive
10 any more funding. I would have to find alternate sources
11 to finance my studies. But, in fact, the government is
12 responsible for all my education.

13 (4) Where can students go in order to
14 obtain funding? The department has defined Canadian
15 public institutions and private post-secondary
16 institutions in their manual as to where a student can
17 obtain an education. In working with the department, I
18 have found that they frown on encouraging students to
19 attend any educational institution anywhere in the world;
20 rather, they would prefer that students attend an
21 educational institution as close to their community as
22 possible. But, in fact, shouldn't it be the student to

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1 determine what is best for him or her?

2 (5) When does a student have to apply
3 in order to receive funding? Indian and Northern Affairs
4 Canada have imposed application deadline dates. For
5 instance, if students are interested in attending an
6 educational institution this fall in September 1992, June
7 15 -- which is next Monday -- is the deadline date for
8 receipt of all applications to the department for
9 post-secondary funding. Therefore, they will not accept
10 late applications and, in turn, they are refusing to
11 acknowledge our treaty right.

12 In reviewing the what, who, how where,
13 when, and the issue of administrative control, INAC has
14 imposed upon us, the First Nations peoples, various
15 limitations. Why is it that there are these limitations
16 when it is the government of Canada's first line
17 responsibility for the educational needs of Samson Cree
18 Nation members under treaty rights provisions?

19 We, as First Nations people, must obtain
20 the necessary skills so that we may contribute to the
21 achievement of Indian self-government and economic
22 self-reliance. We must obtain a higher education in order

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1 to benefit our communities. Education, whether formal
2 or not, provides us with the opportunity of choice and
3 the freedom of choice enables us to strive for a better
4 way of living.

5 I have a quote here from Confucius who
6 lived 500 years before Christ. He said: "The man who
7 is in view of gain thinks of righteousness; who in the
8 view of danger is prepared to give up his life; and who
9 does not forget an old agreement however far back it extends
10 --- such a man may be reckoned a complete man".

11 As a member of the Samson Cree Nation,
12 I will continue to defend, enhance, and exercise my treaty
13 right to obtain an education, and I will continue to inform
14 and educate my members as to the obligations that the
15 federal government under Treaty Number Six provisions will
16 be responsible for us. Because I will not forget "an old
17 agreement".

18 Thank you.

19 **COMMISSIONER PAUL CHARTRAND:** Thank
20 you, Claudine Louis, for your presentation. May I begin
21 by offering you my congratulations on your academic
22 achievements.

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1 I do have a few questions and, if Mr.
2 Blakeney doesn't mind, I'll proceed with them before I
3 ask him for comments or questions.

4 First, with respect to the program that
5 you are coordinating, is there a scholarship scheme in
6 that program? That is, are there monies made available
7 to students on the basis of merit?

8 **CLAUDINE LOUIS:** The program that I'm
9 referring to is called the Post-Secondary Student Support
10 Program. It's a program that is administered by INAC,
11 and it's regarding all post-secondary education. And this
12 is the guidelines that were given to us as to what can
13 and cannot be done.

14 **COMMISSIONER PAUL CHARTRAND:** All
15 right. I didn't understand that part. I wasn't sure if
16 you were administering a government program or a local
17 program that was owned by the local First Nation. Thank
18 you for that.

19 So, I guess my next question is
20 irrelevant. I was going to ask the procedures for checking
21 on attendance. We heard elsewhere that the Indian Affairs
22 program funds individuals with respect to their education

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1 but that it has no checks on whether the individual is,
2 in fact, attending school. And that was a criticism that
3 was directed to it. So, I take it that since you are
4 administering that program there is no point in questioning
5 further.

6 Let me ask this question, then again,
7 pertaining to the particular program, the INAC program,
8 that you referred to. You commented on this element,
9 namely that a student is not funded twice at what you termed
10 a "level". So, for example, a student cannot, if I
11 understand this, get a second bachelor's degree;
12 similarly, he cannot get a second master's degree. At
13 first blush, I cannot discern the reasoning that might
14 support such a policy. Do you know what the reasoning
15 is for that policy?

16 **CLAUDINE LOUIS:** Basically, funding.
17 That's the basic reason. They allow you a certain amount
18 of months within a level; you know, the UCEP Level I, Level
19 II and Level III, and what they are, in fact, doing is
20 that they're funding you for one degree, one area of a
21 career field of your choice. But then, from there, they
22 don't support you if you wish to take another area.

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1 **COMMISSIONER PAUL CHARTRAND:** I have it
2 then, still, that there is no reason. But we will ask
3 the department, of course, to deal with that.

4 The next question, again pertaining to
5 the program, you referred to some application deadline
6 dates --- June 15 for the fall, for example. I ask you,
7 what would you recommend, then, if you had the
8 decision-making power? What alternative do you suggest?

9 **CLAUDINE LOUIS:** An alternative?
10 Well, seeing that education is my treaty right, there
11 should not be an application deadline, but I do agree that
12 there has to be some certain structure and guidelines.
13 But I would not discourage any member from trying to get
14 a higher education. You know, we are talking about trying
15 to be self-sufficient and self-reliant, and education is
16 one step towards that goal. I don't see why there should
17 be this limitation; you know, June 15th, well, that's
18 pretty early. If you're planning to go to school in
19 September of this year, you have to get your application
20 in; otherwise, they won't even look at you. They won't
21 acknowledge your application and you won't get funding.
22 You'd have to find alternate sources.

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1 **COMMISSIONER PAUL CHARTRAND:** None of
2 your beneficiaries of this program are clamouring for a
3 decision as to whether or not they are going to be funded
4 by June 15?

5 **CLAUDINE LOUIS:** They basically
6 stipulate that, if they don't receive your application
7 by June 15th, it's too late.

8 **COMMISSIONER PAUL CHARTRAND:** I'm
9 asking about the clients on the other hand. You get no
10 pressure from individual students who have applied to get
11 an answer as to whether or not they'll get the funding?

12 **CLAUDINE LOUIS:** The way that Samson
13 runs the program, we don't administer the program. Indian
14 Affairs does, the Edmonton regional office. So, they take
15 out all the applications. I just refer the students there.
16 I don't administer the program here. It's done in
17 Edmonton, because we, as a Nation, have decided that we
18 would, in fact, be taking the government's responsibility
19 away of actually administering it.

20 **COMMISSIONER PAUL CHARTRAND:** Right.
21 With respect to the matter of education as a treaty right,
22 have you had discussions with other people who do not have

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1 treaties? What is their view on your position?

2 **CLAUDINE LOUIS:** No, actually, I
3 haven't. I haven't had any sessions with others. I just
4 work within the area, within this zone. I'm not aware
5 of the outside.

6 **COMMISSIONER PAUL CHARTRAND:** Our
7 mandate is to deal with these issues across Canada, and,
8 you know, many, many aboriginal people have not entered
9 into treaties in various parts of Canada. So, we are
10 anxious to explore the views with different people in
11 different situations.

12 Fine, I thank you very much for your
13 answers, and I now ask Mr. Blakeney if he has questions
14 or comments.

15 **COMMISSIONER ALLAN BLAKENEY:** I'll just
16 ask one fairly long question and it would run this way:
17 Your presentation essentially was based upon the
18 proposition that, to get post-secondary education, was
19 a treaty right, and unlimited post-secondary education
20 or very nearly unlimited. I know that if we put this to
21 INAC, they would say, no, it's not a treaty right to get
22 unlimited or substantially unlimited post-secondary

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1 education. And they would say to me, look at the treaty,
2 it doesn't mention anything about post-secondary
3 education, which, of course, it wouldn't in 1876. And
4 they would say, don't tell me that the people who were
5 there orally talked about post-secondary education; that's
6 not true, either. And nobody can deny that. So it really
7 turns on the meaning of the treaty, and it's perhaps an
8 unfair question to put to you; but, do you have any thoughts
9 as to how the meaning of some of these treaties should
10 be resolved, particularly with respect to this sort of
11 issue?

12 **CLAUDINE LOUIS:** I just want to make
13 comment to that. When the treaties were signed it said
14 that this was an agreement whereby they would be
15 responsible for all our education. That meant all. All
16 is one word and education -- post-secondary is just a term.

17 **COMMISSIONER ALLAN BLAKENEY:** Do you
18 think that the treaty says anything about all education?
19 I would be surprised if that were in 6. I don't have
20 a copy of 6 before me, but I would be surprised. I think
21 it talks about a school.

22 But, never mind, you are more familiar

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1 with it than I, I suspect, but if that's so, you are on
2 sound ground. If it doesn't, then I suspect that somehow
3 we've got to find a way of resolving what these treaties
4 mean because so many of the arguments really turn on what
5 the treaties mean.

6 We have heard many conversations with
7 respect to that. I am sure they would say it means no
8 such thing. I am sure they would say that we certainly
9 want to encourage post-secondary education for native
10 people for these purposes for treaty people, but we are
11 not obligated under the treaty. We want to encourage it
12 but, of course, we have certain financial limits and so
13 we have to make certain rules.

14 I am just dead certain that is what I
15 would get from INAC. Your argument is it's the words of
16 the treaty.

17 **CLAUDINE LOUIS:** Yes.

18 **COMMISSIONER ALLAN BLAKENEY:** Good
19 enough. Thanks.

20 **COMMISSIONER PAUL CHARTRAND:** Thank
21 you.

22 I now invite Mr. Rod Soosay to make his

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1 presentation.

2 **ROD SOOSAY:** You will have to forgive
3 me, I am a little bit nervous.

4 **COMMISSIONER PAUL CHARTRAND:** Take your
5 time. I did the same thing, I was talking without pressing
6 the button. I was going to say to take your time, there's
7 no rush.

8 **ROD SOOSAY:** I would just like to begin
9 by saying to the people here that some of what I have to
10 say might hurt, but I don't mean anything personal to anyone
11 and I don't want to hurt anyone. What I have to offer
12 I guess is my personal history. A friend of mine asked
13 me to give my history, basically because it's a trail that
14 I've walked and there are other people walking behind me
15 and it concerns me.

16 I will give you a brief history of what
17 my life has been like. From my birth in Wetaskiwin to
18 the age of 11 I lived in Hobbema. I was a very proud young
19 man, a young Cree. I understood Cree very clearly. I
20 spoke it. I danced. I attended all the ceremonies when
21 I was a young child, but as I grew, on the reserve alcohol
22 became a really big problem in my family. It became very

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1 painful for me. I had to choose for myself at the age
2 of 11 what was most important to me, the pride or the pain.

3 I had to run from the pain of the alcohol abuse and watching
4 my family suffer with the alcohol.

5 From the ages of 12 to 18 I was living
6 in Ponoka, just a few miles away and during those years
7 I became a very independent person, not really by choice,
8 but because there really wasn't anybody out there that
9 could relate to me as a person and relate to my problems.
10

11 At age 18 I felt I got sucked back into
12 the community, not because I wanted to come back, because
13 I knew I would have to face these pains again, but when
14 I came back I realized that the thing that drew me back
15 was I was already in a different nation and the policies
16 that happened here drew me back because I was affected
17 no matter where I was. I was always going to be a Samson
18 Cree Nation member and whatever happened here was going
19 to affect me out there.

20 So, I will outline some of the negative
21 changes before I go on to that. Since that time -- I got
22 married. I married a white woman and we have two children.

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1 According to the Indian Act we are all treaty Indians
2 and I will go on to some of the things I have had to
3 experience and some of the negative changes.

4 I guess the most identifiable change has
5 been the loss of my Cree language. It hurts when I can
6 understand Cree and I can understand when I am being
7 insulted and I can't defend myself. It hurts -- my
8 cultural identity, inside I feel like I am Cree, I think
9 like I'm Cree, but on the outside, outside of the reserve
10 I am always Indian, but I'm also living like a Canadian
11 and it's a confusing identity.

12 Another loss has been the loss of family
13 and friends along the way. It has been hard to be knocked
14 down and degraded by people I once had greater respect
15 for.

16 The other negative has to be having to
17 learn two different ways of living. Sometimes it's very
18 difficult to juggle those two different ways because they
19 are very different. I guess the part that hurts the most
20 is I now identify myself as an illiterate Cree Indian.

21 Sure I have some post-secondary training off the reserve.

22 I just need a few more courses and I have my Bachelor

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1 of Arts degree, but it's meaningless here. What is
2 literacy off the reserve is illiteracy here and vice versa.

3 This is the first time I've ever told
4 my story, so it's hard for me. The positive changes are
5 I learned a new language and I learned a new culture, I
6 made new friends. I learned about Canada and other
7 countries and I have accomplished an education off the
8 reserve. I have become independent, but not by choice,
9 but because I have to. It just means that if I have to
10 break a trail to help the people behind me I am willing
11 to do that because I don't want anybody to suffer like
12 I've had to suffer.

13 I learned that no matter where I go, I
14 will always be seen as an Indian. I know that from
15 experience. It's very tough being an Indian boy out in
16 the white community all by yourself because nobody cares
17 whether or not you speak Cree, you are still an Indian
18 and you have to defend yourself. I am not prejudice.
19 I've learned that because I've come face-to-face with so
20 many society misfits, that's what they are called, people
21 who are handicapped, people that are so-called
22 illiterates, people who can understand how I feel and I

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1 have made those people my friends because you can relate
2 to how they feel, a dislike for alcohol abuse because it's
3 what drove me away. It is one of the reasons I've come
4 back, because I know the pain I suffered and I don't want
5 to see no kids suffer the same abuse.

