

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

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STENOTRAN

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**ROYAL COMMISSION ON
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1 **Edmonton, Alberta**

2 **--- Upon Commencing on Thursday, June 11, 1992**

3 **at 8:45 a.m.**

4 **COMMISSIONER ALLAN BLAKENEY:** Good
5 morning, everyone. I will ask you to come to order and
6 take your seats. We will commence our proceedings.

7 We will commence our Hearings of the
8 Royal Commission on Aboriginal Peoples here in Edmonton
9 with an opening prayer by Dr. Anne Anderson.

10 **--- Opening Prayer by Dr. Anne Anderson**

11 **COMMISSIONER ALLAN BLAKENEY:** Thank
12 you, Dr. Anderson.

13 We will now be led in the anthem of the
14 Métis Nation of Alberta, being played by Lyle Donald.

15 **--- Anthem of the Métis Nation of Alberta**

16 **COMMISSIONER ALLAN BLAKENEY:** Please be
17 seated.

18 These are the Hearings of the Royal
19 Commission on Aboriginal Peoples. I will first talk a
20 little bit about the mechanics and who you see and who
21 the various people are who are about assisting us with
22 this Hearing.

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1 My name is Allan Blakeney and I am one
2 of the seven Commissioners of the Royal Commission on
3 Aboriginal Peoples. To my left is Mr. Paul Chartrand,
4 about whom I will say more later, who is another
5 Commissioner of the Royal Commission on Aboriginal
6 Peoples. We have a Commissioner for the day who is a person
7 who is familiar with aboriginal issues in the area where
8 we are holding our Hearings and today we delighted to have
9 with us as Commission for the day Mr. Pat Shirt.

10 These Hearings have been organized in
11 Edmonton by our Community Representative who is about
12 somewhere, Brenda Blyan, over on my right.

13 The Hearings are being videotaped for
14 the Royal Commission. We hope to have a video record.
15 At some point we hope to prepare not only a final report
16 in writing, but a video report which will be a good deal
17 easier to follow, we hope, than most reports of Royal
18 Commissions, which tend to be pretty heavy prose, certainly
19 for me at least. There are a remarkable number of them
20 that I haven't read.

21 Our proceedings today are being
22 translated or being offered in three languages, English,

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1 French and Cree and you should feel free to speak in any
2 one language and it will be translated. There are headsets
3 available. These headsets are useful, not only if someone
4 is speaking in a language in which you are not comfortable,
5 but if someone is speaking in a language that you
6 understand, but they are speaking softly and you cannot
7 quite pick it up. The headsets not only serve to
8 translate, but also to amplify. They are available free
9 of charge at the back of the room. They look like this.

10

11 We have with us some staff people of the
12 Royal Commission. I will introduce them because from
13 time-to-time I will refer to material available and you
14 may wish to pick it up from them. We have our Team Leader,
15 Bernie Wood, who is at the door. Our Communication
16 Director, Dan Gaspe in the green short-sleeved shirt back
17 at the back right from where I am sitting. Our Assistant
18 Team Leader, Laurie Fenner, who is at the door along with
19 Bernie Wood. Our Policy Analyst, Karen Collins, who is
20 over at the translation table in the, if I say chartreuse
21 my wife will say I got the wrong colour, but that's fairly
22 close I think. Paul laughs with some sympathy. And Anita

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1 Gordon-Murdoch who is a Senior Research Analyst,
2 particularly on treaty issues and she is in the far back
3 right-hand side in the cream-coloured jacket.

4 A little about the Royal Commission on
5 Aboriginal Peoples. You may recall that a couple of years
6 ago the Prime Minister in public statements undertook to
7 set up a Royal Commission on Aboriginal Peoples. This
8 came closely linked in time with the failure of the Meech
9 Lake Accord and the expression of discontent by aboriginal
10 peoples that surrounded the actions of MLA Elijah Harper
11 in Manitoba and the evident discontent as manifested in
12 the Oka crisis. At any rate, a promise was made. I think
13 the Prime Minister, believing that he would like to have
14 a Royal Commission which was as impartial as could be under
15 all the circumstances, asked the immediately retiring
16 Chief Justice of Canada, The Rt. Hon. Brian Dickson, to
17 draw up some terms of reference for a Royal Commission
18 and to recommend some names.

19 Chief Justice Dickson did that and the
20 Government of Canada accepted the recommendations, so that
21 we have a Royal Commission of seven people, four of whom
22 are aboriginal and three are not.

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1 There are two co-Chairs. One is Georges
2 Erasmus, who will be known to a number of you as the person
3 who has just completed his term as National Chief of the
4 Assembly of First Nations, two years ago or so. He is
5 from the Northwest Territories. He is a treaty Indian,
6 a Dene.

7 The other co-Chair is René Dussault.
8 He is from Quebec. He is a judge of the Quebec Court of
9 Appeal, the highest court in Quebec.

10 There are five other members. One is
11 Viola Robinson. Viola is from Nova Scotia. She is a
12 Micmac Indian and she has just retired as the President
13 of the Native Council of Canada, an organization which
14 represents many off-reserve people of aboriginal origin,
15 particularly in eastern Canada.

16 Another is Bertha Wilson. She is a
17 lawyer and the wife of a United Church minister who was
18 born in Scotland, educated in Nova Scotia and Ontario and
19 practised law in Ontario and was the first woman to be
20 appointed to the Supreme Court of Canada. She just retired
21 a year ago and a bit and she was almost immediately
22 appointed to this Royal Commission.

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1 Another is Mary Sillett. Mary is a
2 younger woman, perhaps in her thirties, an Inuk, one of
3 the Inuit people from northern Labrador. She has been
4 President of the Inuit Women's Organization of Canada and
5 a Vice-President of the Inuit Tapirisat of Canada, the
6 main Inuit organization.

7 The other two members are here, Paul
8 Chartrand to my left. He is a Métis. He was born in
9 Manitoba, lives in Winnipeg, is a Professor at the
10 University of Manitoba, formerly head of the Department
11 of Native Studies at that university, graduated in law
12 from a university in Australia and took his Master of Laws
13 degree at the University of Saskatchewan.

14 I am the seventh. I was born in Nova
15 Scotia, but I have lived most of my life in Saskatchewan.

16 I was in the Legislature for 28 years and Premier for
17 11 years, during which time I had many dealings with
18 aboriginal people and aboriginal organizations. That is
19 your Commission.

20 We were given a vast mandate which we
21 can't possibly cover all of it. I think the idea was that
22 we would go out there and see what we felt the problems

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1 were, the most urgent problems and we could deal with them
2 and they would certainly be covered by the mandate. It
3 would be very difficult to think of anything that isn't
4 covered by the mandate, which is to look at the history
5 of relations between aboriginal and non-aboriginal people
6 in Canada. We are to consider aboriginal self-government,
7 what it means and how it could be implemented. We are
8 to look at a land base and land claims, the meaning and
9 legal status of treaties. We are to look at the
10 Constitution of Canada and what it means when it talks
11 about in section 90(124) Indians and lands reserved for
12 Indians as a federal responsibility.

13 We are to look at the legal status of
14 the Métis people, the special problems of aboriginal people
15 living in the north. We are to look at the Indian Act,
16 how it has worked and whether -- it is virtually a given
17 I think -- it should be either repealed or substantially
18 modified.

19 In more general terms, we are to look
20 at social issues, things that might improve life for
21 aboriginal people on reserves, in cities or wherever they
22 live.

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1 Economic issues, ways to develop a
2 viable economic base for aboriginal people. Cultural
3 issues, how to support and encourage aboriginal languages,
4 family structures and spirituality. Educational issues,
5 particularly ways to help aboriginal young people complete
6 secondary and university education and issues about who
7 should control these institutions. Justice issues,
8 particularly ways in which the whole criminal justice
9 system does or does not work for aboriginal people.

10 Finally, we are to look at the roles of
11 the aboriginal elders, aboriginal women in aboriginal
12 society and the special problems of aboriginal youth.
13 As you can see that is a tall order.

14 We set about this first by staffing up.
15 We were appointed last August. We have now a staff which
16 must approach 80. I don't keep track of the numbers, well
17 over half of whom are aboriginal people and just in case
18 -- and well over half of the senior directors are aboriginal
19 people at every level. We have a large number of
20 aboriginal people.

21 This is not simply to provide jobs and
22 opportunity for aboriginal people, but rather to see if

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1 we as a Commission can get some information seen through
2 aboriginal eyes. If you think about it, all of the
3 information we get through the radio and television and
4 newspapers is all strained through non-aboriginal thought
5 processes. They are the dominant society and that's how
6 it works. So, we don't have to try to get the
7 non-aboriginal side, it comes at us from every corner.
8 What we have to do is see if we can get people who can
9 look at that information and see it through aboriginal
10 eyes. Hence, the four people on the Commission and hence
11 the significant number of staff.

12 We started out last winter by going to
13 the provincial capitals and talking to the provincial
14 governments, seeing what information they had at hand and,
15 as you all know, there are lots of reports around. We
16 didn't want to reinvent the wheel. We are gathering these
17 up and summarizing them and going on from there, talking
18 to major aboriginal organizations.

19 We now have commenced public Hearings.
20 We started in Winnipeg with a full Commission for a week
21 and we are now having many Hearings across Canada. We
22 have two things going at this point. We are inviting

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1 people to put in written submissions and with respect to
2 organizations, national organizations, aboriginal and
3 non-aboriginal, provincial organizations, regional ones,
4 tribal councils, Métis regions, or the Alberta Fish and
5 Game League or whatever, some organization with some
6 reasonable base, we invite them to make a presentation
7 and if they need some money in order to do some research,
8 we have got a smallish, not insignificant, \$8 million pot
9 of money from the federal government which is available
10 to assist, called Intervenor Funding.

11 We have set up or there has been set up
12 a separate organization, a tiny organization to deal with
13 this money, so it won't be the people who say the things
14 we like will not necessarily get the money. We are trying
15 to separate ourselves from that. We want to hear from
16 people who don't like what the Commission may have been
17 saying, as well as people who like what they may have been
18 saying. This is being run by the Hon. David Crombie.
19 He was a Cabinet minister. He was a former Minister of
20 Indian Affairs and we asked the aboriginal organizations
21 whether they thought he was a straightshooter who would
22 go right down the middle and they said yes and that's our

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1 best effort at being impartial in the disbursement of those
2 funds.

3 We are now in the process of having
4 extensive Hearings, at which time we are simply asking
5 people to tell us what they think the problems are and
6 what they think the solutions are. At this point we are
7 not putting any questions to the public or aboriginal
8 organizations. At this point we just want them to tell
9 us what the problems are. We will probably change our
10 position on that later on, when we begin to focus in, you
11 might say. Aboriginal self-government, we may shape it
12 like this, what do you think of that, but this is not what
13 we are doing this round.

14 We are spreading across the country very
15 broadly. We have split up into small teams, as you can
16 see. I, myself, have been in Inuvik and Fort McPherson,
17 in Fort Simpson and Teslin and Watson Lake and The Pas
18 and Lac La Biche and Hobbema. I am here in Edmonton and
19 next week I will be at Fort McMurray and Fort Chipewyan
20 and round and about. All the other Commissioners have
21 a similar list, but they are not the same places. So,
22 we have covered and are covering 30 or 35 communities all

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1 across Canada.