6 I have outlined some of the contributors
7 to the changes, but only through my educational system
8 and countless hours of thinking of why it is I've ended
9 up this way because it's not what I wanted when I was a
10 kid. I've identified the Indian Act as being one of the
11 major contributors because it didn't matter where I go,
12 the Indian Act was right behind me. It was telling me
13 how to be an Indian. But the saddest part for me was that
14 my foster parents were following that Indian Act in
15 teaching me how to be an Indian. If you listen, chances
16 are you'll end up like me.

17 What is unfair about it is white men are
18 telling Indians how to be Indians and that's not right.

19

20 Another contributor is the Canadian
21 government. The provincial government, municipal
22 governments, they all affect me in one way or another.

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1 I've come to understand now why when you send an envelope
2 somewhere you always have to have your full address on
3 there. So, I write Ponoka, Alberta, Canada as my address.

4 I am taxed by each one of those governments, but I am
5 also subject to any policies and benefits, or lack of
6 benefits that come here. So, in essence, I am not only
7 taxed by the three different levels of Canadian government,
8 but I am taxed by my own government.

9 The Canadian education system fails to
10 tell the truth about North American native people. You
11 don't know how hard it is to swallow such things as seeing
12 words like "savage Indian" in a textbook and having to
13 learn this stuff and having to accept it as truth if you
14 want to have a Canadian education.

15 Canadian culture, what is supposed to
16 be a multicultural society is dominated by English and
17 French and that doesn't make sense. Why is it that French
18 is recognized when there is nobody in this area here
19 immediately around us that speaks French? If there is,
20 there are very few of them.

21 One of the major problems I see is this
22 country is run by politicians and business corporations

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1 and not by people. Here, when you are in Hobbema, you
2 feel like you can contribute because you are one of the
3 people and you can make a difference.

4 The Canadian attitude towards Indians,
5 Métis were not white, according to the whites. They were
6 forced into what was said before, into a pot with other
7 people and identified as aboriginals, along with the Dene,
8 registered, status, Bill C-31s and so on. I don't think
9 that is fair. It goes along with the long history of divide
10 and conquer. You throw everybody into one group and you
11 expect them to think the same when they are all treated
12 differently. That makes no sense.

13 The other thing, a contributor to my
14 change, is the Cree attitude towards Canada and it's one
15 I have come to understand and accept and choose. It is
16 that we will always be here before Canada, the United States
17 and Christopher Columbus. My own realization that all
18 levels of Canadian government affect me, as well as the
19 Samson Nation, is unfair to me. That's all I have.

20 **COMMISSIONER PAUL CHARTRAND:** Mr.
21 Soosay, I want to thank you for your presentation and I
22 commend your courage for having come before this Commission

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1 and told your story. There is nothing, of course, that
2 I can say to make it more helpful for other people, which
3 is the reason that you have come here to tell it to us.

4 But it occurs to me that your story reminds me of the
5 title of a book that I have been reading today and yesterday
6 and, incidentally, it was referred to somewhere else, at
7 another Hearing that we had yesterday. The title of that
8 book was "An Indian Reality". It had to do with the
9 considerations of culture of an aboriginal people, not
10 the Cree in this particular case, but another aboriginal
11 people.

12 Your story reminded me of some of the
13 points that were made there about the significance of the
14 culture of aboriginal peoples and the significance for
15 non-aboriginal Canadians and non-aboriginal institutions.

16 If we are to assist in building bridges
17 between aboriginal people and non-aboriginal people in
18 Canada, then it seems to me that Canada needs to hear your
19 story. I thank you for having done so.

20 I turn now to Mr. Blakeney to ask if he
21 has questions or comments.

22 **COMMISSIONER ALLAN BLAKENEY:** I have

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1 nothing to add. Your story indicates just how difficult
2 it is to build bridges, particularly when the bridge
3 building falls upon the shoulders of someone who is
4 12-years old to 18-years old and then thereafter has to
5 come to grips with the fact that his roots are in one place.

6 He has been displaced and he now has to deal with the
7 two societies which are really two solitudes, certainly
8 on the one side, a society which has been insensitive in
9 the extreme to many of the issues that aboriginal people
10 face.

11 It's a story that indicates a great deal
12 of courage and I thank you for bringing it to us.

13 **COMMISSIONER PAUL CHARTRAND:** On behalf
14 of the Commission I also extend my thanks to the two persons
15 who have come to assist us this afternoon. Thank you.

16 I invite now Nancy Louis from the Samson
17 Cree Nation to make her presentation.

18 **NANCY LOUIS, SAMSON CREE NATION:** Good
19 afternoon, elders, Chiefs and fellow Council members
20 present here today, honourable Commissioners, Mr.
21 Chartrand and Mr. Blakeney, ladies and gentlemen.

22 I am going to start by saying that the

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1 young lady that made her presentation prior to Rod was
2 my daughter and I am certainly going to have to come to
3 her defence. As mothers we tend to naturally have that
4 instinct that we come to the defence of our children.

5 (Translation) I would like to speak to
6 you to defend my child, not only my child, every child
7 and woman and man. I came to defend my child and also
8 my fellow people. From long ago I have seen how we were
9 governed as natives. We saw how many people are in pain
10 because of how many people we have lost. Our grandfathers
11 have fought for us before.

12 Our grandfathers had some forethought
13 when they agreed to the treaties that the white man brought.
14 They thought they would benefit the people and they would
15 share the land with the white people but, no, this is not
16 so. Every treaty was broken and this is why I am sitting
17 here talking to you today. (End of Translation)

18 I have listened to people talk. I have
19 read some documents about this whole process called the
20 constitutional reform. I have to be very honest with you
21 all today that's been all so vague and confusing to me
22 because it appears that -- to me it's really simple. We

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1 merely continue to affirm the position that we have an
2 agreement as treaty Indians and we believe that these
3 treaties cannot be broken or changed or negotiated because
4 a sacred pipe was used when the treaties were signed and
5 sealed.

6 All has been said before, over and over
7 again by many native leaders across the country of what
8 we want as native people and I don't think I need to
9 reiterate all that. I am sure you've heard it all. You
10 heard it all this morning and this afternoon by the many
11 presenters. I feel like I have gone through a certain

12 amount of emotions in thinking about what I would say today.

13 There is a lot of frustration, a lot of anger and I welcome
14 this opportunity today. I was reading one of these
15 publications that the Royal Commission on Aboriginal
16 Peoples has produced and in there it says that the Rt.
17 Hon. Brian Dickson says that you are doing this so you
18 can go around meeting native people across the country
19 and for them to tell their own stories.

20 What I have to say this afternoon is my
21 own thoughts, I hope not to offend anyone personally.

22 It's things that I really believe and how I feel. I feel

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1 like -- I said a crying wolf in the midst of the wilderness
2 and is anybody going to hear? Is anybody going to hear
3 all of these people across this country that are making
4 these presentations to you people? I don't know.

5 Here we are again today, reminding me
6 of our position. We know that in the past -- and it's
7 very much alive today -- the government's actions relating
8 to native people have been dominated by one overriding
9 objective. This is what I feel. Its desire to get out
10 of the native business, I feel that's their agenda.

11 In other words, I feel they are trying
12 to do away with or ignore the deal that they made between
13 the First Nations, known as the treaties. Why, I ask
14 myself, why is this happening? I feel it is because of
15 economic reasons, why the government would like to extract
16 itself from its established obligations and the many
17 obligations that we interpret that the federal government
18 is responsible for have been mentioned before, like
19 post-secondary education, health care, support services
20 and alcohol and drug abuse programs, preventative
21 programs, all of those things. Those I feel are the
22 obligations from that agreement that the federal

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1 government has to be responsible to fund.

2 Simply put, I guess native people are
3 a financial burden for the federal government of Canada.
4 Native programming is expensive and it threatens to be
5 more so in the years ahead. I guess any government that
6 is anxious to control its overall spending will, therefore,
7 have a strong incentive for wanting to escape from its
8 traditional obligations to native people.

9 Of course this is not new to us as native
10 people. You know, the history of native grievances
11 against the government is as long as the country's history.

12 I think the government has seriously underestimated the
13 value that we have placed on our treaties.

14 I recall when the Trudeau government
15 brought out its infamous White Paper on Indian policy in
16 1969. It attempted to diminish the value assigned to these
17 treaties. Its goal was to see how the treaties could be
18 ended.

19 Then you have the Meech Lake Accord.
20 To me, I feel the federal Government of Canada is trying
21 to pawn us native people off to the provinces, so ultimately
22 the provinces would be left with the financial burden.

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1 Now what do we have? I am sorry, but I am not a firm
2 supporter of the Government of Canada, the Conservative
3 government that are promoting self-government.

4 You know, I firmly believe this is
5 another ploy to get out of their responsibility from that
6 agreement. Soon after the Mulroney government got into
7 power, they commissioned a report called the Nielsen
8 Report. I believe this is very much alive today. A lot
9 of those things, those recommendations made in that report
10 are happening already. We have already experienced --
11 a lot of those recommendations have been implemented.

12 Some of the things that I highlighted
13 that I have experienced happening already is in the report
14 was the direct cuts in spending on native programs. We
15 have experienced that at our community levels and mainly
16 so for the Samson Band because we have been very fortunate
17 to be in a good economic situation. We have not been a
18 tax burden to the government, a financial burden to the
19 taxpayers. We have paid a lot of those programs on our
20 own.

21 Another recommendation that was of
22 interest to me was the transfer funding responsibility

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1 to native peoples through self-government. I think that
2 is what they are doing now.

3 Another one is the transfer of program
4 delivery responsibilities to the provinces. That is
5 already happening in the area of child welfare, social
6 service programs.

7 Sure the transfer of responsibility for
8 administering the funding by native peoples appears to
9 be to the advantage for native people. Yes, it appears
10 like that, but Ottawa would still stand to gain
11 significantly.

12 The transfer of responsibility to the
13 native people would make the government look good. It
14 would appear that they are being responsive to native
15 demands. It would leave Ottawa less accountable,
16 politically and legally, for the conditions of native
17 people across Canada, that's how I view it.

18 You know, they'd say they are managing
19 their own affairs, it's their problem. They are
20 mismanaging the money. We gave them that pot of money.
21 That's what I believe would happen.

22 It's going to be very difficult, in my

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1 opinion, for all First Nations who accept this offer from
2 the government because the funding arrangements that have
3 been recommended through this report to the bands and
4 communities does not include any increase in funding by
5 the government. Sure, greater local control would leave
6 native people more responsible for their future, but is
7 the government going to agree on providing us with the
8 necessary resources. I don't believe that to be so at
9 this time. It spells it out in what they call the Alternate
10 Funding Agreements that have just recently come forth.

11 On a day-to-day basis in our communities
12 we struggle to survive. As women we are concerned about
13 the wellbeing of our children, our community. I don't
14 believe I need to remind you at this time that every
15 opportunity I get I remind people. The women are the
16 givers of life. We give life. We bring life into this
17 world. We are very concerned as to what is going to happen
18 to those children, what type of a future they have. It's
19 time that the government makes a decision as to where
20 they are going to go.

21 I firmly don't believe that you can put
22 aboriginal peoples all in one -- and deal with and come

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1 up with one solution. I believe that the native people
2 that have the treaties have got to make their voice known.
3 The status people that don't have treaties have got to
4 make their voice known. The Métis people, the Inuit
5 people, there are similarities, but there are also distinct
6 differences. Those have got to be identified and
7 outlined.

8 Recently, following up with what has
9 been happening with the native groups across Canada, the
10 Native Women's Council of Canada has made very loud
11 statements about their positions and their concerns and
12 I concur and support their concerns. However, I don't
13 think -- I felt kind of sad about it because I saw one
14 article in the Globe and Mail about two or three months
15 back where it appeared that the Native Women's Council
16 of Canada was fighting against the Assembly of First
17 Nations. It appears to the public that native people are
18 fighting against each other.

19 As a native woman from this community,
20 as an elected leader, I stand alongside the men who take
21 the position of fighting the treaty position.
22 Interestingly enough, I believe that everybody is really

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1 there and there's a lot of non-native people that are in
2 support of our case and this brown paper bag I carry it
3 with me, purchasing something in a shop and it quotes all
4 these things about native people. On here it says, "we
5 worry about the shrinking natural resources on our plant,
6 but perhaps our most threatened non-renewable resources
7 are the human cultures that are all around us".

8 "The wisdom of the world's indigenous
9 peoples is the accumulation of centuries of living not
10 just on the land but with it".

11 "What can we learn from these cultures
12 we will never know unless we act now to ensure their
13 survival".

14 "History teaches us many unfortunate
15 lessons, but the ways in which contact with western-style
16 progress has changed or destroyed indigenous cultures,
17 now it's time for us to learn and to ask how will contact
18 with them change us?"

19 I share that with you. I am not
20 promoting the business, but I believe things like this
21 is what is going to make the -- you know, I felt really
22 good and I kept this because I felt a sense of somebody

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1 out there cares. Somebody out there understand that we
2 don't want to lose our culture.

3 In closing, I would like to say that the
4 interpretation of the treaties, the obligation of the
5 treaties, I think back and I think in the time of the signing
6 of the treaties the elders in their mind did not
7 specifically identify and, for example, they probably
8 interpreted schools as a place of learning, but they didn't
9 identify elementary, junior high, high school, university,
10 college. To us, we understand education or schools as
11 any place of learning and I believe that's where sometimes
12 the misunderstanding comes forth.

13 So, while we argue that it doesn't
14 include in the treaty that your post-secondary education
15 or university education should be funded, I personally
16 and I know a lot of the native people interpret that to
17 mean a school is a place of learning. It doesn't matter
18 what level. It could mean a two-week course, that's how
19 we interpret it.