2 We are having this day in Edmonton. We
3 will be back in Edmonton again, but we are having this
4 day in Edmonton to get a preliminary look at what the issues
5 are as seen from this part of Alberta.

6 We are here to listen. We don't have
7 any proposition to put to you today, except to listen and
8 to invite you if you raise a problem and, if you feel you
9 can, suggest what you think might be a likely solution.
10

11 The way we divide our duties here is that
12 I chair the meeting for the morning and Commissioner
13 Chartrand chairs it for the afternoon and I am now going
14 to invite him to add any comments which he wishes to add
15 before we launch our Hearing.

16 **COMMISSIONER PAUL CHARTRAND:** Thank
17 you, Mr. Blakeney.

18 Commissioner Blakeney's opening remarks
19 of course do not lack anything in completeness or clarity,
20 but I would like to take the opportunity to add a few
21 remarks, if only to demonstrate that I am more, or perhaps
22 less than a sphinx.

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1 Royal Commissions, particularly Royal
2 Commissions investigating issues pertaining to aboriginal
3 peoples are not new on the scene in this part of the world.

4 According to what I am given to understand, they have
5 existed as far back as the first half of the 19th century
6 to advise the imperial kings on policies pertaining to
7 aboriginal peoples.

8 In Canada these creatures are still
9 called Royal Commissions. They originate, of course, in
10 the ancient prerogatives of the monarch to appoint an
11 individual or several individuals to investigate any
12 particular matters and to report to the monarch.

13 That ancient prerogative, like many
14 others, has been superseded by statute law, so it is that
15 Royal Commissions are no longer appointed by the monarch.

16 Although the word is still there, I must declare that
17 we were appointed by the federal statute called the
18 Inquiries Act. Perhaps that's not quite so dramatic as
19 appointment by the royal prerogative, but our essential
20 task, as has already been indicated, is one of providing
21 advice to the federal government in this case on policy.

22 That is our job.

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1 We are not part of the government, but
2 our duty is to report to the government. That is, to give
3 the government the best advice we can muster on the issues
4 in our mandate. What the government of the day does with
5 that advice is, of course, beyond our reach. But, of
6 course, while we are attempting to meet our duties, we
7 are committed to do the best we can by way of crafting
8 sound policy recommendations that the government of the
9 day will feel compelled to adopt.

10 The essential task of this Commission,
11 it has been said, is that of initiating and promoting a
12 dialogue; a dialogue amongst Canadians. A dialogue
13 between aboriginal Canadians and non-aboriginal
14 Canadians. According to the terms of our mandate, we are
15 being asked to investigate the relationships between
16 aboriginal and non-aboriginal peoples and I am reminded
17 of someone's words of wisdom which suggests that when you
18 try to be a bridge between two parties, you must expect
19 to be walked on by people from both sides.

20 We are a listening Commission, as
21 Commissioner Blakeney has already said and so when people
22 make presentations on occasion we shall be asking, if you

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1 wish, if we may ask some questions. Not only are we anxious
2 to listen, but we are anxious also to understand and
3 sometimes questioning is useful to assist us in gaining
4 an understanding.

5 Without more, I turn it back to the Chair
6 to begin our listening for the day. Thank you.

7 **COMMISSIONER ALLAN BLAKENEY:** Thank
8 you, Mr. Chartrand.

9 I would just like to underline the last
10 point he made. We will on occasion ask some questions.

11 It's not to be abrasive or combative. It is just to see
12 whether we fully understand the idea because sometimes
13 we get contradictory proposals obviously and we ask some
14 questions to see whether there is any common ground.

15 We have a long list and with that in mind
16 and perhaps I am not giving the best example in the world,
17 I would like to urge everyone to be as brief as they can
18 so that the people who are down the list we can deal with
19 them more or less at the appointed hour and we are going
20 to be favoured at the outset by a brief history of the
21 Edmonton area native settlement by Dr. Anne Anderson.

22 Press the button and when the red light

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1 shows up you are in business.

2 **DR. ANNE ANDERSON:** Thank you very much.

3 The history of the Métis Nation is what
4 I call my speech. The story of the Métis is also a story
5 of Canadian history. The many tribes that were here before
6 the Métis called them the "independent people". The Cree
7 word is "Otepayemsuak" (ph).

8 In the transition from hunting and
9 trapping to homesteading, the Métis bridged the gap between
10 the traditional Indian civilization and the new arrivals.

11 I am a descendant of the aboriginal people. They were
12 the earliest known inhabitants of our country. This
13 applies to the natives of our country. I am a true Métis
14 and a proud one. I speak Cree, English and some French.

15 My country is North American. My birthplace is St.
16 Albert, Alberta. My home is Edmonton. My roots are here
17 and I love it.

18 Going north on the St. Albert Trail, a
19 most wonderful feeling comes over me. I am going home
20 to the most beautiful area in the world is what I think.

21 My brothers and sisters and I went to school three miles
22 away from our farm home. We were taught the basics,

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1 reading, writing and arithmetic.

2 It was in the year of 1816 this new
3 nation, the Métis, were born. Many people came from places
4 like France, Ireland, Scotland and England. These
5 European pioneers married Indian men and women and this
6 became the Métis Nation. The children are the French and
7 Indian descendants and became the true Métis people. The
8 British Isles and Indian descendants were known as
9 halfbreeds.

10 This was not always fully accepted.
11 These children were always known as the children of the
12 trade, as their offspring were born from the furtraders
13 who took Indian wives. The Indian wives taught their
14 families their customs, their traditions and beliefs.
15 Their skin was darker.

16 The Métis people trapped and hunted to
17 supplement their needs, but they were land poor, even to
18 this day. However, the Métis settlements helped many to
19 establish themselves on land and to build their homes,
20 barns, gardens, grain growing and cattle raising. We have
21 something like nine settlements throughout Alberta.

22 Early Indians were not farmers. They

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1 were put on earth as hunters. This was not understood
2 by white society. They called them lazy and looking for
3 handouts. This was not really true. They were called
4 savages and pagans which was wrong. The Indians were
5 spiritual believers of a Being much higher than themselves,
6 that guided them in their everyday duties, preparations
7 for their buffalo hunting trips, where prayer was always
8 observed before leaving.

9 The Indian and the Métis have rights.
10 They have their aboriginal rights which can never be
11 extinguished, yet we Métis people have not seen that.
12 Canada tried to resolve that. We should be given respect
13 and equality. Instead, our aboriginal rights were
14 practically destroyed. We were belittled and despised
15 and led to believe we were not people of worth.

16 At one time land was available to all
17 Métis people. When the first Europeans came they
18 mentioned that aboriginals were the rightful owners of
19 the land. This was not the case in Canada. Through
20 negotiations and underhanded bargaining by the churches
21 and businesses alike, the aboriginal rights were almost
22 destroyed. Religious cultures and languages could have

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1 lived harmoniously in our spacious country by implementing
2 and recognizing the aboriginal rights in Canada. It would
3 end a system which excludes them from the present and the
4 future. Once we become full participating partners in
5 the Confederation of Canada we would become richer and
6 freer in every respect.

7 Speaking as an elder, I watched Canada
8 grow with the arrivals of many different ethnics. I often
9 wondered why we waited 200 years for those broken promises
10 that never materialized. At last, Meech Lake came and
11 it went. This is when we Métis and natives saw the barriers
12 down. It is up to us to show our ability to press forward.

13

14 Our aboriginal race of people are truly
15 different from the various ethnic groups which is seen
16 in our modern-day society. The natives' historical
17 evolution within their various environments of their
18 homelands provide them with a different starting point
19 in time. A different set of experiences they have,
20 different cultural orientation and process of determining
21 their future.

22 People of the dominant society was

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1 always the basis of conflict. Modern society with its
2 organizations and others until recently was dependent.
3 The native was dependent upon Mother Earth as its larder.
4 Each had a particular way to survive and to continue as
5 a distinct group of indigenous people.

6 Problems are generally racial. Both
7 styles must be recognized as legitimate and given equal
8 opportunities to progress. The cultural Indian needs a
9 viable opportunity to develop a future lifestyle. The
10 Métis had land in mind and a different lifestyle planned.
11 Their choice was to continue different paths of evolution.

12 In order for these two distinct
13 lifestyles to progress, effective programming, greater
14 understanding and appreciation must be given to the
15 cultural and traditional minority groups. They depend
16 on animals, birds, berries, roots, herbs for the sick.

17 Both must maintain his heritage
18 language, for it gives one vitality. It promotes positive
19 thinking. Heritage enriches our body and soul. Without
20 it we cannot survive.

21 Educational workshops must focus on the
22 cultural aspects of lifestyles and environmental

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1 upbringing.

2 In this era it is a changed world. The
3 greatest aspect in life today is education. It will bring
4 equality to all. This will bring results for languages
5 encourages a strong sense of national identity. It is
6 a people-helping-people world.

7 The Métis, beginning from the far east
8 of the Red River Valley, coming over in Red River carts,
9 they brought with them guns, steel pots, wire, pans and
10 axes. The Métis had much to do with the opening of the
11 west. They built hewed log cabins. The teepees were not
12 as much in use after the buffalo became extinct, but canvas
13 was used as a covering on the teepees.

14 When Christianity was first introduced
15 by Father Lacombe, the system changed rapidly and many
16 children of a very young age were taken away from home
17 and put into mission schools. This was not successful
18 in educating the children. The mission schools were known
19 to starve and abuse, sexually and physically. I know,
20 I was in a mission school and I often wondered who do I
21 believe, the nuns, the priests or the dear parents who
22 tried so hard to raise us the best way they knew how.

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1 Alberta is rich in resources and
2 forestry, mining and gravel, oil and gas, but seemingly
3 the Métis did not benefit too much from them. But the
4 most important aspect in our life is education. As our
5 world moves so fast, we must be able to educate ourselves
6 and our youth. They are the ones that will replace us.
7 And jobs, we need knowledge and faith.

8 Ability to write, ability to read, to
9 maintain self-confidence and self-esteem, expressing
10 one's needs is something that we have to know. The ability
11 to function in society; literacy enhances job mobility.
12 Being multi-skilled or bilingual and trilingual is also
13 an asset. Never forget to maintain your language and
14 accept one's self no matter what race with pride and
15 dignity.

16 The elders saw that their language was
17 dying for many years. They are the natural link to
18 survival of the great Métis Nation. They are the keepers
19 of knowledge and wisdom, so listen to your elders.

20 When I started to write my mother's
21 language, who asked me on her dying bed, please write my
22 language, the Cree. I wanted to fulfil her wishes. Never

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1 did I realize what I was being faced with because I was
2 not able to carry on without making research. Being an
3 optimist, I looked forward to the future of my children
4 and other children's children and I had self-confidence
5 and self-esteem and I felt I could do it. My dear Indian
6 mother, she taught us her way. Be proud to be Métis, she
7 would say. Remember, you have an Indian mother and a
8 Scottish-French father.