20 The same with the medicine chest. At
21 that time there was no such thing as these medical centres,
22 big, elaborate medical facilities that exist today.

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1 That's just an example of the interpretation that I think
2 people need to sit down and iron out like that's how you
3 interpret the government's obligations.

4 I thank you for this opportunity and for
5 listening to me. I wish you all success in your travels.

6 That's all I have to say to you this afternoon. Thank
7 you.

8 **COMMISSIONER PAUL CHARTRAND:** Thank you
9 for your presentation. You have expressed yourself well
10 and made yourself quite clear.

11 I would like to say, however, that I
12 think I cannot say as much for myself at least. I note
13 that you started that you felt compelled to defend your
14 daughter. If your perception is that she needs to be
15 defended has anything to do with any questions that I would
16 have put to her, then I can only say that I am deeply sorry
17 that you have that interpretation. I wish to say something
18 about why I feel compelled to ask questions.

19 As you have indicated, we have been asked
20 by the government to hear people in the communities, to
21 hear the stories they have to say to us, but I am attempting
22 to do more than to hear. I am attempting to understand.

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1 In order to do that it is useful quite often to ask
2 questions. I am concerned that the Commission avoid
3 making recommendations to the federal government that are
4 not based on a good understanding of the view of the Cree
5 people and all the other people who make presentations
6 before us. So, if that is not clear, then I am sorry that
7 I have not been able to make that point clear.

8 Before I go on, I would like to ask Mr.
9 Blakeney if he has comments or questions.

10 **COMMISSIONER ALLAN BLAKENEY:** I would
11 just like to pick up on the point of Mr. Chartrand. Forgive
12 me for saying so, but I didn't think your daughter needed
13 any protection at all. She was doing very well indeed.
14 I think she expresses herself very well.

15 I want to pursue what Mr. Chartrand was
16 saying. Our role is to see if we can build bridges between
17 native and non-native societies. As I see it, for the
18 first time for quite a while, non-native society out there
19 is at least willing to listen. The person who you met
20 on the aircraft is some indication that he is saying, well,
21 there is a problem out there and somebody should be fixing
22 it. This is a long step forward in the awareness of

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1 non-native society. It's not very far, but it's a long
2 way from where they were 15 or 20 years ago.

3 So, I need to be able to talk to
4 non-native people about the position of native people and
5 I need to be able to meet the arguments that I am going
6 to hear from non-native people and as you put it I think
7 we need to iron out some of these difficulties.

8 I think you are right in saying that the
9 present policies generally are directed to transferring
10 present government functions, federal and provincial, to
11 aboriginal self-governments, aboriginal governments and
12 that this will make Ottawa less accountable. They will
13 say, yes, there is the money. We transferred the money.
14 What was done with it is not our responsibility because
15 these are self-governments. I think you are quite right
16 in identifying that as a potential result.

17 Whether it is a problem or a benefit,
18 aboriginal people are going to have to decide that.

19 We just have to be able to answer what
20 non-native people will say to us. They will say: Look,
21 I've read the treaty, and here it is. I say to them:
22 Oh, but there's general agreement now that the bare words

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1 of the treaty do not cover the whole deal. Even the courts
2 are acknowledging that now. The context in which the
3 treaties were made is very, very much part of it.

4 I will say there is pretty good evidence
5 from elders and others that the treaties carried these
6 additional meanings, at least in the eyes of aboriginal
7 people. They will say to me: Oh, were there two sides
8 to that treaty? Now, the aboriginal people say it means
9 this; the Government of Canada says it means that. Is
10 either side automatically right? Do we necessarily accept
11 one person's view over the other always, or is there a
12 way to, as you would say, iron this out?

13 This is the question you do not feel
14 necessary in any way obligated to answer, but I am going
15 to keep asking. How do you think the issues about what
16 the treaties mean should be ironed out, because I agree
17 with you that everywhere I go I hear substantially
18 different interpretations of what they mean. Maybe they
19 can't be ironed out, but if they can, are there any
20 suggestions?

21 **NANCY LOUIS:** First of all, let me
22 respond by saying that my daughter's very capable of

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1 defending herself. The point I was making is that I feel
2 compelled to defend all native people, because I have seen
3 all these things happening in the past, and I fear that
4 if this issue is not resolved, I fear what our future is.

5 I am going to continue, as I said, defending that position
6 of what I believe, that there is a treaty. There are
7 different numbered treaties.

8 I believe that the Commission should sit
9 with the people involved in Treaty number 6 and get those
10 technicians and the elders and the leaders to identify
11 how they interpret those obligations that spin off from
12 those treaties. That's how I feel.

13 There is a different interpretation with
14 each different group, but they are trying to, in my opinion,
15 lump it in one. I just do not believe it's going to work.
16 Maybe it will; I don't know.

17 **COMMISSIONER ALLAN BLAKENEY:** I took
18 your point earlier that we shouldn't be lumping Inuit,
19 non-status, Métis and treaty and, perhaps, status,
20 non-treaty -- I'll leave that group out -- all in one lump,
21 but are you now saying we should not lump treaty -- I'll
22 think in Saskatchewan terms now -- 2, 4, 6 and 8, which

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1 are the big treaties covering Saskatchewan -- we should
2 not lump them all together?

3 **NANCY LOUIS:** Yes, I am saying you
4 should work with the treaty groups all in one.

5 I am not familiar with what the different
6 numbered treaties are, but we do have leaders across
7 Canada; we have technicians within our own community here,
8 that are able to work with the Commissioners in that area.

9 I believe that is what should happen.

10 **COMMISSIONER ALLAN BLAKENEY:** There are
11 indeed differences, you know. The medicine chest is in
12 6 and not in 4 and so on. You are quite right in saying
13 that there are bits of differences, but there is a lot
14 of similarity in, let's say, Treaties 4, 6 and 8. There
15 are a lot of similarities. But, you are right in thinking
16 that we ought to -- somebody ought to -- be able to find
17 out the interpretation that the treaty nations put upon
18 them. Do you agree that we would also have to consider
19 interpretations that somebody on behalf of the Government
20 of Canada might put on them?

21 **NANCY LOUIS:** No.

22 **COMMISSIONER ALLAN BLAKENEY:** You think

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1 there's only one side to this treaty?

2 **NANCY LOUIS:** Yes, I believe so. I
3 believe you have to develop a working --

4 I don't believe that your treaties can
5 be negotiated or altered and changed. I believe it's quite
6 clear to us in Treaty 6 what that agreement is and what
7 it entails.

8 **COMMISSIONER ALLAN BLAKENEY:** But, it
9 is not -- forgive me -- but it's not whether it is clear
10 to you. You have to tell me what I can say to convince
11 non-natives, since we are building bridges.

12 **NANCY LOUIS:** Well, let me put it this
13 way: what I can tell you is the way that the government
14 has been interpreting has it never been acceptable.

15 **COMMISSIONER ALLAN BLAKENEY:** Fair
16 game. I know that and --

17 **NANCY LOUIS:** Because we have never been
18 given the opportunity to be able to sit there, with the
19 Federal Government of Canada or its officers. We have
20 never been listened to.

21 I mentioned earlier in my presentation
22 that it all has been said before, over and over and over

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1 again. Yet, nobody has ever really listened. That is
2 why many of us -- maybe I'm only speaking for myself.
3 I come here today with -- like is this a waste of time?
4 Like what am I doing? Nobody is going to listen anyway.
5 Nobody ever has in the past. What difference is my taking
6 ten or fifteen minutes to talk to these two gentlemen going
7 to make. That's how I'm feeling.

8 **COMMISSIONER ALLAN BLAKENEY:** Yes. I
9 think --

10 **NANCY LOUIS:** Is there already a hidden
11 agenda there, and this is all a waste of time? I'm sorry,
12 but I am being honest with you; that's what I'm feeling.
13 I am so suspicious of the government, and that is why
14 I defend my children and all children. I am very
15 suspicious. I don't trust government. Like Mr. Wilson
16 Okeymaw mentioned, that's where I'm at.

17 I have never really personally been a
18 financial burden to the Federal Government of Canada.
19 I paid for my own schooling. I have never been on welfare
20 in my life. But, I still affirm that that treaty is there,
21 and they have been trying to devalue -- trying to destroy
22 -- that special relationship. You don't understand how

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1 we value that, and you need to take that time to understand,
2 and why.

3 **COMMISSIONER ALLAN BLAKENEY:** I do not
4 for a minute deny what you are saying about the value of
5 the treaty and the special relationship and the fact that
6 obligations are owed. What I have to be able to find out,
7 and I am not wanting to put you on the spot, is what are
8 the obligations. Not that there are obligations; but what
9 is the extent of them. I am not trying to put you on the
10 spot for that today, but that is something we are going
11 to have to find out, and we are going to have to find out
12 from all the people who are stakeholders; the people were
13 on the native side, the people who were on the non-native
14 side, and see what the evidence is as to what the meaning
15 was.

16 **NANCY LOUIS:** Like you say, it's
17 confusing for you people, but it is also confusing for
18 us, too, in many areas.

19 You know, I picked up this document from
20 the university library book store, and it's on the Canadian
21 immigration policy. The first sentence -- it just
22 confuses me -- it says, "Canada, it has often been said,

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1 is a country of immigrants. All Canadians, except for
2 the native peoples, are either themselves immigrants or
3 trace their ancestry back to immigrants."

4 It acknowledges in many of these
5 documents our position in this country. Your document.
6 You know, there is an immigrant policy, and it says that.

7 **COMMISSIONER ALLAN BLAKENEY:** Why would
8 I possibly doubt a word of that. I agree with every word
9 of that, and it's not my document any more than yours.
10 As you say, you are a taxpayer and I am taxpayer, and that's
11 put out by the Government of Canada, and it's your
12 government and my government. At least, you may not regard
13 it as your government, but you are paying for it.

14 I do not think it is quite fair for you
15 to say that somehow I am responsible for the policies of
16 the Government of Canada. I am not suggesting you are,
17 but I just want to underline that. I have spent my
18 political life fighting the Government of Canada, and I
19 do not willingly say that their policies are mine in a
20 personal sense.

21 **NANCY LOUIS:** Let me say in closing, Mr.
22 Blakeney, what the government's trying to do is get out

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1 of the native business because it is too costly to the
2 taxpayers. That's the bottom line.

3 But, we refuse to continue to survive,
4 we will survive.

5 **COMMISSIONER ALLAN BLAKENEY:** May I
6 just make one --

7 **NANCY LOUIS:** We could spend all day
8 arguing.

9 **COMMISSIONER ALLAN BLAKENEY:** One
10 little point. I agree with you that there is all sorts
11 of evidence that the government wants to get out of the
12 native business, as you say. Doubtless part of it is cost.

13

14 But, part of it, I think, is the fact
15 that there is a general realization that the policies have
16 been an abysmal failure, and no government likes to have
17 that string of failures. So, they are looking for another
18 policy, and they say, why not get aboriginal
19 self-government. Aboriginal self-governments are bound
20 to do better than we have done, and that would not be hard.

21 So, I think that's part of the
22 motivation. It is not only economic.

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1 **NANCY LOUIS:** It's fine to have
2 self-government, if they allow the Indian nations to define
3 what self-government is.

4 Thank you.

5 **COMMISSIONER PAUL CHARTRAND:** I call
6 now on the representatives of the Saddle Lake Band to make
7 the presentation. I invite Chief Carl Quinn and Eric Large
8 please to come forward.

9 We will have an open forum following
10 this, and we have two people who wish to make presentations.

11 I am prepared to stay here as long as is required.

12 Thank you very much. I invite you to
13 proceed whenever you are ready to do so.

14 **CHIEF CARL QUINN:** Thank you very much
15 for inviting us here. We would like to very much reiterate
16 our position with the treaty process. We would like to
17 relate our past history.

18 My name is Chief Carl Quinn. I am from
19 Saddle Lake, and one of my Council Members, Eric J. Large,
20 is here with me today.

21 First of all, I wanted to thank the
22 people from Samson First Nation for giving us the

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1 opportunity to be able to make this presentation.

2 Saddle Lake First Nation comprises some
3 6,000 members -- 6,000 tribal members. We reside in an
4 area of land approximately 70,000 acres, and we belong
5 to a confederacy of Cree First Nations within Treaty 6.

6 Over a decade ago, the members of Saddle
7 Lake First Nation adopted a constitutional framework
8 entitled: Saddle Lake Tribal Customs and Laws. That
9 document provides that:

- 10 "- Saddle Lake shall be governed by its own customs,
11 traditions and laws;
12 - the people of Saddle Lake have the aboriginal right to
13 govern themselves;
14 - all political authority is vested in
15 the people and is dependent upon
16 the will of the people;
17 - the people place their confidence in impartial judicial
18 mechanism of the Tribe, and
19 - no other nation or peoples can interfere with the
20 government of Saddle Lake Nation."

21 Our perspective and unqualified
22 position pertaining to constitutional and jurisdictional

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1 authority in matters of relationships between our people
2 and that of the Government of Canada is founded upon our
3 peoples' inherent right to self-determination. This is
4 based upon the recognized international legal base of our
5 people to legitimately exist and govern ourselves in
6 accordance with our own constitutional and political
7 framework; a right and an authority that has not been
8 surrendered or extinguished.

9 That right and authority is fully
10 demonstrated and specifically evidenced in the negotiation
11 and signing of Treaty No. 6 in 1876.