9 When starting out I learned the hard way.
10 It was like going to a journey in another domain that
11 I had never seen. Within me there were little secrets
12 of unending success going through my mind. Yes, I did
13 have difficulties. I discovered later that success was
14 this journey I had channelled in my mind. I also knew
15 that nothing was impossible. If successful, I would be
16 comforted by my accomplishments. I am going to do it and
17 I often said to myself, yes, one must carry on until you
18 succeed.

19 After 20 years of writing the language
20 and sometimes very difficult times, but now I have a feeling
21 of joy and peace and contentment.

22 I discovered power was foremost when I

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1 started, perseverance and endurance and positive thinking.

2 Yes, I had power, but I also had a strong spiritual power
3 that I turned to often when I had difficulty and my answers
4 came very quickly. Always remember failure is not final.

5 There is nothing impossible. There is always a tomorrow.

6 There could be a new beginning with possibilities.

7 I gave my life, my heart and my talent
8 to show the world that we Métis people are capable of
9 anything.

10 Speaking on behalf of the people, thank
11 you so much for I love people of all races. We are brothers
12 and sisters, you must remember, and I love you all, but
13 we must work together and we can believe and follow our
14 Métis membership oath. As a Métis, I honour with pride
15 and blood of both my mother and father. As a Métis, I
16 acknowledge the rich history of the people and the courage
17 and dedication of our leaders. As a Métis, I pledge to
18 preserve the spirit and enhance the identity of the people.

19 As a Métis, I confirm my commitment to my family, my people
20 and my nation. As a Métis I accept my responsibility to
21 put service to my people ahead of self-interest and to
22 honour the spirit and the letter of the written and

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1 unwritten laws of God, Canada and the Métis Nation. We
2 would be invincible in any of our endeavours. Thank you.

3 **COMMISSIONER ALLAN BLAKENEY:** Thank
4 you, Dr. Anderson.

5 Do you have with you Mr. Edward Morin?
6 Do I say Morin or --

7 **EDWARD MORIN:** Yes, Morin.

8 **COMMISSIONER ALLAN BLAKENEY:** That's
9 how it works in Saskatchewan.

10 **EDWARD MORIN:** In Quebec it would be
11 Morin.

12 **COMMISSIONER ALLAN BLAKENEY:** Yes.
13 That's exactly why I was asking.

14 Would you like to add something?

15 **EDWARD MORIN:** Thank you, Mr. Blakeney.

16
17 Forgive me if I seem a little nervous.

18 I was asked just last week by Brenda Blyan if I would
19 make some presentation to the Commission. I have just
20 written down a few notes and I will try to express myself
21 freely as things come. I have jotted some notes down here.

22 First of all, my name is Edward Morin

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1 and I was born on the Enoch Indian Reserve west of Edmonton
2 in 1937. I am a treaty Indian. I served on the Council
3 there from 1969 to 1985 and still work with the Enoch Cree
4 Nation.

5 Before I swing into what I propose to
6 talk on, the first people of this country, this great nation
7 of Canada, are the aboriginal people, the Métis and the
8 treaty Indian. Our people were called pagans and with
9 priests and ministers from different denomination groups
10 converted our people, many of them, to Christians, which
11 I don't find anything wrong with. Many of our present-day
12 government leaders are Christians.

13 In regard to land, I strongly recommend
14 they read their Bibles and pay attention to Chapter 25
15 in the book of Leviticus. People complain about
16 aboriginals being a burden on the Canadian taxpayers.
17 I suggest to you the aboriginals of North America are the
18 biggest pre-paid taxpayers of this wonderful and rich
19 country. In about 1944 I was put in a convent,

20 the Oval Convent at St. Albert, when I was six years old.

21 The memories from my two and a half years there
22 approximately, they are not very pleasant ones. Many kids

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1 didn't see their parents for ten months. They were picked
2 up on the reserve and transported by van or truck or bus
3 to St. Alberta and there we stayed for 10 months and when
4 we came out of that convent I can remember my mother picking
5 lice out of our heads for the first month. Naturally,
6 back then we didn't have the modern-day conveniences of
7 the quick kill type of thing with the modern medicines,
8 but that's the way life was.

9 The food was terrible. Discipline was
10 overdone and punishment too harsh. As far as some of the
11 sexual stories that you hear going on or are coming out
12 in the open now with convents in different areas across
13 Canada, to my memory I have no recollection of any of this
14 happening at St. Albert.

15 Referring to Indian agents, these agents
16 treated our members with a lot of cruelty. They had to
17 get permits to sell their own crops, hay, straw, wood,
18 cattle, et cetera, to purchase the basic necessities of
19 life.

20 One of many incidents, but I can recall
21 the story told to me, about Chief James Peacock, who was
22 chief of our Inauk Reserve and passed away in the late

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1 '50s or '60s. Mr. Peacock had a herd of cattle, and this
2 particular year it was a poor year for making hay for winter
3 feeding. He approached the Indian agent and asked for
4 a permit to sell some of his stock so that he could buy
5 hay for the rest of his cattle. The agent refused to issue
6 the permit. Chief Peacock went home very frustrated and
7 angry. He turned all his cattle loose on the reserve to
8 fend for themselves that tough winter, and many of them
9 died from starvation.

10 Many of our band members spent months
11 and years in jail, just because they had a few beers in
12 hotels. They were even sent to jail for having baking
13 extracts amongst their groceries. Many of them did not
14 drink, and their wives needed these items for baking.

15 I remember my mother crying, with a
16 broken heart, when she was told that dad got arrested in
17 a hotel in Edmonton for having a couple of draft beer.
18 He got 30 days, no fine.

19 Yes, these times were very tough. We had
20 restricted freedom. This restricted freedom still
21 applies because of the Indian Act. This Act has to be
22 amended and modernized. In its present form it is a book

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1 that keeps treaty Indians oppressed, suppressed and
2 depressed. Our forefathers signed treaties with European
3 immigrants, yet are governed by the Indian Act.

4 The Indian way is to share, not hog all
5 that they can get their hands on.

6 I suggest to you people who are part of
7 the Royal Commission -- I did not know who you people were,
8 but I realize now that some are native and they know exactly
9 what I am about to say -- you people go from city to city
10 and live and stay in some pretty nice hotels, with all
11 the modern conveniences at your disposal. I strongly
12 recommend to you people to visit as many Indian reserves
13 and native colonies, and see for yourselves the poverty,
14 squalor and hopelessness that our people live with on a
15 daily basis.

16 This is a rich and wealthy nation. Our
17 people are not asking for it all back; just a fair share
18 of this great wealth. Only you people and your governments
19 can help all the aboriginal people of this land. Help
20 us to kick-start our local economies and give our people
21 back their pride and dignity. It's amazing what a little
22 common sense and compassion can do. We may be all

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1 pleasantly surprised.

2 I put this in for a little bit of humour.

3 By the way, someone please explain what this constitution
4 is all about. Before this became a front page issue, I
5 thought the word meant a daily bowel movement.

6 Canada is celebrating 125 years. I
7 guess it's a birthday. If you translate that to aboriginal
8 birthdays, my gosh, you guys are just babies yet. What's
9 the number of the aboriginals' birthday? I don't even
10 know. Is it 12,500 years?

11 Sure, we have our problems, but the
12 country and its system still works. As someone once said:
13 If it works, don't fix it.

14 I believe that the government today is
15 very smart at manipulating people and transposing the real
16 problem, which now they claim is the constitution, or this
17 country is going to hell or go to pieces. To me, when
18 I look at the real problem, it is putting Canadians back
19 to work, not only aboriginal people, but white people also.

20 I know of students who are graduates, as far as three
21 and four years back, with university degrees, college
22 degrees -- they cannot find jobs. Now what is wrong with

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1 this wealthy country.

2 I notice that there are substantial,
3 multi-millions of dollars being transferred to third world
4 countries, or former communist block countries. Doesn't
5 this work of goodness, should it not begin at home in our
6 own back yards? This is part of the wealth that belongs,
7 and justly so, to aboriginal people. A lot of these people
8 on reserves and mini-colonies don't even have running
9 water. If they have to use the bathroom, maybe a good
10 lesson to most of our politicians would be to send them
11 out on a harsh winter for six months so they may have to
12 go use the outdoor plumbing. This is what a lot of our
13 aboriginal people -- the conditions they live in today.

14 I believe what this nation needs first and foremost is
15 to get people back to work. I could add more, but
16 understand our time is limited. There are many other
17 speakers.

18 Thank you for hearing me out, and may
19 God continue to bless us all. Thank you, sir.

20 **COMMISSIONER ALLAN BLAKENEY:** Thank
21 you, Mr. Morin.

22 I'll ask my colleague, Mr. Chartrand,

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1 whether he wishes to ask any questions or make any comments.

2 **COMMISSIONER PAUL CHARTRAND:** I'll be
3 very brief, trying to give the example you referred to
4 before.

5 I want to thank both of you for your
6 inspiring presentations. Mr. Morin, you are right when
7 you point out that there are a number of commissioners.
8 We have different backgrounds, and some of us share some
9 of the experiences that we grew up with; things like living
10 in a small log cabin with muskrats all over the place.

11 Looking back, one wonders now what the nuns thought about,
12 perhaps, the way we smelled when we went to school. I
13 don't know, but I never thought about that at the time,
14 and running water? Well, of course, I do remember running
15 into that device -- I think I was about 16 years of age.

16 So, some of us are familiar with the issues you raise,
17 and I am delighted to stay in hotels like this, and better
18 ones. I really enjoy it.

19 We do visit aboriginal communities. In
20 fact, we were there yesterday, and it's definitely a very
21 important part of the things that we do.

22 You raise an interesting question.

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1 Will someone please explain what this constitution is all
2 about to me. I am going to defer to my colleague here.
3 Because he is such a well known Canadian because of his
4 brilliant political career, sometimes people overlook the
5 fact that he is also an eminent lawyer and scholar, and
6 so I will leave it to him to answer that delicate question.
7 Thank you.

8 **COMMISSIONER ALLAN BLAKENEY:** Thank
9 you, Paul.

10 Well, I won't undertake to explain what
11 the constitution is all about, save to say that it is
12 clearly a major Canadian hobby. I have been teaching
13 constitutional law the last couple of years -- two years
14 in Saskatoon and two years in Toronto, and I have been
15 telling all of my students: Do study constitutional law.
16 You will study other branches of law, and thence will
17 supersede it and you will have to learn new law. But,
18 if you study constitutional law, we'll still be talking
19 about it 25 years from now; 40 years from now. Your career
20 is safe.

21 I think it is a Canadian occupation.
22 I guess it was Winston Churchill saying it's better to

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1 "jaw, jaw, jaw", than "war, war, war". I think we use
2 talk as a way of dealing with problems that we cannot
3 resolve and that we do not want to fight about. I am not
4 sure it is a great idea, but it is better than one of the
5 alternatives.

6 We certainly thank you both, Dr.
7 Anderson and Mr. Morin, for this historical capsule of
8 the area in which we live; one from a Métis perspective,
9 and one from a treaty or status Indian perspective. Thank
10 you very much indeed.

11 The presentation from the Indian
12 Association of Alberta, Regena Crowchild, President.

13 **REGENA CROWCHILD, PRESIDENT, INDIAN**
14 **ASSOCIATION OF ALBERTA:** Thank you, Mr. Chairman. Good
15 morning elders, representatives of the First Nations,
16 commissioners, ladies and gentlemen.