12 It must be implicitly, if not
13 explicitly, clear that recent proposals put forward by
14 Canada, in view of my previous comments with reference
15 to the constitutional and political framework positions
16 of Saddle Lake concerning aboriginal people, are
17 unacceptable to the people of Saddle Lake First Nation.

18 Among other reasons of which I shall speak in this
19 presentation, we view them as being both impudent and
20 arrogant in their presumptions and insulting to our people
21 in their assumed political correctness for our people in
22 the salvation of the nation of Canada.

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1 To put it bluntly, we were used as a
2 people in the historical and legal justification for the
3 establishment and the building of Canada, and now we are
4 being used as a pawn in a process to save Canada from its
5 own self-destruction.

6 We are asked now to accept imposed
7 constitutional proposals upon us in the name of and for
8 the sake of our own people when, as a matter of political
9 reality, the real motive is that of seeking our help and
10 support to, in fact, help save Canada as a nation.

11 What an irony when, for over 200 years,
12 Canada actively, persistently and deliberately, and with
13 unequalled determination, sought to destroy our own
14 aboriginal nation. What hypocrisy. What shame.

15 Shall we now be a party to save that which
16 attempted to destroy us?

17 We, the aboriginal people, need not be
18 told of our own historical truths, nor, we hope, would
19 such be necessary for the protection of our rights through
20 legislation and judicial actions of the Government of
21 Canada when both legislative and judicial notice can no
22 more than adequately recognize a fact of history which

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1 is, with only a small amount of effort, self-evident.

2 We are aware that other identified and
3 recognized constitutional historical facts entrenched in
4 the Constitution of Canada have not saved us from the claws
5 of the political, legislative and judicial powers of the
6 Government of Canada.

7 I need only point out that the
8 Constitution of 1867 and its numerous amendments, as well
9 as the Constitution of 1982, contains specific provisions
10 referring to aboriginal peoples. Section 91(24) of the
11 BNA Act, 1867, and Sections 25 and 35 of the 1982
12 Constitution are examples. And, in conjunction with
13 Section 52(1), such constitutes the supreme law of the
14 land. Supposedly, so we were told in those days of the
15 early 1980s, those provisions were sufficient to protect
16 our aboriginal rights.

17 But the Saddle Lake First Nations knows
18 that the evidence does not support these contentions.

19 It has been abundantly clear and plainly
20 evident through a whole series of constitutional first
21 ministers' meetings in the 1980s and the imposition of
22 various policies by the Government of Canada that the

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1 federal government has held to the view that the provision
2 in the 1867 constitution document -- 91(24) -- provided
3 the plenary legislative power to regulate, assimilate and
4 to otherwise integrate Indian people into the mainstream
5 of Canada. This included an attempt to destroy our
6 nations, lands, cultures and values, and to make us
7 municipal governments made up of ethnic minorities whose
8 proper place is within the multi-cultural minorities
9 framework assisted in and recognized by policies of
10 affirmative action.

11 Furthermore, the specific sections
12 noted above about the 1982 Constitution provided no
13 protection or guarantees for the aboriginal peoples from
14 policy and legislative actions of the government under
15 their plenary power over Indians and Indian lands. The
16 Government of Canada took the position that the provisions
17 were empty boxes and that no substance existed to the
18 constitutional provisions until successful negotiations
19 had been completed, not only with the Government of Canada,
20 but also with the provinces.

21 The success of that exercise is not only
22 a laughable chapter in constitutional development within

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1 Canada, but is ludicrous as a serious process in aboriginal
2 relations within Canada.

3 What evidence do we have as aboriginal
4 peoples that any proposal will offer any more assurance
5 to us that our inherent rights will be recognized and
6 protected by the Government of Canada, or that our
7 nation-to-nation relationships will, in fact, be fully
8 recognized and affirmed as did our Treaty No. 6
9 relationships in 1876?

10 Can the entrenchment of a historical
11 fact grant protection beyond its own historical
12 documentation? The recognition of history in legal
13 documents is one thing. The recognition of international
14 legal entities as nations in law is quite another.

15 Our position is based upon
16 self-determination and nationhood position of the Saddle
17 Lake First Nation in our relationship with the nation of
18 Canada.

19 Discussions must be based upon the
20 recognition of aboriginal peoples as nations as evidenced
21 by the treaties entered into by the aboriginal nations
22 with the Crown in right of Great Britain, or with the Crown

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1 in right of Canada, whichever is historically and legally
2 appropriate within international laws pertaining to
3 treaties between nation states.

4 Any amendments or proposals need to not
5 only clarify the standing and status of our Indian treaties
6 with the Crown as treaties within the meaning and standing
7 of international law, but will give constitutional
8 presence to the central issue of Indian government and
9 the recognition of our inherent right to
10 self-determination historically as well as
11 constitutionally.

12 Over the past few years, Saddle Lake,
13 as well as other aboriginal communities, have dealt with
14 the federal Government of Canada as to the Department of
15 Indian Affairs' policy and process on self-government.
16 That experience has, to say the least, been most
17 humiliating and unsatisfactory. First Nation after First
18 Nation, including Saddle Lake, has, on the whole, washed
19 their hands of such a process.

20 We of the Saddle Lake First Nation take
21 the strong position that we do not need the consent of
22 the Government of Canada in order to govern ourselves.

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1 The right to govern ourselves is an inherent right; a right
2 that has not been extinguished or surrendered.

3 Ours is an inherent right to
4 self-determination recognized in international law. We
5 need only to call your attention, for example, to the
6 International Covenant on Civil and Political Rights,
7 1966, Article 1, and the International Covenant on
8 Economic, Social and Cultural Rights, 1966, Article 1,
9 which states that:

10 "All peoples have the right to self-determination. By
11 virtue of that right they freely
12 determine their political status
13 and freely pursue their economic,
14 social and cultural development."

15 Canada is signatory to these
16 international covenants.

17 Ours is a right of self-determination
18 already recognized in our treaties with the Crown.

19 It is not the right to self-government
20 of the aboriginal peoples that is in need of protection.

21 It is the recognition of our inherent right to
22 self-determination as exemplified by our treaties that

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1 is in need of 1) recognition, and then 2) protection.

2 It must be apparent to the developers
3 of the present constitutional proposals that considerable,
4 if not almost gigantic, fear and apprehension exists in
5 our aboriginal peoples' minds concerning participation
6 in constitutional processes.

7 Such apprehensions are not new for
8 Saddle Lake. Our people took the position, even under
9 the former Section 37 constitutional provision, that they
10 would not participate in constitutional conferences of
11 first ministers. In fact, our people not only opposed
12 them and refused to participate in them, Saddle Lake
13 people, through the Coalition of First Nations, actively
14 protested against them during the sessions.

15 Furthermore, even though we did not
16 participate in the first ministers constitutional
17 conferences, our fears were, in fact, sustained by the
18 final televised meeting of the first ministers'
19 conferences with the arrogant and most deadly display of
20 political power yet seen by many of our people.

21 To proposed that we at Saddle Lake First
22 Nation willingly and knowingly and with full commitment

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1 participate in, unless as they say, the playing field is
2 levelled, is to invite us into an arena crowded with too
3 many deceits, too many hurts and too much distrust. What
4 other attitudes and confidences can we come with?

5 While the participation in
6 nation-to-nation constitutional framework discussion and
7 forums between the aboriginal nations and the nation of
8 Canada be not rejected outright, it must be made clear
9 that such discussions can only come after severe and
10 detailed negotiations have levelled the playing field.

11 From the position of Saddle Lake First
12 Nation such levelling must include 1) a commitment to the
13 recognition and protection of our treaties with the Crown
14 as international instruments between nations and 2) the
15 recognition of our inherent right to self-determination
16 and self-government under our laws and customs and in
17 accordance with our own constitutional framework.

18 While our central and key positions have
19 been stated more than once in this presentation, we would
20 like to go further and make recommendations concerning
21 those matters that affect us as an aboriginal nation and
22 as an aboriginal people.

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1 We want, first of all, to point out that
2 requirements that we and other aboriginal communities seek
3 in a reformed Canada respecting aboriginal matters can,
4 we respectfully submit, be met without constitutional
5 upheavals, constitutional marathons accompanied by years
6 of negotiated agreements prior to the enforcement of our
7 inherent rights.

8 It can come by the Government of Canada:

- 9 1. repealing the Indian Act and its
10 amendments;
- 11 2. abolishing the Department of Indian
12 Affairs;
- 13 3. setting up, in conjunction with the
14 consent of aboriginal nations, a treaty-trust commission
15 whose powers, duties and responsibilities would have
16 international review and support;
- 17 4. in accordance with the amending
18 process, repeal the word "existing" in Section 35(1) of
19 the Constitution 1982;
- 20 5. providing in a negotiated and
21 prescribed manner a process and method of resource support
22 of the First Nations through such instruments as is now

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1 constitutionally sanctioned in other fiscal and resource
2 matters, such as:

- 3 a) tax-sharing and resource allocation arrangements;
4 b) natural resource allocation arrangements;
5 c) federal-provincial-First Nation fiscal sharing
6 arrangements and revenue returns;
7 d) grants in lieu of resource levies;
8 e) resolution of land and resource claims;
9 f) assessments of claims of prior trusts as recognized
10 and provided in the natural resource
11 transfer acts;

12 6. change by legislative
13 interpretation or, where appropriate, through
14 constitutional amendment Section 91(24) to limit the
15 parliamentary plenary power over Indians and Indian lands
16 to that of an administrative power of the federal
17 government for the exercise of its trust responsibilities
18 for Indians and lands reserved for Indians;

19 7. abolish the policy and the practice
20 of forwarding monies to the provinces for Indians and
21 Indian lands, particularly in the areas of health, social
22 services, child welfare, education and other matters of

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1 federal responsibility for Indian people;

2 8. abolish the negotiations and
3 entering into secret agreements between the federal
4 government and the provinces concerning those aboriginal
5 matters affecting our people without the full
6 participation and consent of the aboriginal people.

7 As we noted at the beginning of the
8 section, most of the above recommendations pertaining to
9 aboriginal matters, with a few exceptions as noted, can
10 be made by the Government of Canada itself without
11 constitutional traumas and the screaming of politically
12 obsessed and quarrelsome joint parliamentary
13 constitutional committees whose only legitimacy in the
14 minds of aboriginal people lies in doubt. This hardly
15 creates confidence in our people.

16 Councillor Large will now get into the
17 specific areas of concern.

18 **COMMISSIONER PAUL CHARTRAND:** Thank
19 you, Chief Quinn. Please proceed whenever you are ready
20 to do so.

21 **COUNCILLOR ERIC LARGE:** Respected
22 commissioners, chiefs, elders, councillors, ladies and

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1 gentlemen.

2 My name is Eric J. Large. I am a
3 councillor with the Saddle Lake First Nation which is
4 approximately 190 kilometres northeast of Edmonton, with
5 a population of approximately 6,000 band members. Today,
6 due to lack of time, I will only be able to bring to your
7 attention five major concerns of our First Nation, namely,
8 housing, education, economic development, recreation and
9 health. We view these not only as inherent treaty rights,
10 but as needs that must be addressed in order to ward off
11 further problems in the future.

12 The first area is housing.

13 In order to catch up with the demand for
14 housing, 160 units are needed, based on the current
15 population rate of growth. Each year the demand for
16 housing has grown, revenues deplete in volume and housing
17 becomes more of a financial and serious health problem
18 for the community.

19 The band is now in a position where
20 housing is critical to the safety of the band members.
21 We have had 17 trailers condemned for being unfit and fire
22 hazard to those who need the shelter. We have no place

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1 to house these families, so they remain at risk.

2 The average home now houses ten people,
3 which in itself becomes a health and safety problem.
4 Currently 50 per cent of all housing facilities on the
5 reserve are greatly overcrowded. This in turn has a
6 negative effect on the average life span of the homes
7 involved. Over-crowded situations means the loss of
8 privacy, over-used home facilities and the basis from which
9 numerous social problems develop, i.e. marital strife,
10 poor hygienic conditions, emotional and social
11 disruptions, children with poor study habits, etc.

12 Inadequate facilities, such as heating,
13 water, toilet and sewage disposal has a very detrimental
14 impact on health conditions, especially infant mortality,
15 greater susceptibility to diseases and sickness, high
16 mortality rate on the older age group, adverse conditions
17 affecting the health of the student age group and, this
18 in turn, affecting their educational performance, etc.

19 It is important to understand that
20 on-reserve housing is newer than that of the Alberta
21 Housing Programs, but of a lower value and lower quality.

22 Approximately 27 units have no bathrooms, compared to

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1 less than two per cent of Alberta housing. The problems
2 and the poor quality is reflected in the policies of the
3 Department of Indian Affairs.

4 The next area is education.

5 The following issues have been brought
6 to the attention of Indian and Northern Affairs for which
7 answers are needed.

8 One of the first ones is special needs
9 education. In October 1990, the Saddle Lake Education
10 Authority submitted a proposal which was intended to
11 address the issue locally. At that point, we were not
12 aware of an Indian Affairs policy in this area. We invited
13 the Department's involvement in this critical area to
14 develop a regional policy. Since then, with very limited
15 resources, the Saddle Lake Education Authority and its
16 staff have made advances in this area. The issues here
17 are:

- 18 1. policy development;
- 19 2. program development and all its
20 components, including testing;
- 21 3. funding;
- 22 4. implementation, and

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1 5. evaluation.

2 One of the other issues -- we have about
3 17 of these ongoing issues -- and the next one is books
4 and supplies for the in-school.