17 I would like to thank you for providing
18 this opportunity for us to make a presentation. When we
19 looked at the schedule, we found that we had half an hour,
20 so that showed that we didn't have too much time to make
21 a presentation and then to have the opportunity for
22 discussions after that. However, we will proceed with

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1 our presentation.

2 Thank you for inviting me to make a
3 presentation. There are a myriad of issues which confront
4 our peoples at the present time. Our issues are not new
5 or unique. The predominant issues which confront our
6 peoples are a result of colonization. Five hundred years
7 have passed since the arrival of the non-indigenous people
8 in the Americas and upon our lands. The impact of the
9 arrival still challenges our people on a daily basis, from
10 systemic racism in all avenues of our lives to the denial
11 of our human rights within the Canadian legal and political
12 system.

13 Let me use an example to illustrate my
14 point. Prior to the arrival of the non-indigenous people,
15 our peoples occupied the whole of the Americas. There
16 were millions of indigenous peoples living in very complex
17 and sophisticated societies. We had our own languages,
18 our own laws, our own governments, our own land ownership.
19 Our way of life may have been different from the
20 non-indigenous people, but it was our way. When the
21 non-indigenous people came to our lands, they asserted
22 title and ownership based upon a Eurocentric concept.

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1 This was wrong. Five hundred years of history does not
2 make it right. Non-indigenous peoples cannot claim title
3 to our lands. We have never surrendered, sold, or
4 otherwise alienated our lands. Why? Because the Creator
5 placed us upon our lands. We must keep our lands for the
6 future generations.

7 Many land issues across Canada remain
8 unsolved due to the federal Government of Canada's
9 insistence upon dealing with unresolved land issues, such
10 as a land claims process. In the federal government's
11 predetermined or unilateral process, indigenous peoples
12 are expected to relinquish or extinguish our title to our
13 lands and our resources. But first, the federal
14 government requires indigenous peoples to provide proof
15 of our land rights. We are the indigenous peoples. We
16 cannot claim our own lands. We own our own lands. It
17 is the non-indigenous people who are making claims upon
18 our lands. The non-indigenous governments must prove to
19 us how they acquire title to our land.

20 Indigenous peoples are aware that the
21 federal government uses an outdated version of land
22 ownership known as "terra nullius". This international

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1 doctrine has been repudiated by the World Court of Justice,
2 but Canada still insists upon its application in all land
3 questions. Under the "terra nullius" concept, it is
4 incumbent upon indigenous peoples to provide proof when
5 making our case for our lands and resources. This is
6 racism. Canadian law in relation to the question of lands
7 is based upon a racist notion of title which was imported
8 by the non-indigenous people. This is but one example
9 of how our rights have been abused by the
10 settler-governments.

11 How can Canada deal with these issues?

12 The Canadian government must abandon the present format
13 of its land claims process. Indigenous ownership to lands
14 and resources must be recognized by the state of Canada.

15 When the non-indigenous people came into
16 our territory in the last century, the Crown in right of
17 Great Britain sent representatives to our peoples. The
18 Crown wished to enter into a treaty with our peoples.
19 Over a period of years, a number of treaties were entered
20 into. In all the treaties, the indigenous peoples agreed
21 to share our lands with the non-indigenous peoples. We
22 never sold our lands. We never surrendered our lands.

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1 We never relinquished title to our lands. We agreed to
2 share our lands to the depth of a plough. We never
3 surrendered or sold our waters. We never surrendered or
4 sold our trees. We never surrendered or sold our
5 mountains. These things are sacred to us.

6 When our elders entered into treaty,
7 they did not know that the non-indigenous people has a
8 written version which was completely different from our
9 understanding of the treaty. Canada and the courts of
10 Canada have used these forged written documents against
11 our peoples to deny us our rights to our lands and our
12 resources. From our experience within the international
13 community, we know that many colonial governments have
14 used this method of fraud to gain access to indigenous
15 lands and resources.

16 When our peoples talk about the spirit
17 and intent of the treaty and the implementation of the
18 treaty based upon our understanding, we want to remain
19 true to the original agreement.

20 Our elders say that they would share the
21 lands. They have never reneged upon that agreement. The
22 non-indigenous people are benefiting on a daily basis from

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1 the treaties. In many instances, when treaty rights are
2 discussed, there is never any discussion or
3 acknowledgement of the treaty rights benefiting
4 non-indigenous peoples today. It is important to realize
5 that in any treaty agreement there are two parties to the
6 treaty. Each party must benefit, otherwise why would a
7 treaty be signed? Our elders signed a treaty for the
8 future generations. It is still our primary concern to
9 ensure that there will be a future for our children's
10 children.

11 The implementation of the spirit and
12 intent of our sacred treaties for the future generations
13 is the one constant issued which remains central to the
14 treaty indigenous peoples. This not new to the treaty
15 indigenous peoples.

16 Before we outline our concerns further,
17 I will provide to the commissioners a brief overview of
18 the Indian Association of Alberta. The mandate of the
19 Indian Association of Alberta is to protect and promote
20 the treaty rights of indigenous peoples within the Province
21 of Alberta. I have attached a short history of the Indian
22 Association and its activities as Appendix I.

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1 Since the formation of the Indian
2 Association of Alberta in 1943, treaty indigenous peoples
3 have maintained a consistent position before the many
4 tribunals, commissions and special committees formed by
5 the successive governments. As an example, I have
6 attached an Appendix II, a copy of a submission made by
7 the Indian Association to the Joint Committee of the Senate
8 and the House of Commons in May 1960. The most astonishing
9 aspect to the submission is that the outline of issues
10 which concerned treaty indigenous peoples in 1960 are the
11 same issues which challenge us today in 1992. The treaties
12 are still not being honoured and respected by the settler
13 government.

14 Over the years, our elders, chief, and
15 headmen have suggested ways of implementing the treaties.
16 These suggestions have always fallen upon deaf ears.

17 One recommendation we would like to see
18 implemented concerns Section 91(24) which deals with the
19 head of power for the federal government. Under the 1867
20 British North America Act, the federal government had the
21 exclusive authority to deal with Indians and lands reserved
22 for Indians. Indigenous peoples have interpreted this

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1 section to mean the federal government has the fiduciary
2 responsibility to implement the treaties. Through the
3 acts of treaty succession, the Federal Crown must implement
4 the treaties entered into by the Imperial Crown. There
5 has never been any agreement between the original
6 signatories to the treaties to terminate the treaties.
7 The treaties remain in effect, but without any adequate
8 means for their implementation.

9 Under Section 91(24) of the 1867 British
10 North America Act, the federal government unilaterally
11 assumed jurisdiction to enact the Indian Act. This is
12 contrary to the spirit and intent of Section 91(24). The
13 Indian Act is not based upon our treaties. The Indian Act
14 is an internal administrative tool to aid the federal
15 government to implement their obligations. In fact, the
16 Minister of Indian Affairs does not have any legal
17 authority to implement the treaties. The Minister of
18 Indian Affairs never signed the treaties. He is merely
19 a minister of the state of Canada charged with keeping
20 Indians under the blanket of control.

21 This control is administered through the
22 Department of Indian Affairs. In turn, the Department

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1 of Indian Affairs relies upon the Indian Act as a means
2 of oppression and suppression. The acts of genocide which
3 were committed against the indigenous peoples in Canada
4 under the Indian Act have never been dealt with by the
5 non-indigenous people of Canada. After the Second World
6 War, there were trials of the criminals who murdered jews,
7 yet thousands of indigenous peoples have suffered and died
8 as a direct result of the neglect of the Federal Department
9 of Indian Affairs and nothing has ever been done to correct
10 the situation.

11 The Indian Act still remains in force.
12 The federal government wants to make amendments to the
13 Indian Act to continue this control over the indigenous
14 peoples. The only way control can be taken from the
15 Department of Indian Affairs is to take away the colonial
16 authority that controls our way of life. Indigenous First
17 Nations should be able to approach Treasury Board directly
18 to access the funds which are voted by Parliament for the
19 use and benefit of treaty Indian peoples. The indigenous
20 peoples should not have to be humiliated and blackmailed
21 into signing contribution agreements which violate our
22 treaties. When indigenous nations have protested the

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1 contribution agreements and their wording, the department
2 withholds the First Nations finances until the First
3 Nations agree to the department's terms and conditions.

4 This is called "self-government, Canada
5 style". The analogy is akin to: How do you want to die,
6 by hanging or by strangulation?

7 Why do First Nations have to submit?
8 Indigenous nations have a right to the funds. The federal
9 government's coffers are rich from our resources. When
10 we entered into treaty, we never relinquished our title
11 over the resources. Canada and the provinces have
12 unilaterally asserted title, but the fact remains that
13 these resources are ours. Canada's riches comes from our
14 lands. Canada is part of the so-called first world because
15 of the wealth flowing from our land and resources. This
16 fact must be acknowledged.

17 Canada can start by opening Treasury
18 Board to us for direct negotiations. In this way, we can
19 eliminate the colonial Department of Indian Affairs.

20 There should be an independent body to
21 oversee violations of the treaties. This body could be
22 formed by indigenous peoples and the Crown, and have the

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1 authority to approve fines and penalties against the treaty
2 violator. The violators could be individuals,
3 corporations or governments. All would be subject to the
4 jurisdiction of this body.

5 There has never been any independent
6 body in Canada to oversee the implementation of the
7 treaties. In other commonwealth countries that have
8 treaties with the indigenous peoples, the state
9 governments have tried to unilaterally implement their
10 own form of treaty resolution. One which immediately
11 comes to mind is the New Zealand model known as the Whantagi
12 Tribunal. We have our own version in Canada known as The
13 Office of the Treaty Commission. Each of these bodies
14 were modelled after the American Indian Claims Commission.

15 In the United States and in New Zealand these bodies have
16 serviced their political masters and not the indigenous
17 peoples. We must strive for something which serves us.

18 Thank you.

19 **COMMISSIONER ALLAN BLAKENEY:** Thank you
20 very much, Ms Crowchild.

21 Just before I ask a question, would you
22 introduce the person who is with you for the record?

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1 **REGENA CROWCHILD:** Oh, I am sorry. I
2 meant to introduce her. This is Sharon Venne. She is
3 a member of the Blood Tribe in Treaty 7.

4 **COMMISSIONER ALLAN BLAKENEY:** Sharon
5 Venne, from the Blood Tribe Treaty 7.

6 Thank you.

7 I was interested in the presentation.
8 As you are aware, one of the areas of conflict between
9 aboriginal and non-aboriginal people, particularly
10 between treaty Indians and the Government of Canada, is
11 just what the treaties mean and what represents a violation
12 of them, and I noted that you addressed that. You talked
13 first about previous suggestions for ways of implementing
14 the treaties, and then you spoke later about an independent
15 body to oversee violations of the treaties. You referred
16 to the United States model and the New Zealand model.
17 Have you, the Indian Association of Alberta or the AFN,
18 to your knowledge, developed any more fully what such an
19 independent body or tribunal would look like; what might
20 be acceptable to you people as an independent body?