5 a) On-reserve students attending
6 off-reserve schools: There is increased demands to the
7 Saddle Lake Education Authority by off-reserve schools
8 and students to provide books and supplies. Saddle Lake
9 First Nation has not been provided, nor does it have the
10 resources, to accommodate these requests. Clearly, this
11 responsibility rests with the federal government as part
12 of the treaty rights to education as promised to First
13 Nations.

14 b) Off-reserve students attending
15 off-reserve schools: Saddle Lake members living
16 off-reserve continue to be adversely affected by their
17 having to pay for books and supplies of their children.
18 We are demanding that the Department of Indian Affairs
19 honour this treaty right.

20 c) University students' children: Here
21 again, the university student is expected to pay for books
22 and supplies for his or her children. The university

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1 student simply cannot afford this added expense from a
2 stringent allowance as set by Indian Affairs.

3 Another area is the Tuition Agreement
4 Study. This refers to trying to communicate with the
5 surrounding school jurisdictions, in most cases the
6 non-native jurisdictions. The Saddle Lake Education
7 Authority has all the human resources in place to conduct
8 this study now. When is a response forthcoming on the
9 proposal submitted in August 1991?

10 School busing study: The Saddle Lake
11 Education Authority is aware of an impending policy change
12 in school busing. We are expecting to be consulted on
13 this important matter. We will be submitting a proposal
14 for funding to do a study which would be used as a
15 consultation tool.

16 Native studies: The chief and council
17 have instructed the Saddle Lake Education Authority to
18 develop and implement a more comprehensive native studies
19 program for the community. Cree language retention and
20 development is crucial in this initiative. The community
21 and the Saddle Lake Education Authority have made definite
22 advances in this area. We are soliciting Indian Affairs'

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1 cooperation in this initiative to accept a funding proposal
2 and to fund it.

3 Policy development at the local level:
4 Saddle Lake Education Authority is wanting to complete
5 the work started in this area. This involves revision
6 of policies; developing new ones where needed. Indian
7 Affairs has already provided the sum of \$200,000 to assist
8 in this area. However, it costs more than that. We have
9 since received the balance of what we had originally asked
10 for so that this important work can now be completed.
11 The policy manual work is essentially complete.

12 Again, policy development at the Indian
13 Affairs regional level: The Alberta region was allocated
14 \$100,000 to do developmental work in consultation with
15 communities like ours in this area. Is the Department
16 going to be consulting with Saddle Lake on this project,
17 and how much of this money is our share?

18 Post secondary increase: Inflation and
19 other factors are seriously affecting our university
20 students. Is Indian Affairs planning any increase, and
21 if so, are they going to be supplying the additional
22 training allowances required? You are reminded that

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1 tuition, books and supply costs have also increased.

2 Post secondary scholarships: The
3 Indian Affairs' policy allows for bursaries and
4 scholarships, yet the Saddle Lake Education Authority has
5 not been provided with the additional funds to deliver
6 this portion of Indian Affairs policy. We are expected
7 to pay out of the existing dollars that is intended for
8 the students that are enroled in the fiscal. At present
9 we have 220 post-secondary students. An estimate, to
10 implement this portion of the program for scholarships,
11 is an additional \$50,000.

12 Computers: Post-secondary students
13 continue to request for computers. Our funding would not
14 accommodate this added expense without services
15 ramifications. Would Indian Affairs be amenable to
16 meeting these requests, or are there other options?

17 The new junior-senior high school, site
18 preparation: As of to date we have finally got our first
19 instalment dollars. We have gone as far as we can in this
20 area. The green light is on to go ahead with full
21 construction, but again all with the usual delays of the
22 bureaucracy of Indian Affairs. Other work related to the

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1 new school is:

- 2 a) relocation of a residence away from
3 the selected new school site;
4 b) the power sources installation;
5 c) minor site preparation.

6 Regarding our existing school, which is
7 called Onchaminahos, we had a fire about a year ago, and
8 it took a long time for the Department of Indian Affairs
9 to settle costs related fire and water damages. We did
10 eventually have this matter addressed. I just wanted to
11 emphasize here again that we experienced a delay in the
12 reimbursement costs due to smoke and water damages from
13 the fire.

14 Occupational skills training: The
15 chief and council had set aside the sum of \$145,000 from
16 its economic development allotment to implement this
17 program. In reality, our community requires \$400,000 to
18 accommodate all the requests. Is Indian Affairs planning
19 any increased or new options in this program?

20 Staff training: The Department of
21 Indian Affairs provides training for its employees. The
22 chief and council is requesting the same consideration

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1 for all its employees. New technologies and techniques
2 demands that organizations like ours continue to be
3 cognizant of new developments. Employees, if they are
4 to be assisted to improve or refresh their skills, need
5 ongoing training. Would Indian Affairs be prepared to
6 assess funding to Saddle Lake for initiative in this area,
7 or can it provide options?

8 Short courses: The Saddle Lake
9 Education Authority are wanting to implement short
10 developmental courses for the Saddle Lake community
11 members, that is, courses in family budgeting, parenting,
12 basic computer skills, etc. What possibilities or what
13 options would Indian Affairs have to offer in this area?

14 The reorganization of Indian Affairs
15 Branch: It has come to our attention that Indian Affairs
16 and Alberta Region are presently in a reorganizational
17 mode. We are requesting consultation on this development.
18 Our concern is on what impact this reorganization may
19 have on us. The concurrence and cooperation of Indian
20 Affairs is expected on this important issue.

21 Another major issue is one of five areas
22 I mentioned at the beginning, which is economic

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1 development.

2 Although there are many issues to be
3 taken into consideration in the area of community economic
4 development, the most outstanding one is the lack of
5 available capital funds to implement various projects.
6 In the past and up to date the federal government, through
7 their Indian Affairs Department, has had the
8 responsibility of looking after all the native
9 communities' needs. Many programs are designed to meet
10 the peoples' needs in the areas of education, health and
11 welfare and so forth. Beyond these basic services, there
12 is very little support for economic growth and prosperity
13 from other levels of government.

14 It can be stated that programming and
15 sectorial institutes exist for business development to
16 foster economic growth, but the services that are available
17 are always inadequate to meet all the requirements that
18 are needed by native people. For example, there is no
19 financial institute that exists that will provide a
20 comprehensive financing package that a project would need.

21 Some may provide 40 per cent, with the applicant having
22 to borrow the remainder. Borrowing also becomes a problem

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1 because the lender cannot enter a reserve to remove any
2 fixed assets in the event of a default. Therefore, there
3 is never enough security to make the loan attractive to
4 an outside financier.

5 Also, there are funding agencies that
6 cater specifically to aboriginal people. The only problem
7 is that they are no different than mainstream banking
8 systems. Security on the loan again becomes an issue.
9 In addition, they service all aboriginal people and do
10 not necessarily specialize with native groups. Thereby,
11 they are not too receptive or knowledgeable in terms of
12 native peoples' situations and difficulties that we
13 encounter when seeking financial assistance. We have very
14 little capital. We cannot mortgage land, and we cannot
15 utilize buildings and fixed equipment as collateral. For
16 these and other reasons, obtaining conventional means of
17 financing is near impossible.

18 Indian and Northern Affairs remains in
19 most cases as the sole supporter for community initiatives.

20 Funding is provided for capacity building where local
21 managerial and administrative support is made available
22 to all native communities. Funding is usually capped,

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1 with very little remaining for project development.
2 Therefore, there needs to be more involvement and
3 cooperation from other government agencies to provide a
4 higher level of monetary and specialized support to
5 overcome the aforementioned concerns.

6 We have an adequate land base. We have
7 the necessary human resources pool, and we have enough
8 natural resources to sustain the community. What we don't
9 have is the capital funds required to develop and implement
10 various commercial and private ventures that would
11 eventually develop an internal economy. Statistics
12 indicate that as much as 95 per cent of the revenue
13 generated by the reserve flows out with a minimum of five
14 per cent captured by the few local businesses. And, to
15 complicate matters even worse, is that we cannot turn back
16 in time to go back to our traditional way of life. Most
17 of the rivers are polluted, or are in the process of being
18 polluted, and the lakes are drying up from the unusual
19 hot weather that we have been experiencing. The wild
20 animals are becoming harder to find. We cannot hunt
21 wherever and whenever we can. Therefore, we have to begin
22 looking at alternative and viable means of making an

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1 acceptable standard of living while maintaining our
2 traditional values. Building local businesses, such as
3 a shopping mall, would certainly be a positive start
4 towards capturing some of the lost revenues, while
5 maintaining or creating jobs that are currently
6 non-existent.

7 For continuity and long-term solutions,
8 we have to begin redeveloping our local economies from
9 a different focal point. In the past, and in the present,
10 the main source of employment and income is derived from
11 government programming. More emphasis will have to be
12 placed on commercial projects, which comes from other
13 industries such as oil and gas, agriculture and so forth.
14 We have also to begin looking at diversifying existing
15 projects, such as agriculture.

16 But, all the planning and good ideas can
17 be all for naught if there is no real participation from
18 all levels of government to provide some means of
19 assistance in developing and implementing these ideas.
20 For example, we have developed a 25-year community master
21 plan, but we cannot seem to get any of the planned projects
22 under way without having the available capital pool to

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1 draw from.

2 In closing, developing and assisting the
3 progress of native economies should be taken into serious
4 consideration by the rest of Canada. It is a good
5 investment towards the future of this country. To quote
6 the Canadian Council of Native Business Chief Executive
7 Officer, Patrick Lavelle said: If the standard of living
8 for aboriginals was to increase to the equivalent of the
9 average Canadian, the economy would have a permanent
10 increase in growth of 2.5 per cent. This is a larger jump
11 than the intended growth as a result of signing the Free
12 Trade Agreement with the United States."

13 In the area of recreation, Saddle Lake
14 First Nation subscribes to the fullest development of the
15 mind, body and spirit of individual tribal members. We
16 have always been involved in various sports, whether it
17 is annual events or ongoing ones. At present, tribal
18 members are involved in minor hockey, junior B hockey,
19 senior hockey, minor and recreational baseball and
20 fastball, golf, youth outings in canoeing and archery.
21 All these sports and recreation activities are voluntarily
22 supported by individuals as well as local community groups,

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1 including the Saddle Lake Redwings Hockey Club, Minor
2 Hockey Association, Boys & Girls Club and parent support
3 groups. As an example of athletic potential, we sponsored
4 local student athletes to the North American Indigenous
5 Games in 1990 at Edmonton where 35 medals were won in
6 individual and team events.

7 Not only do we believe in enhancing
8 individual capabilities in individual and competitive
9 sports, but we recognize that sports is a major industry,
10 and that we are involved. In addition to the health
11 promotion and well-being aspect of recreation, we request
12 that the federal government support our efforts to enhance
13 all levels of recreation, including sports and the cultural
14 component. We need support for programs that will build
15 on children's skills, capabilities, self-esteem and the
16 development of volunteerism of tribal members. The
17 program support would also include administration
18 development and dollars that would lead to greater
19 involvement at the local, provincial and national levels,
20 staff support, coaching instruction and general
21 administrative support.

22 The last area is health. Saddle Lake

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1 First Nation is not without concerns regarding health
2 services being provided to our people. These concerns,
3 we feel, diminish the responsibility of the federal
4 government to provide for the health care needs of our
5 community. There is an awareness from ourselves that the
6 federal government is, in fact, considering alternatives
7 to reducing the amount of dollars towards treatment in
8 health services and shifting it to other priority programs
9 in health. This, we believe, is detrimental to the
10 provision of treatment services.

11 We are fully aware of the need to provide
12 additional programming in prevention -- that is in disease
13 prevention -- health promotion and education. But this
14 should not be at the expense of treatment for individuals
15 when they should see a doctor, an ophthalmologist or other
16 treatment services. We know as long as our living or
17 social and economic conditions do not improve, our need
18 for treatment services will remain.

19 Primary care at the community level must
20 become a major focus in terms of fiscal and government
21 realities. The United Nations Declaration of Primary
22 Health Care Conference of September 1978 strongly affirms

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1 that health is not merely an absence of disease or sickness,
2 but is a state of complete physical, emotional, mental and
3 social wellbeing. This further states that governments
4 have a responsibility for their people and that the health
5 of the people is paramount to sustained economic and social
6 development.

7 We must continue to affirm the
8 commitments that our government must uphold in terms of
9 our treaty.

10 Another concern we have at Saddle Lake
11 is the continued insensitivity of our peoples' needs by
12 the health care systems and providers. Health care
13 providers coming into our communities must become
14 knowledgeable of our way of life. Too many times our
15 people were not understood of their needs because the
16 health worker did not know of the circumstances of our
17 present way of life. At the hospitals they say we bring
18 in our babies or our elderly as free babysitting services.

19 Some hospitals condemn our people for abusing the health
20 system, and some have further denied our people proper
21 services because of this. We can no longer have this
22 continue.

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1 We must call on the medical and health
2 professions to be more observant of our needs and community
3 circumstances. They must become more understanding of
4 our way of life.

5 There are other concerns, but being
6 brief, I cannot relate them all. I can only hope that
7 we can make the best interests of our people in mind.

8 Thank you.

9 **CHIEF CARL QUINN:** Just as a point of
10 clarification, there are two figures as far as the
11 population -- there are two population figures that are
12 in the presentation. The total population for Saddle Lake
13 is 6,000, but there is another community that is part of
14 Saddle Lake, and there is a breakdown in the population
15 in that way. Just to clarify that.