21 You have, rightly I think, pointed out
22 that there are bodies in the United States and New Zealand

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1 that purport to be independent, and in the United States
2 it has not been fully acceptable to Indian people there,
3 and certainly we have heard suggestions in New Zealand
4 it is not all that successful.

5 Have you worked that through a bit?

6 **REGENA CROWCHILD:** That suggestion was
7 made by the Indian Association of Alberta. In Alberta
8 we have, in agreement with the chiefs, set out our point
9 as to how we want to deal with the treaties, and these
10 have to be dealt with on a bilateral basis.

11 I would like to explain why we are taking
12 this position. When our peoples entered into treaties,
13 there were nations of peoples. And, people always wonder
14 why, what is a nation? Because only nations can enter
15 into treaties. Our peoples, prior to the arrival of the
16 non-indigenous peoples were under a single political
17 society. They had their own languages. They had their
18 own spiritual beliefs. They had their own political
19 institutions. They had the land base, and they possessed
20 historic continuity on this land base.

21 Within these structures, they were able
22 to enter into treaties amongst themselves as different

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1 tribes, as different nations on this land. In that
2 capacity they entered into treaty with the British people.
3 So, these treaties were entered into on a nation-to-nation
4 basis. That treaty set out for us what our relationship
5 will be with the British Crown and her successive
6 governments. Canada did not enter into treaty with our
7 peoples. They are a state of Great Britain. It was not
8 until 1931 that Canada had the authority to enter into
9 treaty. But through the international laws of treaty
10 succession, Canada inherited those obligations of the
11 treaties from the Imperial Crown.

12 So, when we look at the issues of treaty,
13 no one nation or one party to an agreement can unilaterally
14 change that agreement. They require the consent of the
15 other parties. So, as such, the Indian Association of
16 Alberta is not a First Nation. It did not enter into
17 treaty. So, the only people that could address the treaty
18 and discuss the implementation and the understanding of
19 our treaties are the chiefs within the various treaty areas
20 who are parties to the people who were signatory to the
21 treaties. That is the only forum where someone could sit
22 down and discuss these issues. No organization can

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1 interpret that. So, as the Indian Association, we
2 facilitate and accommodate our leadership on their
3 initiatives in promoting this cause.

4 Canada, through the years, has tried to
5 forget about its obligations. They have never recognized
6 this bilateral relationship simply because of the agenda
7 they had from the start, and that was to access our lands
8 and our resources. If Canada would recognize our treaties
9 as international instruments, then it will not be very
10 difficult for the two parties to sit down and address these
11 issues.

12 I believe that in our discussions and
13 in our suggestions, that is the suggestion. We have to
14 further explore it. However, it is the decision of our
15 chiefs to make these agreements and to set out the process
16 for our peoples.

17 **COMMISSIONER ALLAN BLAKENEY:** I will
18 just rephrase the question, then. Are you aware of what,
19 let's say, the chiefs of the Treaty 7 Nation, if I may
20 use that term, would think an independent body to oversee
21 violations of the treaties should look like? I'll leave
22 it at that.

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1 **REGENA CROWCHILD:** Well, we've always
2 had discussions in terms of trying to get someone, and
3 independent body, that doesn't have any personal interests
4 within the two parties to discuss this, or to oversee it.
5 However, the structure of it has yet to be defined.

6 However, there has been a lot of
7 discussions amongst our own peoples as to how they would
8 like to see this issue pursued or this matter pursued.
9 So, if you are asking for a definite structure -- outline
10 of the structure -- we can't provide you at this --

11 However, our chiefs within this province
12 have set out an agreement. They have signed an agreement
13 on how to pursue the treaties.

14 **COMMISSIONER ALLAN BLAKENEY:** I don't
15 mean to press, but does that agreement include the idea
16 of an independent body?

17 **REGENA CROWCHILD:** No, not at the
18 moment, but they are working towards, you know, the
19 resolvment of the process itself. But, they definitely
20 have an agreement on how they are going to work together
21 in the protection and enhancement of our treaties.

22 **COMMISSIONER ALLAN BLAKENEY:** That's an

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1 agreement among the chiefs.

2 **REGENA CROWCHILD:** Amongst the chiefs
3 of the First Nations within Treaties 6, 7 and 8 within
4 the boundaries of Alberta. As well, we have our chiefs
5 that are in discussions with the chiefs of the First Nations
6 within the treaty territories. Those discussions are
7 going on as well, and agreements are being made there.

8 **COMMISSIONER ALLAN BLAKENEY:** Thank
9 you.

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

12 I want to welcome you and thank you,
13 President Crowchild, for your presentation. If you have
14 not had sufficient time in this particular forum to make
15 your views known, I emphasize that we are not going to
16 self-destruct, so far as I know, within the next couple
17 of weeks. We are going to be around for a while. As Mr.
18 Blakeney has indicated earlier, we have a special program
19 established to assist people in making presentations, so
20 we do look forward to a continuing dialogue on your views
21 as our own work progresses.

22 Your colleague, Sharon Venne, of course,

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1 is well known in Canada for her work on the Indian Act,
2 I believe, a consolidation among other things, and I may
3 say that I was in Switzerland last month and people there
4 were asking me about Sharon Venne. So, you are indeed
5 widely known.

6 I have one question, if I may. You were
7 discussing the treaties and referring to the parties to
8 the agreement in making the points that you did. My
9 question is this: Today, who is the party from the treaty
10 perspective? You know that the Indian Act, as you indicate
11 here, has subjugated the people, has defined the people.
12 It has unilaterally taken away treaty rights. So, today,
13 how does your association define that relevant treaty
14 negotiation, or treaty discussion, or the treaty party
15 for the purposes of discussing treaty issues today?

16 **REGENA CROWCHILD:** In my opinion, the
17 parties to the treaty would still be the Imperial Crown,
18 Great Britain, would be a party to that whether -- however
19 they want to set that -- whether it's the Governor General
20 who represents the Crown in Canada, or the Imperial Crown
21 itself. The Government of Canada, who has a legal
22 obligation, has to be party somehow, because Canada has

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1 a legal obligation to implement the treaties -- the
2 obligations of the Imperial Crown.

3 Then, definitely, it is our chiefs and
4 our headmen that represent our First Nations within the
5 respective treaty areas. That is my opinion.

6 I guess one thing I could further add
7 is that the Indian Act currently undermines our political
8 structures. It undermines our governments, so whoever
9 is going to represent our First Nations would entirely
10 be at the discretion of the First Nations, who are signatory
11 to the treaties.

12 We still have some elected chiefs. We
13 have, as well, hereditary chiefs, but even though, with
14 the elected chiefs, we do have First Nations that still
15 recognize their traditional forms of their headmen or their
16 chiefs. But, that would have to be addressed by the
17 individual First Nations -- the chief and council and their
18 peoples.

19 **COMMISSIONER PAUL CHARTRAND:** Thank you
20 for that.

21 **COMMISSIONER ALLAN BLAKENEY:** Thank
22 you, and just before I say thank you finally, I would say

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1 again what I said earlier. The Royal Commission has some
2 money -- I am not urging you to apply for it, because you
3 are probably well-funded, although, perhaps you are not.

4 This is a very key area -- the nature
5 of treaty and the content of treaty that continues over
6 what was intended by the treaties. As we know, we have
7 the written version, which is there and is agreed to by
8 all, I think, to be incomplete. Others might say it is
9 wrong, but by anybody's standards, I think it is not the
10 whole bargain. There was then the context, the oral
11 agreements and undertakings made. Out of that, somehow,
12 Canadians, aboriginal and non-aboriginal, have to come
13 up with some idea of what the deal is, what continues as
14 a deal. This is not without its difficulties, as we all
15 know.

16 We have had people on the one side at
17 times in our history, the Canadian government taking the
18 position, or at least lawyers acting for the Canadian
19 government taking the position, that there is the printed
20 page. We do not move from the printed page. And the
21 courts, in effect, saying -- lately particularly -- not
22 quite good enough. We're not agreeing with you that there

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1 is nothing more than the printed page. But, there is no
2 agreement as to what additionally is considered and what
3 the outcome is.

4 Until that is -- I don't say resolved
5 -- a little more fully agreed upon, we are going to continue
6 to have real difficulties. If you have any thoughts on
7 how this could be resolved, any research which is being
8 pursued, then we would invite you, if you feel free to
9 do so, to share it with the Royal Commission. I refer
10 again to intervenor funding if that might be necessary
11 to advance your work.

12 Thank you again.

13 **REGENA CROWCHILD:** I would just like to
14 thank you for that offer. We definitely will access it.

15 For your information, over the last two years our elected
16 leadership, through their own forums -- through their own
17 administrations and structures -- and ourselves as the
18 Indian Association, have been struggling to try and come
19 up with what you have been just talking about.

20 We have desperately -- not desperately
21 -- well, funding-wise, because it appeared that every time
22 we bring issues in dealing with treaties there has never

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1 been any funds that were appropriate to do this type of
2 work. The only funds that come forward are those of the
3 Department of Indian Affairs that directly relate to the
4 devolution process, or the agendas that are set out by
5 the Department of Indian Affairs. It has been very
6 difficult for us to access funding to do this very important
7 work.

8 Nevertheless, our peoples within the
9 respected treaty areas, and ourselves as the Indian
10 Association, have begun this work, and we have done
11 extensive research as well already, except that we are
12 always stalled because we don't have the adequate financial
13 resources to access in this process.

14 If the Commission is prepared to be able
15 to assist us in this way, then we would be very honoured
16 and very happy to do that. I think it is very important,
17 and I certainly believe, that the perspective of the
18 indigenous peoples must be heard. It is about time that
19 this is dealt with and that a process is put in place that
20 would adequately provide the discussions between our
21 peoples and Canada as to how to implement the treaties.

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1 So, with that, I would like thank you
2 very much.

3 **COMMISSIONER ALLAN BLAKENEY:** I would
4 like to make one final qualification. I was not making
5 any offer, because the Commission does not have this money.
6 But, I am just suggesting that you might talk to Mr.
7 Crombie's unit. They have the money. I am sure you
8 weren't attempting to put me on the spot, so I will just
9 qualify that.

10 **REGENA CROWCHILD:** Well, I was not. I
11 was speaking about your offer of the information. Thank
12 you.

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

15 **COMMISSIONER ALLAN BLAKENEY:** Now, just
16 before we break for coffee, we'll take the individual
17 presentation of Mr. Tony Mandamin.

18 Welcome.

19 **TONY MANDAMIN:** Mr. Chairman, I hope you
20 don't mind if I dive in and also, at this time, intervene
21 to welcome my colleague from the Indigenous Bar
22 Association. He actually has a responsible position on

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1 the board, and I may not have paid my dues for the year,
2 so I --

3 I suppose I should indicate that, first
4 of all, I am not used to sitting down and being at the
5 same level as the people I am addressing.

6 When the Royal Commission advertised its
7 intention to hold a hearing in Edmonton, I considered the
8 matter and very quickly came to the conclusion that I wished
9 to make a submission. On further consideration, it's not
10 that I would focus in on the subject matter within the
11 Royal Commission's terms of reference, and that is justice
12 issues of concern to the native people. I chose this area,
13 firstly, because I am a practising lawyer. I am Ojibwa
14 myself. Most of my clients are aboriginal people, and
15 there has been a recent series of inquiries and task forces
16 which have commented on the criminal justice system.