16 In conclusion, Saddle Lake is a strong
17 nation. Its peoples are politically active and
18 sufficient. Yet, through our elders, our teachings and
19 the knowledge and research in our own history, we are
20 confident in who we are, and we are confident in the
21 objectives of which we seek.

22 It is as stated in our own constitutional

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1 framework and as revealed in our negotiations and signing
2 of Treaty No. 6 in 1876, our people are the ultimate
3 authority of the Saddle Lake Nation. They are the ones
4 that not only provide direction to our nation, but they
5 are the ones who represent its historical continuity.

6 Saddle Lake First Nation is built both
7 on what has existed and what exists now, and also on what
8 our people will. The uniting of our people is partly by
9 spiritual and traditional attachment and partly by
10 voluntary subjection to our own customary laws. We are
11 not individuals isolated by individual rights and
12 interests, but a collectivity whose bonds and rights are
13 contained in and preserved by the whole of Saddle Lake
14 Nation.

15 Our concept of our political and
16 constitutional order is that of an operational whole which
17 enables us as a community of people to arrive at decisions
18 and make policies and laws by way of our political and
19 governmental institutions. These provide us with the
20 means of effective cooperation.

21 Any involvement in and any commitment
22 to aboriginal matters affecting our people in a reformed

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1 Canadian Constitution must not only have our consent, it
2 must also recognize and protect our inherent right to
3 self-determination and self-government and the
4 recognition of our Treaty No. 6 as having international
5 status.

6 We at this presentation, or at any other
7 occasion in which we as a people are asked to state our
8 position or to in any manner defend ourselves, do not place
9 our defence on other peoples' backs, nor do we rob them
10 of their integrity and dignity.

11 But upon this occasion in which our own
12 inherent rights to self-determination and self-government
13 are being presented and exemplified by Treaty No. 6, we
14 cannot but take note of the vast nation in the international
15 arena that has succumbed to its own peoples' rights to
16 self-determination and political integrity.

17 Our position and thus our demands are
18 no less a requirement for our aboriginal people.

19 Thank you.

20 Thank you very much for being patient
21 with me. Thank you very much in listening to my
22 presentation.

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1 **COMMISSIONER PAUL CHARTRAND:** Thank you
2 very much, Chief Quinn and Mr. Large.

3 Before I invite Mr. Blakeney to comment,
4 I wanted a turn, and I noticed that our elder had returned,
5 and I wanted to invite him to join us.

6 I ask Mr. Blakeney now if has any
7 questions or comments.

8 **COMMISSIONER ALLAN BLAKENEY:** A very
9 comprehensive brief.

10 I would like to ask how you would see
11 aboriginal or -- I'll delete aboriginal and put Saddle
12 Lake First Nation -- self-government or self-determination
13 work, and the specific question I ask is: If it was working
14 as you would wish it to work, then would much of the back
15 part of the brief be, as you might say, superseded because
16 you would be receiving lump sums, and you would not then
17 be having to ask Indian Affairs or other federal government
18 departments for specific requests for funding; but that
19 you would have a substantial sum of money and you would
20 make the decisions with respect to economic development
21 and with respect to health and with respect to education
22 and the rest? Is that how you would see it working, or

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1 would you see that as a derogation of treaty rights?

2 **CHIEF CARL QUINN:** Just to answer the
3 first part of your question regarding how we would view
4 self-government working, 500 years ago we had a gentlemen
5 that got lost and landed up on our shores. Prior to that,
6 obviously we had a means of survival, a means of determining
7 what our political structures were going to be, or were
8 at the time. Five hundred years later, they are no
9 different. We have the means and the capability to look
10 after our own affairs.

11 The relationship that we have with the
12 Crown of Britain and Canada as a trustee is a treaty.
13 If Canada were to live up to its obligations, some of the
14 figures that have been mentioned is that \$27,000 is spent
15 on an aboriginal or treaty Indian person in Canada. That's
16 on a per capita basis. What that transfers to us, what
17 that means to us, is \$163 million per annum. If the
18 Government of Canada were to live up to its obligations,
19 all those monies would be transferred to Saddle Lake.
20 But, of course, that's a far cry from what we -- it's a
21 mere pittance to what we are currently receiving in the
22 treaty relationship.

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1 I don't know if that answers the
2 question.

3 **COMMISSIONER ALLAN BLAKENEY:** Yes, I
4 think so. I was directing my attention not to the
5 mechanics of self-government, which I am sure you will
6 work out for yourselves -- the funding -- but you directed
7 your attention to the fact that the funding that you would
8 expect to get would be one which would be calculated on
9 the basis of what it would cost for the federal government
10 to discharge its treaty obligations.

11 **CHIEF CARL QUINN:** Exactly.

12 **COMMISSIONER PAUL CHARTRAND:** I want to
13 conclude, again, by thanking you for your very
14 comprehensive brief. You have made many points, and it
15 is not possible in the immediate circumstances to give
16 your presentation the thorough consideration that it
17 deserves, but you know that our mandate requires us to
18 hear from people across the country and to carry on this
19 process for some time, and we will be again carrying on
20 our consultations elsewhere; carrying on our research and
21 coming back, and when we start developing our thinking
22 we will be again coming to the same region to hear further

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1 from the people and to get more of your thinking on the
2 way things are developing.

3 So, I want to thank you again and merely
4 ask if you have any concluding remarks to address to us.

5 **CHIEF CARL QUINN:** I guess just one
6 additional point.

7 We have had local control of our school
8 for 12 years, basically I guess one cycle in the life of
9 a child in their primary education anyway. Prior to that,
10 you could count the number of graduates from grade 12,
11 when it was under the administration and control of Indian
12 Affairs, basically on one hand. Since then, this year,
13 we have graduated 19 students from grade 12. Last year
14 we had 38. That's under our administration and our
15 control. I think that gives you an example of some of
16 the possibilities that can be garnered, you know, given
17 the respect for our own sovereignty.

18 **COMMISSIONER PAUL CHARTRAND:** Thank you
19 for that, and thank you for having made your presentation.
20 We appreciate it.

21 We are now into what is called the open
22 forum portion of our hearings, but I have a list of two

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1 names so far of people wishing to make presentations, so
2 I invite Mr. Greg Kjos to address us.

3 I hope, sir, that I pronounced your name
4 correctly. For the record, you might like to correct my
5 bad pronunciation.

6 **MR. GREG KJOS:** For the record, it's
7 Kjos, K-J-O-S.

8 The Commission, in its public documents,
9 have invited interested persons or groups to make a
10 presentation to the Commission, and in another document
11 it says we want everyone to journey with us. I have sat
12 here silently all day, and I know my body is tired, but
13 my mind is filled with many thoughts. My heart is quite
14 heavy from the testimonies and witnesses of those who have
15 spoken.

16 I certainly don't want to feel as if
17 those people who make a presentation here or anywhere
18 throughout Canada are like a lone wolf crying in the
19 wilderness, but in the patience we become a pack of wolves
20 who cry together for joy at the changes taking place.

21 As I have mentioned, my name is Greg
22 Kjos. I presently serve two Lutheran congregations that

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1 buttress the reserve, one east on Highway Secondary 822,
2 and one south on Highway 53. Their names are Calvary
3 Lutheran and Asca Lutheran. I have been there for four
4 years. Prior to that I was clergyman in Manitoba, one
5 hour north of Brandon in a congregation that buttressed
6 a Soto reserve. Then prior to that, I was also a clergyman
7 in Yorktown where there was a visible presence of native
8 people there.

9 It is from a decade of experience as a
10 clergyman with people who either live near or work near
11 native reserves that I come to make two comments.

12 First, in my own personal and
13 professional background, I have only had the opportunity
14 of being involved with native people who have requested
15 my professional help; one being a baptism and one being
16 a wedding. But, prior, other than those two events, I
17 have never had a native person attend the congregations
18 I serve, and I've never had anyone else come to talk to
19 me about what we're about or never have I had a parishioner
20 come and talk to me about the people they live next to
21 and work with and hear stories about, which leads me first
22 to my first comment.

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1 Don't stop the dialogue. Even though
2 we live in 1992 and there has been a lot of water over
3 the dam, I honestly feel that, at least in European culture,
4 we have been more willing to entertain benevolent monologue
5 with people. Because of the change in our political and
6 economical context, we are learning how to dialogue with
7 people -- not only sitting at a table and talking, but
8 the painful reality is it is a dialogue in which we will
9 share power and, most important, in which we recognize
10 the quality of personhood in other people who are not
11 European background.

12 So, please, for the Commission, don't
13 stop the dialoguing and, in fact, as this report is taken
14 back to Ottawa, encourage whatever federal government and
15 provincial governments and even local municipalities as
16 well as tribes or nations to engage further and to expand
17 further and to test further the quality of dialogue we're
18 doing.

19 It seems that within humanity we have
20 slow ears and hardened hearts, and we need people, whether
21 they be the voice of hurting youth or the wisdom of elders
22 not to make us to be hardened people.

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1 That brings me, then, to my second
2 comment, and it may be more directed to you, Commissioner
3 Chartrand, since you have a legal background. First, in
4 the -- I beg your pardon, sir?

5 **COMMISSIONER PAUL CHARTRAND:**

6 Commissioner Blakeney does, too.

7 **MR. GREG KJOS:** Accept my apologies,
8 Commissioner Blakeney.

9 I'll refer to the terms of reference.
10 As a preliminary question, there are 16 statements. I
11 would like to know if these 16 statements are ranked in
12 order of importance, or are just randomly stated.

13 **COMMISSIONER ALLAN BLAKENEY:** Randomly
14 stated. I think the first couple are meant to be more
15 or less global, you know, the relations and the history,
16 but after that they are randomly stated.

17 **MR. GREG KJOS:** That brings me, then,
18 to my concern or comment or question. Based upon my
19 personal experience over a decade, as well as listening
20 to today's testimonies, I would strongly recommend that
21 Item No. 11, which has cultural issues and concerns of
22 the aboriginal peoples, and I refer to that on page 3 in

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1 terms of further description where it states: "In
2 particular, the Commission may investigate the protection
3 and promotion of aboriginal languages, recognition by
4 Canadian society and institutions of the intrinsic value
5 of aboriginal spirituality."

6 I would like to focus on that particular
7 statement of the presentation.

8 So, first I would like that
9 recommendation No. 11, indeed, be given, in my opinion,
10 first importance over any other issue, because from the
11 concerns that I have heard from my brothers and sisters
12 here today which dealt with economy and education and,
13 you know, the tragedy of -- I think it was -- Mr. Soosay
14 who talked about identity and the confusion that he felt,
15 it seems that there is a root that stems from this intrinsic
16 value of aboriginal spirituality and identity.

17 The question I have is this -- or not
18 the question, the comment -- I recommend that the
19 Commission strongly emphasizes the role of the spiritual
20 dynamics as taught by the aboriginal people, or native
21 people, or treaty people, not only document it well, but
22 also underscore that it is a viable and an effective process

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1 which not only brings healing within the said aboriginal
2 peoples, but will also provide a viable and an effective
3 healing to the Canadian nation.

4 Further to that, that the intrinsic
5 value of aboriginal spirituality be given full legal status
6 to be co-equal with that civil spiritual dynamic within
7 the Canadian Constitution which, as far as my understanding
8 is, is that within French Canada it is the Roman Catholic
9 Church. I was just saddened to hear the tragedies of,
10 like, Wilson Okeymaw, who was belittled and berated by
11 another faith denomination over against his own
12 spirituality.

13 Outside of French-speaking Canada,
14 generally it is the Christian understanding, whether that
15 be Church of England or United Church of Canada or Lutheran
16 and so forth.

17 Again, I will repeat that, that they
18 recommend that the Commission strongly clarify the role
19 of the spiritual dynamic as documented amongst aboriginal
20 people as not only being a viable and effective process
21 to bring healing to the aboriginal peoples, but also to
22 all Canadians; and further to that, that this intrinsic

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1 value of spirituality be given co-equal status as a
2 spiritual dynamic within the Canadian Constitution, and
3 that isn't just the legal Constitution, that's the make
4 up of who we are.

5 If the Commission will recommend to any
6 Canadian government, in my opinion, this recommendation,
7 it will then cease to perpetuate a traditional European
8 spirituality, and sadly a Christianity, which perceives
9 native people as noble, or ignoble, savages that need to
10 be civilized and made to conform to a pre-existing world
11 view which I have heard today has greatly hurt and harmed
12 the people of this country.

13 **COMMISSIONER PAUL CHARTRAND:** Mr. Kjos
14 --

15 **MR. GREG KJOS:** Excuse me, Kjos.

16 **COMMISSIONER PAUL CHARTRAND:** Kjos, I'm
17 sorry.

18 Mr. Kjos, I want to respectfully offer
19 my thanks for your thoughtful presentation based upon the
20 experience that you have detailed here before us, and I
21 turn now to my fellow Commissioner.

22 **COMMISSIONER ALLAN BLAKENEY:** I would

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1 like to repeat the word of thanks, and I would like to
2 just pick up on your last point, or very nearly your last
3 point, that our society should regard aboriginal
4 spirituality as having equality of status with other
5 established -- and I don't mean that in a legal sense --
6 but established faiths that the others of us share.

7 I think this point has been made to us,
8 really in a specific sense, with respect to correctional
9 institutions. Many of the inmates are native people.
10 There are chaplains, whether they be Lutheran or Baptist
11 or Roman Catholic or Anglican, and then there are native
12 healers and elders and others who carry a message of native
13 spirituality, and they are not treated with equal status
14 as the established faiths. This point, I think, indicates
15 exactly what you are saying, that we have, along with our
16 colonialism and our cultural imperialism, practised a
17 brand of religious imperialism, or faith imperialism, and
18 your point is that, perhaps, the time has come to remedy
19 that.