17 The area that I wish to focus on is not
18 the same area that the task forces have looked at. Rather,
19 I want to look at what initiatives have recently been taken
20 by aboriginal people themselves in the criminal justice
21 area.

22 Starting, I suppose, first with the

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1 Indigenous Bar Association, the Minister of Justice of
2 Canada made a reference at the Law Reform Commission in
3 relation to native people in the Criminal Code that the
4 Indigenous Bar Association was invited to do a report,
5 or to do a paper on the subject, and I headed up a team
6 of lawyers -- all indigenous lawyers -- who did the report
7 which was presented to the Law Reform Commission and will
8 be published shortly.

9 The question that was put to us was:
10 What comments could we make with respect to the Criminal
11 Code and aboriginal people. When we looked at the subject,
12 we very quickly came to the conclusion that you couldn't
13 look at the Code alone; you had to look at the entire
14 criminal justice system.

15 When you look at the criminal justice
16 system, it has elements everyone recognizes. There is
17 a Criminal Code -- criminal law -- in Canada. There are
18 police forces that practise enforcement of the law, crown
19 prosecutors that prosecute people charged with offending
20 the law, judiciary, corrections which deals with
21 incarceration of people.

22 When you look at aboriginal people in

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1 this country, and look at the traditional ways they
2 maintained order in their society, one finds a difference
3 -- a fundamental difference. From the best we can
4 determine, it is common to aboriginal people throughout
5 this country. Firstly, in aboriginal societies in
6 traditional time, there was no written code of law.
7 Rather, there were norms of society and people knew when
8 those norms were departed from.

9 Secondly, there was no issue about who
10 did it. Societies were tight-knit. The offender was
11 known to everyone. Moreover, in an oral society, your
12 word is essential if you are to have influence and be able
13 to impress your opinion upon other people. If you obtain
14 the reputation of not telling the truth, that diminishes
15 your ability to function in that society. So, it was
16 common indeed in some societies that the heinous crime
17 was to lie. So, the offender did not deny the wrongful
18 conduct.

19 Where the aboriginal societies focused
20 their efforts was one, on the community pressure -- peer
21 pressure -- for people to observe the norms, and if
22 something did go wrong, their energy was focused on what

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1 did you do to restore society to its prior state.

2 If we look at the criminal justice
3 system, the closest analogy is in the area of sentencing
4 of offenders. That, in part, we believe, explains why
5 with very many aboriginal people when the encounter --
6 come into conflict with the law -- they frequently make
7 full statements to the police. They frequently plead
8 guilty in courts and yet are upset at the outcome -- the
9 sentencing, the disposition of the matter.

10 In Canadian criminal law, the first rule
11 is protection of society. The second rule is
12 rehabilitation of the individual. In traditional Indian
13 society, the first rule is to restore the community.

14 The Chief Judge of the Yukon observed
15 that the criminal justice system was a network of decision
16 makers who all had discretion, and in exercising their
17 discretion they would carry with them the prejudices of
18 their own background. It may not be conscious prejudices,
19 but the bias that are built into their own personal culture
20 would be carried forward, and this would show up most
21 greatly in the area of sentencing.

22 The sad fact of the matter is the

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1 criminal justice system has become the laws made by one
2 society enforced by members of that society, prosecuted
3 and judged and sentenced according to laws of that society,
4 and all of those are imposed on the aboriginal culture.

5 The result has been an
6 over-representation of Indian people in jails. That's
7 a euphemism for more Indians in numbers in relation to
8 their proportion in the population in the criminal justice
9 system.

10 With Indian society, what worked was
11 when the community had responsibility. When the treaties
12 were first signed here in Alberta -- if we take Treaty
13 6 as an example -- the expectation of the government and
14 the treaty agreement itself was that the Indian people
15 would maintain order in their own communities. They would
16 continue to be responsible. Treaty 6 has a clause in it
17 that has never been examined by any court. It's never
18 been given any effect, and it's never been observed. The
19 treaty says they -- and that refers to the Indians --
20 promise and engage that they will in all respects obey
21 and abide by the law, and they -- the Indians -- will
22 maintain peace and good order between each other and also

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1 between themselves and other tribes of Indians and between
2 themselves and others of Her Majesty's subjects, whether
3 Indians or Whites, now inhabiting or hereafter to inhabit
4 that part of the ceded tracts. It goes on and it concludes
5 with: And that they will aid and assist officers of Her
6 Majesty in bringing to justice and punishment any Indian
7 offending against the stipulations of this Treaty, or
8 infringing the laws and force of the country so ceded.

9 The Indian Association of Alberta made
10 a submission to the task force headed up by Justice Cawsey,
11 pointing out those sections in the Alberta treaties. They
12 said Indian people in this province have a right to continue
13 to maintain order in their own communities. They have
14 a right to participation in criminal justice matters.
15 The task force said that was a matter of negotiation, and
16 didn't address the question.

17 There was last year a symposium held on
18 Indian justice systems. There were presenters from
19 aboriginal communities all across Canada and a few from
20 the States. They dealt with all aspects of the criminal
21 justice system. There were Indian police, Indians who
22 had been prosecutors, judges, heads of correctional

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1 institutions, even a law professor from the University
2 of Manitoba. They were all involved, in one way or another
3 professionally, in the criminal justice system. They are
4 all involved in doing something, some new initiative,
5 making some difference in that system, but it was a piece
6 here and a piece there.

7 That they were a competent group was
8 without question. Not only do you have Mr. Chartrand,
9 since that time, appointed to the Royal Commission, but
10 Harry LaForm is now the Indian Commissioner for Indian
11 Claims of Canada. That occurred since that time. One
12 of the keynote speakers had to be changed in terms of his
13 presentation because His Honour, Judge Graydon Nicholas,
14 was appointed to the Bench in between the setting of the
15 agenda and the conference itself.

16 What came out of that conference, very
17 clearly, was that aboriginal people are involved; they
18 can make changes in the way things happen, and those changes
19 were for the better. They had less problems in
20 communities. They had more effective remedies for the
21 problems that did arise. There was more understanding
22 of the culture and the people affected. They all said

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1 the same thing: The responsibility lies in the community.

2 The most impressive speaker at that
3 conference was a lady in her thirties who was the head
4 of the sisterhood at Kingston Penitentiary. She didn't
5 talk about what she needed for herself; she talked about
6 the fact that there were human people who were suffering
7 a great deal, and she stressed that the answer lay back
8 in the community. She said: Had the community support
9 and involvement been there when she started off, she would
10 not be where she ended up.

11 We'll provide for the Commission a
12 report from that conference and a video tape of it, because
13 I cannot do it justice in the few minutes I have here.
14 The point is that traditionally Indians were responsible
15 for justice matters; that that was recognized in Indian
16 treaties and that those people that are practising it,
17 or trying to put it in place -- those Indian people that
18 are trying to put that in place today -- are getting
19 results; and beneficial results.

20 If the idea is that justice is to be
21 impartial, then Indians have the most perfect justice
22 system there is, because it's all administered by another

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1 race.

2 I think that in present-day times there
3 are cautions. There is a spate of enthusiasm from all
4 these commissions and inquiries where justice agencies
5 are saying: Well, we're going to do more. But, my
6 experience is that this passes, and it will pass unless
7 there is some structural changes that occur. Some of the
8 recommendations made by Justice Cawsey's task force are
9 the same recommendations that were made by Justice Kirby
10 ten years earlier. Some of the recommendations made in
11 the task force report now are the same recommendations
12 that were made at a justice conference here in Edmonton
13 in 1975.

14 The criminal justice system is a very
15 conservative system. It will tend to resist change. It
16 was the view of the Indigenous Bar Association members
17 that prepared a report on the Criminal Code that unless
18 the Criminal Code was made to signal the way to the criminal
19 justice system, unless the leaders in that system, namely
20 the judges and crown prosecutors, also indicate those
21 changes, they are not likely to occur.

22 We have this enthusiasm for these

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1 reforms, but Canadian society is also under pressure to
2 curb unlawful conduct by increased sanctions. People want
3 harder sentences. Courts are setting out sentencing
4 guidelines that lower courts may not vary from. There
5 is no room in this trend for what worked for the aboriginal
6 communities, the involvement of the community and the
7 willingness of the community to take responsibility to
8 restore the individual.

9 One of the other things that will occur,
10 and indeed is occurring, is the fact that the very absence
11 of aboriginal participation in the criminal justice system
12 will be used against them, they will say: You can't go
13 into full-fledged policing, because you don't have the
14 knowhow or the experience at it. They will say: Courts
15 are a very important process, and you require all kinds
16 of training and background; we can't rely on Indian courts.
17 They will say that, since Indians didn't regulate Indian
18 hunting, there shouldn't be any Indian hunting rights.

19 Recently there have been some cases in
20 this province that have raised new questions about the
21 nature of the Indian rights. Those cases are in the
22 courts, but already groups are saying there shouldn't be

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1 any Indian hunting rights. The wildlife authorities say:
2 We're solely responsible for regulating hunting
3 activities as they affect wildlife. There's no room for
4 Indian involvement. Yet, it says the Indians would be
5 involved in dealing with any Indian who offends the
6 stipulations of this treaty.

7 Indian treaty hunting cases get curious
8 treatment in the criminal justice system. These are
9 rights -- aboriginal or treaty -- that are talked about,
10 yet they are handled in the criminal courts of the land.

11 This issue was raised by the Indian Association with the
12 task force here in Alberta, and if you wish to see their
13 treatment of that issue, you will find it buried in Volume
14 III. It was raised by the Indigenous Bar Association to
15 the Law Reform Commission Report, and you would be hard
16 pressed to find it in their report.

17 There are opportunities for
18 development. There is a greater willingness in the
19 criminal justice system to change, but to some extent that
20 is momentary. There are more initiatives in the Indian
21 community, but they can peter out if the resistance
22 remains.

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1 If the Royal Commission is to examine
2 justice questions, it needs to address the question of
3 structural changes in the law, in the practice and, most
4 importantly, in a manner that brings the Indian communities
5 into the process.

6 You'll forgive me if I lapsed, saying
7 "Indian community". This is true for Métis, for all
8 aboriginal communities.

9 That's my submission.

10 **COMMISSIONER ALLAN BLAKENEY:** Thank you
11 very much, Mr. Mandamin. I know that my colleague, Paul
12 Chartrand, will have some comments.

13 May I just give a little preliminary
14 statement and then ask a question.

15 We are conscious of the fact that a fair
16 number of inquiries now have been looking at the aboriginal
17 justice system, or I should say, the criminal justice
18 system as it applies to aboriginal people in various parts
19 of Canada. We had the Aboriginal Justice Inquiry in
20 Manitoba, the Sinclair-Hamilton one. We had the Cawsey
21 one in Alberta. There have been a couple in Saskatchewan.
22 The Law Reform Commission of Canada has just published

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1 one, and they all seem to say: Yes, here are the problems
2 and there should be changes, but the structure and nature
3 of the changes should be negotiated. Now, that's an unfair
4 summary, but not too unfair.

5 The problem, as I now perceive it -- and
6 I speak only for myself -- is that, just as you say, if
7 we embark upon another series of negotiations, it is sort
8 of going to go on and the current enthusiasm will peter
9 away and nothing will come of it. Accordingly, it looks
10 to me as if, if the Royal Commission is going to have any
11 impact, it needs to put forward a recommendation for saying
12 the system should change, and it should change in the
13 following respects: one, two, three, four. Then, they
14 may not be fully acceptable, but then the changes have
15 to be addressed; that sentencing is no longer the
16 responsibility necessarily of the magistrate or the
17 provincial court judge, or whatever, but a group made up
18 of so-and-so, or as the case may be --

19 Perhaps for on-reserve lands, or lands
20 controlled by aboriginal people -- let me put it this way
21 -- totally different structures. Somebody has to come
22 up with this one, two, three, four.

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1 My question is: Do you think that there
2 is any group in Canada -- the Aboriginal Bar or otherwise
3 -- who might be prepared to tackle the structure, the
4 mechanics, of an aboriginal justice system, acknowledging
5 the fact also that we have a bit of money for research
6 if that were necessary -- not we, but there is another
7 pool. Do you think there is a group who would be in a
8 position to define that as closely as one could,
9 recognizing the very different characteristics of
10 communities all across Canada?

11 **TONY MANDAMIN:** I don't think there's
12 a single group that you could turn to and be able to draw
13 in all of the different factors that could arise. Our
14 experience with Indian Justice Symposium was that we had
15 collected together about 35 individuals from across Canada
16 with a diverse working knowledge of the system and of the
17 types of problems that arose, and had ideas or were
18 implementing ideas of how to deal with those. But, if
19 you looked at their organizational background, we had as
20 many organizations as we had individuals. They were
21 people employed with individual tribes. They were people
22 employed with tribal councils. They were people who were

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1 members of the Indigenous Bar Association. They were
2 academics. So, if you ask me is there one organization,
3 my answer would be no.

4 If you would ask me: Can such a process
5 be accomplished, I think one or several organizations could
6 sponsor a process that could lead to something like that
7 and draw similarly, as was done at the Indian Justice
8 Symposium. In other words, draw from a diverse group.
9 If the sponsoring group is recognizably neutral, if you
10 will, in terms of the different interests of the different
11 groups, or if the sponsoring groups are several and kind
12 of straddle the different interest groups, then I think
13 that process would work. I do think it calls for a
14 diversity of inputs because the key factor are the
15 communities, and you've got to have people with the
16 experience in the different types of communities across
17 the country.

18 **COMMISSIONER ALLAN BLAKENEY:** Do you
19 think there is any person, or any couple of people, who
20 have enough knowledge to sketch out such an arrangement
21 that, even if it offered options A, B and C for different
22 communities that it could be opted into? We are very much

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1 of the feeling that a great many problems have been
2 identified. Goodwill is manifested. We're talking about
3 personnel changes, but that's going to take ten years,
4 or more -- perhaps a great deal more, particularly at the
5 judicial level. If we are going to get systemic changes,
6 they have to be pretty well identified soon and get people
7 committed to them, otherwise it will float away again
8 through Kirby and Cawsey in your province, and in every
9 other province I think we could line up the statements
10 of good intentions that have paved the road to.

11 **TONY MANDAMIN:** I don't think it would
12 be fair to suggest specific individuals. I do know on
13 one occasion in response to a similar kind of question
14 that you are posing, a suggestion was to invite the
15 aboriginal judiciary that exists presently and use them
16 as an initial group to start the process.

17 I certainly would be prepared to give
18 it some thought and provide a list of names of individuals
19 that I would be prepared to recommend, recognizing that
20 I am limited by who I know. There undoubtedly will be
21 others who I will miss.

22 **COMMISSIONER PAUL CHARTRAND:** Thank you

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1 for your excellent presentation, Tony. It's particularly
2 welcome. It deals with some very important issues. I
3 am only going to try to set out an issue that I think is
4 of great interest to the Commission in fulfilling our
5 mandate and that you might wish to consider in formulating
6 any plans that you might have with your colleagues with
7 respect to a research agenda. The question is this --
8 let me give it a bit of a background.

9 We hear that there are many aboriginal
10 people who are sentenced to imprisonment on guilty pleas
11 and that has quite a number of real implications that you
12 are well aware of. The question is: How widespread is
13 the situation, and are all these implications mapped out?
14 Has research been done in that area? What kind of
15 research is required to be done in that area? It seems
16 to me that is a particularly significant question that
17 we need to deal with. I am not necessarily asking you
18 to respond right now. I invite you to do so, if you wish,
19 of course, but I thought I would put that out, and I again
20 thank you.

21 **TONY MANDAMIN:** I would respond. I have
22 been practising law for nine years now here in Alberta,

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1 and I have appeared in probably about 35 or so provincial
2 courts throughout this province. Let me just draw on my
3 own personal experience to give you a bit of a spectrum
4 of a response.

5 I would appear in provincial court near
6 my law office on legal aid matters. I found that I had
7 so many cases and individuals where the client basically
8 was instructing me to enter a guilty plea -- these are
9 all native individuals -- that I actually stopped taking
10 legal aid cases for a while, because I was getting quite
11 depressed by it. It was not that one couldn't enter a
12 not guilty plea. You are entitled to do that in Canadian
13 law, but not in their minds. Invariably alcohol was
14 involved, and there wasn't a defence other than trying
15 to drag it out and let the Crown make a mistake. Neither
16 my clients nor I were disposed to pursue that course of
17 action. So that was one. It just happened with so much
18 regularity that I actually stopped appearing. Not that
19 it wasn't doing good. I think that the submissions I was
20 making on sentencing resulted in better sentencing
21 results, but it was discouraging.

22 On another occasion, I got a call, very

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1 I have frequently seen it. The Indian will plead guilty,
2 but be upset about the result, because they look at it
3 differently. That, I think, comes back to this question
4 about sentencing and what do you do about it.

5 I have thought about it. Should I
6 advise Indians -- my clients -- to plead not guilty; to
7 contest the matter. We had one trial which we ran,
8 concluded the trial, concluded the arguments. The trial
9 went very well. The defence was there. The arguments
10 were weighed and we were waiting for the judge's decision.
11 The Indian said -- I explained that you couldn't tell
12 how the judge would decide and we had to wait. The Indian
13 said: Well, we might as well not bother; I should have
14 plead guilty. He was acquitted.

15 I have thought about it. I've thought,
16 should I advise, should I try and teach Indians to plead
17 not guilty, to contest the issues in court. Should I try
18 and tell them: You don't have to say anything to the
19 police. Don't say anything. Should I tell them: Always
20 call a lawyer. I have thought about it for a long time,
21 and the conclusion that I've come to is that the reason
22 they do these things is part and parcel of the Indian

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1 culture. You admit things. You don't lie. Then you try
2 and solve them; try and sort out what's the best way to
3 resolve them.

4 If I try and educate the Indians in what
5 is the conventional wisdom in the criminal justice system,
6 then I am working against the Indian culture. Rather,
7 what we should be doing is trying to change the system
8 so it responds to the Indian culture. Now, the only way
9 that I know, over a long period of time, to ensure that
10 the criminal justice system stays responsive to the Indian
11 culture is to let the Indians get control of it, because
12 if they don't, with the best of intentions, it will drift
13 back to where it is.

14 **COMMISSIONER ALLAN BLAKENEY:** I won't
15 regale you with my little bits of experience over your
16 overwhelming experience, but I was with a small law firm.
17

18 The police got careless there about what
19 they charged, and in these cases I will give a fictitious
20 example, but it gives the idea. Somebody would be out
21 there charged with attempted murder and the client, an
22 Indian, would say: Well, yeah, I did it. I want to plead

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1 guilty. No! What you are guilty of -- you hit the guy,
2 and it's probably assault. It's certainly assault, and
3 there may be a little aggravation there, but not attempted
4 murder. But he, the client, was aware that he had done
5 something and was wanting to admit it. The idea that he
6 should equate what he did with the charge is just impossible
7 to get across to almost any client, let alone a person
8 who is not familiar with our system.

9 I don't know how one solves those, given what
10 you say is the nature of aboriginal culture and with which
11 I agree, of them wishing to acknowledge if they have done
12 something which they feel should not have been done.

13 **TONY MANDAMIN:** I would make clear that
14 I would do my best to make sure that the charge that
15 eventually was plead to, if they were going to plead, was
16 the correct charge and nothing else. You know, after the
17 fifteenth session of plea-bargaining, one gets depressed.
18 Something is not right.

19 The other thing, and I think LeRoy
20 Littlebarrel who was on Justice Cawsey's task force makes
21 this point frequently, and it doesn't get recognized, he
22 says with Indian people the admission of responsibility

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1 is a mitigating factor. Now, in courts, if there is a
2 guilty plea, they say, well, they'll take into account
3 in sentencing. They don't take it into account the way
4 Indians would -- traditionally would. That's the first
5 step to sorting out restoration. It isn't given anywhere
6 near the weight, I think, that it would be given in the
7 Indian community.

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

10 We'll break for ten minutes for coffee,
11 or other refreshments.

12

13 **---Short recess at 10:55 a.m.**

14 **---Upon resuming at 11:25 a.m.**

15

16 **COMMISSIONER ALLAN BLAKENEY:** Take your
17 seats, please.

18 We invite a presentation from the Métis
19 Nation of Saskatchewan -- of Alberta, sorry. Well, well.

20 I see some familiar faces here. We are to hear from Thelma
21 Chalifoux, the Co-chair of the Métis Senate of the Métis
22 Nation of Alberta and Gerald Thom, Senior Vice-President

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1 of the Métis Nation of Alberta and Mr. Clint Buehler,
2 Executive Director of the Métis Nation of Alberta. All
3 of them are from Alberta.

4 I invite you to carry on whenever you
5 wish to proceed.

6 **GERALD THOM, SENIOR VICE-PRESIDENT OF**
7 **THE METIS NATION OF ALBERTA:** Thank you very much, Mr.
8 Blakeney, Mr. Chartrand, Mr. Shirt. Commissioners,
9 I had the privilege to present myself and my views in my
10 home riding in Lac La Biche a couple of days previous.
11 I send you my president's best wishes. Unfortunately,
12 he is not here today. There are some very uneasy moments
13 at this time, and he is involved in the constitutional
14 process. So, he sends his wishes to the commissioners
15 here who came to Alberta to listen to the aboriginal people
16 of this province.

17 Let me start by saying that it was very
18 enlightening to me and to all of us here to hear some wise
19 words from Anne Anderson, Order of Canada, this morning,
20 and Mr. Morin. Of course, it is always so very nice to
21 hear our own elders speak of traditional values. Not only
22 values, but also of discipline within our own

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1 organizations.

2 Let me introduce to you as well some of
3 my colleagues I am sure you will be meeting throughout
4 your travels in our Province of Alberta.

5 Stan Plant; he's the Vice-President of
6 Edmonton's own four. Stan, would please stand there
7 somewhere and introduce yourself.