20 **MR. GREG KJOS:** Again, I would like to
21 strongly advocate that this religious imperialism is a
22 lot stronger in our nation, and even is very strong in

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1 our nation and very persuasive; and even though there are
2 areas or pockets within the Canadian context that are
3 allowing alternate forms of faith expressions, yet in those
4 places of power, whether they be political or monetary,
5 they will fight hard to guard a particular point of view,
6 whether it's enshrined with religious jargon and so forth.

7 So, I strongly advocate to the Commission that it tackles
8 this area with great vigour and vim, for it seems to me,
9 not only to be at the heart of a native way of life or
10 an aboriginal way of life, but maybe in a greater way it
11 is at the heart of, indeed, much of the difficulties within
12 Canada herself at this time.

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

15 **COMMISSIONER PAUL CHARTRAND:** Again,
16 thank you, sir. I hope you will accept my apologies for
17 having mispronounced your name.

18 Next on the list I have Mr. Lawrence
19 Saddleback.

20 **MR. LAWRENCE SADDLEBACK:** I was asked
21 to make some closing remarks.

22 I guess I would like to raise a question

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1 first, before I make any comments. Where is this tape
2 and will it reach government, or -- I need to know that,
3 or is this as far as it's going to go?

4 **COMMISSIONER PAUL CHARTRAND:** I'm
5 sorry, where is this --

6 **MR. LAWRENCE SADDLEBACK:** -- comments
7 and presentations.

8 **COMMISSIONER PAUL CHARTRAND:** These are
9 a matter of public record and are housed with the
10 Commission.

11 Mr. Blakeney, would you like to amplify
12 on that?

13 **COMMISSIONER ALLAN BLAKENEY:** Yes.
14 These are a matter of public record. We prepare a little
15 daily summary, which we use almost immediately. We'll
16 be looking at it probably next week. But then there is
17 a virtual word-for-word transcript which will find its
18 way into official government records. What they will do
19 with it, I don't know, but it will be there.

20 **MR. LAWRENCE SADDLEBACK:** I hope you
21 won't mind, I am going to speak Cree language.

22 **COMMISSIONER PAUL CHARTRAND:** Please

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1 feel free to do that.

2 **MR. LAWRENCE SADDLEBACK:** There is a lot
3 of subjects that have not been discussed at this Hearing.
4 Those treaties and promises, hunting and trapping, for
5 instance, has not been a topic. Education has not been
6 fully discussed.

7 Years ago, when the elders met with the
8 representatives of the government, our elders used the
9 pipe, but aside from that, our lands were never
10 surrendered. Our natural resources were never
11 surrendered, were never ceded to the Crown. Oil and gas
12 is our revenue at the present time, but we don't receive
13 all of the benefits, only a portion.

14 About the treaties, those treaties have
15 to be recognized by the Government of Canada.

16 I would like to read out my comments and
17 opening statements.

18 I would like to thank the Royal
19 Commission in coming down to the Samson Cree Nation to
20 hear out the four Nations's concerns in regards to the
21 Indian Act and the treaties. You may not be aware of the
22 frustrations we have with the Indian Act which not only

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1 restricts growth, but is also destructive. The Indian
2 Act controlled the lives of native people for over 100
3 years.

4 What you see here today is not funded
5 by the federal government; it's funded by our own source
6 of revenue through oil money to develop our reserve. Those
7 funds are now running out. Still, no concrete funds are
8 in place to administer our programs. I think
9 self-government is misleading. Address our treaties
10 first, then we can talk about the real things. Until such
11 time as treaty issues are addressed, it's fruitless. Our
12 stand today is this: as long as the sun shines, the rivers
13 flow and the sweet grass grows, treaties must be recognized
14 and respected by the federal government. Let's
15 renegotiate; let's reaffirm those rights.

16 What we are doing here today is not good
17 enough. We want to sit down with the federal government,
18 nation to nation, and pinpoint our interpretations of how
19 we understand those fiduciary responsibilities. To name
20 a few: education, health, hunting, fishing, trapping are
21 not even mentioned in detail. That's what we're talking
22 about, plus other rights not mentioned yet.

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1 I hope you hear us out loud and clear
2 what we want. We never gave up our land, underground
3 minerals. That's why we want resource sharing
4 immediately. Native people are patient, but this patience
5 is running out. I don't know how much longer our people
6 will hang on, waiting for change. We want to live our
7 own way of life, the way our ancestors taught us; to respect
8 each other and respect land.

9 My final comment; I think this land rent
10 is overdue, and I think it's time the government pays us
11 rent, and that's the only way we are going to run our own
12 governments.

13 Thanks very much.

14 **COMMISSIONER PAUL CHARTRAND:** Thank you
15 very much for your presentation. I'll first ask Mr.
16 Blakeney if he wishes to comment or question.

17 **COMMISSIONER ALLAN BLAKENEY:** I just
18 have one question about resource sharing, and that
19 sometimes comes -- different ideas are conveyed by that
20 phrase.

21 I'll ask two or three questions.

22 First, are we speaking of resources only

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1 on reserves, or throughout the whole area -- the whole
2 treaty area. Let's talk about Treaty 6, the whole Treaty
3 6 area, and if the latter is the belief that it would all
4 go into a pool and be shared by all members of the treaty
5 nation, or would it be partly directed into individual
6 bands, depending on whether they were close to the
7 resource.

8 **MR. LAWRENCE SADDLEBACK:** I think what
9 I am talking about here is strictly for Alberta for now.
10 I don't know what other nations are expecting, but that
11 oil underground that has been taken, it's just been taken
12 out completely. There are no questions asked by the
13 government. That's the source that I'm talking about.
14 How can we have a self-government, if we don't have no
15 resources. And our oil is running out. That's what I'm
16 talking about here.

17 You know, in the first place, that oil
18 belongs to native people -- all of Canada. What's
19 underground was never given up.

20 **COMMISSIONER ALLAN BLAKENEY:** Thank
21 you.

22 **COMMISSIONER PAUL CHARTRAND:** Thank

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1 you, sir.

2 **MR. LAWRENCE SADDLEBACK:** Thanks very
3 much.

4 **COMMISSIONER PAUL CHARTRAND:** I have
5 one more name on the list, and I now invite Mr. Clive
6 Linkletter to make his presentation.

7 **MR. CLIVE LINKLETTER:** Thank you very
8 much.

9 I understand that you can make a
10 participation in the forum here without jeopardizing any
11 right to make a future oral presentation and written
12 presentation?

13 **COMMISSIONER PAUL CHARTRAND:**
14 Absolutely.

15 **MR. CLIVE LINKLETTER:** Okay, thank you.

16 I would just like to make a couple of
17 quick comments about some of the topics that were discussed
18 today. When Claudine Louis was talking about education
19 and treaty rights, and Mr. Blakeney made the questions
20 about interpretations of treaty rights and trying to
21 determine what are or are not treaty rights and how such
22 treaty rights are going to be implemented as far as today's

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1 contemporary society, I believe that decision has already
2 been made by the Supreme Court, saying that any doubts
3 or questions should be made and interpreted to the benefit
4 of the Indian people. I think that's correct. I haven't
5 got the legal documentation in front of me, and I am not
6 a lawyer, so, I don't know that. But, I understand that's
7 the case to be.

8 The other thing I would like to remind
9 you, Mr. Blakeney, is that when you were premier of
10 Saskatchewan, you participated as long as your successors
11 and other premiers in a constitutional deal-making that
12 was not constitutional in the sense that there was no
13 constitutional guarantees that premiers could take part.
14 That is what the Supreme Court has ruled. There is no
15 law that says you must participate as premiers. The
16 Supreme Court ruled that there was a convention that has
17 taken place over the years, and it was that convention
18 of participation of first ministers through which you got
19 your foot in the door.

20 My point is that the conventions about
21 education, that the conventions that apply to the first
22 ministers or other forms of government could also apply

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1 as far as treaties and definitions of treaty and treaty
2 rights are concerned, including the ones that were
3 mentioned like education and the medicine clause, etc.

4 I would like to make one other kind of
5 observation. Back in the '50s and '60s there was a rule
6 that we Indian people called the "Judy LaMarsh Rule", and
7 it went something like this: that any time there was rule
8 that diminishes the right of Indian people in any treaty
9 area, that it automatically applies to all Indians across
10 the country. If there was any right that expanded or
11 extended the rights of any treaty people, that it only
12 applied to those people that were involved in it. That
13 seems to me the opposite now what the Supreme Court has
14 ruled recently, and I personally believe that the Supreme
15 Court's is a more enlightened and just ruling.

16 Anyway, I just wanted to make that point
17 about what are treaty and treaty rights. By the way, I
18 am a treaty Indian myself -- I am a treaty status Indian
19 myself and a product of a residential school. But I am
20 one of those who had a very good experience in a residential
21 school, and I am not going to talk about that, at least
22 today.

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1 The other small point I would like to
2 make is regarding definitions. Although the word
3 "inherent" as I understand has now been recognized, one
4 of the difficulties that Indian people labour under is
5 precisely that -- definitions. The principle that seems
6 to apply is that when you are dealing with Indian issues,
7 that they must be defined clearly before they can be
8 accepted, but this doesn't apply to other provinces,
9 particularly Quebec. Quebec can have anything it wants.
10 It wants a distinct society, it can have a distinct
11 society; you don't have to define distinct society for
12 Quebec. But for Indians, you have to define what are
13 inherent rights. So, I think if you don't have to define
14 anything for Quebec, then you don't have to define anything
15 for Indians either. Let's simply accept the fact that
16 Indians have existed in this land before Quebec ever
17 existed itself and before the first Frenchman ever arrived
18 here in 1534. The rights that we have didn't come from
19 Quebec or from Jacques Cartier or, for that matter, from
20 the Parliament of Canada, or the Legislature of Alberta,
21 or the Legislature of Saskatchewan.

22 Those are just comments I wanted to make

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1 on the issues that were raised. But, there is one point
2 that I would like to make that has caused great difficulty
3 as far as aboriginal people are concerned, and this is
4 really my major point that I'd like to make today. We
5 don't know what is going to happen as far as the current
6 constitutional discussions are concerned. No one can
7 predict that. They may fall apart tonight, or maybe they
8 have done already as we sit here; we don't know.

9 We do know that it happened in the past
10 and that when it came to dealing with constitutional
11 questions regarding Indian people, that there was great
12 difficulty. First of all, as you were aware, you were
13 at the Chateau Laurier and other places the night you met
14 with other premiers, and while René Lévesque was sleeping,
15 deals were made as far as the constitution was concerned,
16 and one of the deals was to leave aboriginal rights out
17 at that time. They were subsequently reinstated as
18 Section 35 of the Constitution.

19 There were three classes of aboriginal
20 people as section 35 reads. Aboriginal people are defined
21 as Indian, Inuit and Métis.

22 My point is simply this, that it seems

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1 to me as one of the so-called grassroots Indians, I believe
2 that is what I am. I don't know sometimes what I am myself
3 as far as legal constitutions are concerned, but one way
4 of getting through that impasse is by having -- since there
5 are three distinct clauses, subsections of aboriginal
6 people defined in section 35, Indians, Inuit and Métis,
7 that I would like to suggest or recommend that the
8 discussions with each of those aboriginal groups be
9 conducted separately from each other, that in any future
10 constitutional discussions that the discussion be held
11 exclusively with Indians, a constitutional conference or
12 whatever it is going to be, be held exclusively with
13 Indians. They could have another separate one with the
14 Inuit and another separate one with the Métis.

15 Whatever the governments recognize
16 through inherent rights, aboriginal rights or aboriginal
17 title or treaty rights, then it could become a section
18 under whatever section it is going to be, 35(1)(a), for
19 example, of rights regarding Indians. It can do the same
20 for (b), do the same for section (b) for Inuit and section
21 (c) for Métis or whatever.

22 I know that the idea may not be too

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1 popular because the governments, meaning the federal and
2 provincial governments, prefer to lump all the aboriginal
3 people together and say you are all one people, but in
4 fact that is not the case, either historically or legally
5 or politically or constitutionally or any other way, that
6 they are just as distinct from each other as Quebec is
7 distinguished from the English-speaking peoples and
8 others.

9 So, I would like to make that statement,
10 strongly suggesting the recommendation. I don't know how
11 are you are going to decide your recommendations, but I
12 think that is a matter that could help clarify. I notice
13 your Terms of Reference say you are looking for specific
14 proposals and that is one specific proposal I offer to
15 you as a treaty status Indian in order to break the logjam
16 as far as dealing with the aboriginal rights of Indians
17 are concerned.

18 That's all I really have to say at this
19 particular time. I would like to take the opportunity
20 later of making further oral presentations, particularly
21 on the issue of self-government and the relationship
22 between Indian governments and federal and provincial

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1 governments and to submit a written submission as well.

2 Thank you very much.

3 **COMMISSIONER PAUL CHARTRAND:** Thank
4 you, Mr. Linkletter. I do want to ask you one question,
5 but in light of the substantive comments you made, I am
6 anxious to defer immediately to Mr. Blakeney. I suspect
7 he may have an interest in reply.

8 **COMMISSIONER ALLAN BLAKENEY:** I want
9 equal time. It's true that I was negotiating with some
10 Premiers when Premier Lévesque was sleeping, but I want
11 to point out to the world something which is not often
12 known, that that same night that Premier Lévesque was
13 sleeping, so was Premier Lougheed, so was Premier Lyon,
14 so was Premier Bennett and so was Premier Hatfield and
15 the theory that nine premiers got together is pure myth
16 and in fact some preliminary arrangement was put together
17 which was developed the next day.

18 The substance of your comment, that the
19 previous recognition of treaty and aboriginal rights fell
20 out of that package is right. I take the position myself
21 that it is back in there because of a later position taken
22 by the Government of Saskatchewan and that is the reason.

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1 When I came back I said to my, meaning said to the FSIN,
2 the Federation of Saskatchewan Indian Nations and the
3 Association of Métis and Non-Status Indians of
4 Saskatchewan, as they then were, that I had not been
5 successful, but that if the deal was changed I would hang
6 in there and say "no change unless that goes in".

7 Eventually there was a proposal to
8 change section 28, equality rights for women and I said
9 no objection to that, but if it goes in, section 35 goes
10 in. A great brouhaha for three days and I will show you
11 the some 250 wires I received from women's groups, saying
12 why was I opposing the proposal for women and I had to
13 write back saying I wasn't opposing it at all. I just
14 felt that they should use their power to help aboriginal
15 people and it's in there, with the addition of the word
16 "existing" because a couple of Premiers had took the view
17 that that one had to be in there. So, that's that little
18 story.

19 Understand my point of view, when I'm
20 questioning the basis for treaty interpretation. I am
21 trying to get arguments that native people will use to
22 support an expanded view of what the treaties cover. I

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1 am trying to inform myself so that I can use them with
2 other people. You've given me one or one and a half more,
3 one saying maybe there's an argument based upon convention
4 and the fact that educational services have been provided
5 over a long period of time and this should now be assumed
6 to be covered.

7 The other half one is saying, well, the
8 Supreme Court has given us fair, full, large and liberal
9 interpretation and that ought to be adopted. I am just
10 making sort of a little list of them, the recollections
11 of elders, convention, the Supreme Court, all supporting
12 a general and large interpretation of what the treaties
13 cover.

14 One last rebuttal, I think when we were
15 at the table the very thing I was was constitutional.
16 I was illegal. The Supreme Court said that the federal
17 government did not as a matter of strict law need to talk
18 to Premiers, but as a matter of the constitutional
19 conventions it was part of the Constitution of Canada that
20 they did have to talk to Premiers, so I was constitutional,
21 if perhaps illegal. Thank you.

22 **COMMISSIONER PAUL CHARTRAND:** Mr.

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1 Linkletter, I have one question regarding your major point
2 and I would like to understand it better.

3 You recommended I think that the
4 discussions be carried on separately with the Indian, Inuit
5 and Métis. I note, as you know, that in section 35 there
6 is that reference to the Indian, Inuit and the Métis peoples
7 of Canada.

8 The question then is, in your proposal
9 who are the Indians for the purposes of your proposal for
10 separate discussions? When I say that, I would give just
11 a quick explanation, a little background to my question,
12 if I may, which is that there are people who are Indians
13 by legislation. There are others who are Indians for
14 purposes other than the Indian Act. There are people with
15 treaties or people without treaties and so on, so I wonder
16 if you might care to elaborate on that point. Thank you.

17

18 It is only if you wish to respond.

19 **CLIVE LINKLETTER:** Sure, I'll respond.

20 When I am talking about Indians, I am talking about status
21 Indians and, basically, two categories as I can see, to
22 treaty status Indians and there are non-treaty status

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1 Indians.

2 So, when I am talking about Indians, I
3 am talking about people who have legal status -- legal
4 status as Indians.

5 **COMMISSIONER PAUL CHARTRAND:** Right.
6 We hear elsewhere and our difficulty is to try to put these
7 things together. We hear, for example, on the east coast
8 and in another Indian nation, in this case the Micmac,
9 saying we are the Micmac and we decide who are the Micmac,
10 regardless of what the Indian Act says. We are trying
11 to understand the different views.

12 I thank you for that elaboration. Did
13 you wish to add any further comments?

14 **CLIVE LINKLETTER:** Yes. I could
15 elaborate a long time.

16 The only other category that I have
17 difficulty with in the argument is about -- about status,
18 as far as I am concerned, is about status Indians who are
19 off reserve. I believe there are ways, I am not going
20 to elaborate them right now, it's too late in the day,
21 about how to deal with the kinds of services that they
22 would be legally entitled to, either as treaty rights or

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1 legal rights or constitutional rights. I believe there
2 is a mechanism for doing that. When I refer, I refer to
3 status Indians.

4 **COMMISSIONER PAUL CHARTRAND:** Thank you
5 very much, sir.

6 We have gone quite a while. I have no
7 more names on my list. I do not see any of our staff
8 jumping up with new names, so this is not an auction and
9 I am not going to count, but we have one more indication
10 that someone wishes to speak and I invite you to come
11 forward.

12 May I ask you, for the record, if you
13 would please identify yourself.

14 **LAWRENCE STANDING-ON-THE-ROAD:**
15 Lawrence Standing-on-the-Road, Montana Band.

16 I would like to thank the Royal
17 Commission, elder Jim Omeasoo...

18 (Translation) Our Chief was not able
19 to be with us today, so I have brought this letter here
20 to present to you from him (End of Translation)

21 Mr. Chairman, Chief Leo Calmain (ph)
22 could not make it at this time and I was appointed to deliver

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1 the presentation to the Royal Commission. Thank you.

2 There are four concerns that the Montana
3 Band has, one of them is treaty and which was mentioned
4 here. The other one is land claims, Indian government
5 and also economic development.

6 On treaties, they have concerns where
7 it is not interpreted as the Montana Band feels they should
8 be interpreted.

9 In land claims, they feel there should
10 be a mechanism or a process to deal with land claims, where
11 the band have been proceeding with this for a length of
12 time.

13 Indian government. The Montana Band
14 feels that it is their inherent right to govern themselves.
15 They feel the federal government or the Province of
16 Alberta, the provincial government, don't need to put it
17 in the Constitution. They have always practised their
18 traditional, their cultural, ceremonial laws.

19 Economic development. They need the
20 support and the assistance of the federal government in
21 areas where to be independent, self-sufficient, to deliver
22 services to band members.

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1 In conclusion, I would like to again
2 thank you and I will give you each a copy. I will speak
3 Cree. I feel comfortable in Cree.

4 **COMMISSIONER PAUL CHARTRAND:** Please
5 do.

6 **LAWRENCE STANDING-ON-THE-ROAD:**
7 (Translation) Thank you very much for allowing me to speak
8 here. The federal government's agents, I would like to
9 thank them for hearing me out on our demands. We have
10 all types of demands from our band members, men, women
11 and children. I suppose every native within that context
12 has all kinds of demands here today.

13 I was saddened to see a young native here
14 today who felt so depressed, with tears in his eyes. He
15 too had demands for a better life. All of us had
16 grandfathers at one time, even relations that we all loved
17 and they are all gone. We should be thankful that we were
18 left with land, water, lakes.

19 Everything that our Creator created on
20 earth, we should be thankful for those. We should not
21 ask the white man for those natural resources because those
22 were ours, our inherent right.

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1 I am a leader of the Montana Band. I
2 have a difficult time. I have seven children. Four of
3 them are entitled to treaty on my reserve. Today I am
4 hurt because of that.

5 I felt emotional in hearing that young
6 native today pour out his feelings.

7 My children are grown up now and now they
8 are beginning to ask why, how come we do not have any money.

9 I always ask the Creator for my children not to cry out
10 for that money, that oil money. It is at those times I
11 feel hurt, when they cry for that money, that oil money.

12 I always told them not to cry for that oil money.

13 We have no money because we got caught
14 in that system. Let's stop and think. Let's listen.
15 Let's heed to the kids, our elders, how our native brother
16 is in a plight for his livelihood. (End of Translation)

17 I would like to summarize what I was
18 saying. I feel for the young man who was here, it was
19 very emotional.

20 I have children, ten children, five band
21 members and five non-band members, but although they are
22 treaty Indians they don't benefit for my band. Even though

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1 I am a leader, but my children were just caught in this
2 society of the white system.

3 I pray to God that they don't cry for
4 money.

5 **COMMISSIONER JIM OMEASOO:** This has
6 already been translated.

7 **LAWRENCE STANDING-ON-THE-ROAD:**
8 Thanks, Jim.

9 Anyway, like I was saying, my children
10 don't benefit from any royalties or any oil money. I just
11 pray to God that they don't cry for money because there
12 are better things to live for and that's land, the sun,
13 the river flows, green grass. It was left here for us
14 and we have to conserve it. Thank you very much.

15 **COMMISSIONER PAUL CHARTRAND:** Thank
16 you. Did you care to stay in case some of the Commissioners
17 might have comments or questions? You don't have to.

18 **LAWRENCE STANDING-ON-THE-ROAD:** No, I
19 don't have to. Thank you.

20 **COMMISSIONER ALLAN BLAKENEY:** Thank
21 you.

22 **COMMISSIONER PAUL CHARTRAND:** It

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1 appears that we have come to the end of the formal
2 presentations and the Open Forum. In beginning with the
3 wrap-up proceedings, if I may say so, I would first like
4 to ask our Commissioner Jim Omeasoo if he has any comments
5 to make at this time?

6 **COMMISSIONER JIM OMEASOO:** I was going
7 to make my comments in Cree, but since there is automatic
8 translation maybe they will kill my Cree.

9 There were a lot of good comments, good
10 statements that were brought in today. The only concern
11 I have is some of my colleagues don't bother remaining
12 to listen to the others. We should all take part. I say
13 this in the hope that my colleague on the Samson Band
14 Council, it seems like in one sense he put up a lame
15 presentation, but to me I had arguments with other members
16 of the Department of Indian Affairs insofar as the comment
17 that he made regarding surrender of land. They were
18 told, my grandfather used to tell me that they could pick
19 all the area they wanted, but then the Indian Agents, as
20 they were called, told them they could pick only so much
21 and according to the number of persons that there were
22 present.

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1 In one sense, they were the ones who were
2 supposed to be relinquishing the land, that they could
3 have retained whatever they wanted. My colleague when
4 he mentioned a share of mineral rights is what he stated
5 I believe. I had that same argument with a person in the
6 Department of Indian Affairs right up at the Ottawa level.
7 He used a word which I don't intend to use now. It starts
8 with the letter "h" and ends up with the letter "l", a
9 four-letter word and you will know what I mean. What,
10 and that was the word he put in there, did the old Indians
11 know about what was in the subsoil. I told him it wasn't
12 so much what they knew was underground, but why they wanted
13 to retain the rights to that subsoil.

14 Today I went to a funeral of a youngster.
15 Those are the things, none of us are going to live here
16 on this earth forever. Death is something that we face,
17 it seems at times practically on a daily basis. Our
18 forefathers were nomadic. My grandfather showed me
19 different areas where there were burials done, mainly
20 towards the west. This side of Rocky Mountain House there
21 were two areas where my grandfather actually showed me
22 the graves. There were two in each area.

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1 Towards Olds, between Olds and Bluffton,
2 there he also showed me an area. Someplace in this area,
3 he said, there was a burial done. Those are some of the
4 things that our forefathers wanted to retain rights to
5 the subterrane, so that graves and the bodies that are
6 in there won't be disturbed.

7 It wasn't so much knowledge of the
8 mineral wealth that Canada has, but that's what our other
9 government leaders are trying to protect when they say
10 that our grandfathers didn't know a thing about the use.
11 What's the benefits of the subterrane.

12 Being nomadic, sometimes they got lucky
13 with game or with berries, food or whatever and they wanted
14 a storage place. Underground is where they put it. That
15 was another reason.

16 After telling that official that, I am
17 sorry that I spoke the way I did to you, he stated, but
18 there is nothing on record stating that they wanted to
19 retain it. I accept that fact, but then again maybe there
20 should be a way for the benefit of our native people for
21 the mineral richness of the subterrane.

22 Having said that, there are a lot of

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1 them about what my hopes are that something beneficial
2 to our people will come out of this session.

3 With that, for those of you who remained
4 to the bitter end I would like to thank you. With that,
5 I was asked to also say the closing prayer.

6 **COMMISSIONER PAUL CHARTRAND:** Before I
7 ask Commissioner Omeasoo to end with the closing prayer,
8 I wish to offer the thanks of the Commission to a number
9 of people who have assisted us in our Hearings here today
10 at Hobbema. I wish to begin by thanking elder Jim Omeasoo,
11 the Commissioner of the day. We are sorry that you were
12 not able to be in attendance all day, but we certainly
13 understand why that was not possible and we thank you for
14 the assistance you have given us and for the words that
15 you have given to us as well.

16 We thank also Councillor and elder Errol
17 Crier for his assistance. We wish to thank as well Casey
18 Rowan, the community representative. I want to thank
19 the people who are responsible for the preparation and
20 the serving of the food. We always appreciate that very
21 much and we do.

22 I want to thank also all the translators,

StenoTran

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1 the recorders and all those who have to do with the
2 efficient functioning of all the mysteries of the wires
3 and lights and other things that make these things go.
4 On that note, I have been asked to request that those who
5 have headsets please return them.

6 I thank you and I wish you well. I now
7 ask Commissioner Jim Omeasoo to end with a prayer.

8 **COMMISSIONER JIM OMEASOO:** I am going
9 to use my own language and off the record, please.

10 **--- Closing Prayer**

11 **COMMISSIONER PAUL CHARTRAND:** Thank you
12 and I hope we will see you again.

13 **--- Adjournment at 6:25 p.m.**

14