8 Gary Gaudet, from the Peace River
9 country's own six, Vice-President.

10 Ephrem Bouvier, his own three, Calgary.

11 August Cullens, his own two, Bonnyville,
12 Vice-President.

13 Peter Campion, his own five, Slave Lake,
14 Vice-President.

15 And, there might be one or two directors
16 amongst us today. Lyle Donald, Edmonton.

17 I would like, commissioners, to start
18 my opening remarks with a few lines of my own mother tongue.

19 I am sure that sometimes it is helpful in trying to bring
20 across a message to our own people in the audience.

21 (Translation)

22 I am welcoming all you guys in coming

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1 here enjoying this conference. I thank you guys on behalf
2 of the people from the Association for giving me an
3 opportunity to speak here. Many women and men, treaties
4 and Métis people who are here, native and white folks,
5 come here to meet.

6 As has been said before, there have been
7 a lot of rules made and laws made by the white people.
8 Those of us here who are Métis people in Alberta, we are
9 now having a better understanding of the framework
10 agreement we have worked on, and the premier and his men.

11 In a conference that took place in 1986
12 and '87, I was there to negotiate, along with the rest
13 of the people of the province. As they said at the time,
14 we made rules and regulations and laws on how we could
15 best deal with the Métis situation here in Alberta.
16 Incidentally, we went through the process and today we
17 speak about those issues and those things that we wrote
18 up in 1987. I was quite proud that I was part of that
19 process and part of the process of dealing with it. Many
20 Métis people have risen from that occasion and were
21 involved in trying to change the policies and encouraging
22 other policies, laws and regulations that affect and how

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1 it affected Métis people, and how we encourage and
2 proceeded with the process that the Métis people in Alberta
3 and how we were leaning towards --

4 I heard some of the people that were
5 talking this morning as to how we talk about independence,
6 and that is the way we have progressed through the years.
7 Those are the things that we agreed to. Today, when I
8 sit with these two people, they will be telling you how
9 we went through the process of setting up the Métis people
10 process and how we encouraged and how we tried to plan
11 the Métis problem, rules and regulations and policies and
12 how it affects the people and all the Canadians across
13 the country. There are a lot of things that are
14 affecting us today, in the past and in the future and how
15 it affects us today, various other aspects of regulations
16 and policy. Those of us that were elected to represent
17 the people, the people that allow us to, the people who
18 represent this case and all the things we have worked
19 towards.

20 We have succeeded in electing two Métis
21 people into the legislature, one from Slave Lake, and Mike
22 Cardinal from Athabasca. Those two have helped us

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1 considerably. And assisting us, another person we would
2 like to mention is Willie Goodchild from Wetaskiwin and
3 now sitting in the Legislature in Ottawa, in Parliament,
4 and to deal with the various aspects of native concerns.

5 Today, when I ask the old people how
6 things happened in the past, how things were extended to
7 us, and what they mention what Canada would require --
8 and we call it Canada -- indicating it has been a great
9 country.

10 I would like to thank you guys, all the
11 senior members, and the people that are here for listening
12 to this process, and we appreciate it. I would like to
13 thank the people sitting beside me, those that have been
14 elected to be here, to make a presentation -- men and women
15 both alike. The women here are certainly making a
16 presentation so that everything is understood. I would
17 like to thank you. (End of translation.)

18 Good morning, Commissioners. I am very
19 pleased and honoured to be here before you today, as I
20 was in Lac La Biche two days ago. My President sends his
21 best wishes to the Commissioners, and all the people
22 gathered here today.

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1 There are some very trying times across
2 Canada today, of trying to pull this country together in
3 unity as Canadians, as aboriginals, as we as Métis and
4 the Métis Nation consider ourselves Canadians,
5 nation-builders. We're Albertans. And least, but not
6 last, we are Métis and very proud to be of that ancestry.

7 Of course, at this time, I will not as
8 I stated at Lac La Biche, the Métis Nation are not prepared
9 to table any written documentation. Of course, we will
10 do so at a later date. With that, I will conclude my
11 comments. I will be open to questions.

12 I notice we have some short timelines
13 and time restraints. Let me, therefore, introduce to you
14 a Senator, a Co-chair of the Senate of the Métis National
15 of Alberta, Thelma Chalifoux, to explain to you her role
16 in the Métis Nation, and how she sees forward movement
17 within our organization. Thelma.

18 **THELMA CHALIFOUX, SENATOR CO-CHAIR,**
19 **MÉTIS NATION OF ALBERTA:** Thanks, Mr. Thom.

20 Good morning, Commissioners. It is my
21 pleasure to make a good presentation to you this morning,
22 I hope, and possibly give you some ideas on what type of

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1 a model for certain parts of the aboriginal self-government
2 mode.

3 First of all, I would like to acknowledge
4 Dr. Anne Anderson, who had received the Order of Canada
5 and made such a stirring presentation. I would like to
6 recognize her. I would also like to recognize and
7 compliment the Commission on their opening Hearings in
8 Winnipeg where they included the Indian elders, the Métis
9 elders, and the Métis Senators. I think it was a most
10 wise decision and it was a very moving experience for me,
11 the five days that I was able to participate.

12 The role and responsibility of the Métis
13 Senate of Alberta, the history: The provisional
14 government of the Métis that was established in the 1870s,
15 recognized the need for a Senate that would set standards
16 and values for the large Métis population that lived in
17 Rupert's Land. The Métis Nation of Alberta has taken this
18 example and have implemented a Métis Senate of Alberta,
19 a quasi-judicial body within the by-laws of the Métis
20 Nation.

21 The rules and responsibility of the
22 Senate are as follows. The Senate has been given five

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1 main areas of responsibility:

2 (1) to establish and enforce a code of
3 ethics for the Métis Nation;

4 (2) to administer the oath of office
5 to all elected officials, and that oath was read to you
6 by Dr. Anderson in her address to you;

7 (3) to interpret, apply and resolve any
8 disputes arising from conflicts between the by-laws of
9 the locals, the zones, and the Métis Nation;

10 (4) to determine all matters regarding
11 members, including the continuation of membership,
12 suspension, expulsion, cancellation or reinstatement of
13 any member;

14 (5) to make recommendation to the
15 Nation on any matter referred to by the Senate, to the
16 Senate by the President or the board of the Nation;

17 (6) to revive and develop ceremonies
18 and processions for the Métis Nation of Alberta, and you
19 witnessed one of those processions and ceremonies at the
20 opening in Winnipeg.

21 In order for a nation to survive, grow
22 and prosper, a nation must have a body that sets standards

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1 and values for its people. The Métis Nation of Alberta
2 is presently establishing the standards and values for
3 the Métis people of Alberta. There is to be three separate
4 codes of ethics. They are:

5 (1) One for elected officials, from the
6 community level to the provincial, and it will also affect
7 the conduct of our elected officials within the Métis
8 National Council.

9 (2) There is a set of standards and
10 ethics being developed for our civil servants of the Métis
11 Nation and all its affiliates.

12 (3) We are also developing a set of
13 standards and ethics for the membership within the Métis
14 Nation.

15 The Métis Senate of Alberta is working
16 on a charter of rights and responsibilities which will
17 reflect the list of rights that the Provisional Government
18 of the 1870s established. The role of the Métis Senate
19 is one of the most important areas of self-government if
20 we are to establish any form of government within the
21 confines of Canada. The Métis Senate is already
22 initiating several working arrangements with different

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1 government departments and agencies.

2 For example, the majority of aboriginal
3 people serving time in the penal system are Métis. While
4 they are in the system, they are taught the ways of the
5 Indian. This is an excellent source of
6 self-identification if you are an Indian, but it creates
7 nothing but confusion and more bitterness for the Métis
8 as we are not Indian. We are not white. We are a free
9 people that have never been accepted by either the Indian
10 or the white.

11 When the person is released from prison,
12 they find out that they do not qualify for treaty status
13 or any of the privileges that are extended to a treaty
14 Indian.

15 The Métis also have a totally different
16 culture and religion. The Métis Senate must play a greater
17 part if our Métis prisoners are to be taught their identity,
18 their culture and their value systems.

19 The Alberta Métis Senate has begun
20 informal talks with the RCMP on this issue, but a definite
21 budget needs to be established so that this issue can be
22 properly addressed and implemented within the prison

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1 system.

2 Another example of how a government
3 department is beginning to utilize the Métis Senate is
4 the Child Welfare Department of Social Services of Alberta.

5 Last week, I was contacted by a worker who had been trying
6 unsuccessfully for a couple of years to reunite a family
7 of three Métis children with their birth parents and
8 family. Within two days, I had found the families and
9 also what had taken place in 1976 when these children had
10 been taken away and have never seen their family since.

11 Because of the tragic lives that these young people have
12 had, and their lost culture and identity, I have set up
13 a group of birth family and friends that are aware of this
14 family's history, so that these children and the natural
15 parents will at least have the beginnings of a
16 relationship. This is another role that the Métis Senate
17 must play but, once again, there is no budget for this
18 process.

19 There needs to be separate agreements
20 between all relevant parties so that we, the Métis, can
21 take our rightful place within the Canadian mosaic. These
22 agreements would not need additional budget allocations

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1 but only a re-allocation of existing dollars.

2 I hope that this Commission will
3 consider this part of our Métis self-determination as an
4 area that can be addressed when defining the roles and
5 responsibilities for a Métis self-government model.

6 Thank you very much, gentlemen.

7 **COMMISSIONER ALLAN BLAKENEY:** Thank
8 you. We will withhold our questions and comments until
9 later.

10 **GERALD THOM:** Thank you, Mr. Blakeney.

11 I will now introduce to you and the assembly here Mr.
12 Clint Buehler, our Executive Director, to highlight some
13 of the areas we are working in very successfully with the
14 province of Alberta, and to highlight a process we
15 established with this government here in Alberta. With
16 that, Mr. Buehler --

17 **CLINT BUEHLER, EXECUTIVE DIRECTOR,**

18 **Métis NATION OF ALBERTA:** Thank you, Gerald.

19 Gentlemen, it's about 107 years ago that
20 Louis Riel was hanged for treason and that was supposed
21 to be the end of the Métis Nation. The Métis Nation is
22 alive and well, strong and growing stronger. We honour

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1 history and we learn from it. Our leaders look to the
2 future, however, with dedication and vision and that's
3 where our focus has been.

4 There are so many things happening
5 affecting Métis people and Métis organizations that it
6 has become necessary to take a much more ordered approach
7 to how we deal with them. And a number of things have
8 happened over the last few years under the current
9 leadership of the Métis Nation of Alberta in that
10 direction.

11 We start with a number of basic premises.
12 We create processes and mechanisms not only to ensure
13 a strong, progressive Métis Nation, but also a nation
14 that's reflective of the views and visions of all of the
15 Métis people. We achieve that through a process that we've
16 used a couple of times and hope to use in terms of our
17 submission to the Royal Commission, and that is a community
18 consultation process.

19 It began, really, with the Cawsey
20 Commission on the criminal justice system, where we went
21 into the communities and gave the people in the communities
22 an opportunity to speak to all of the issues. And the

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1 report that resulted was reflective of their concerns,
2 the problems they'd encountered, and their suggestions
3 on how those problems could be solved.

4 Similarly, with the constitutional
5 talks, Mr. De Mille, our President, was determined that
6 this process be Alberta-made and Métis-driven. Again,
7 we went into the communities with our own commissions
8 composed of members of the Métis community -- elders,
9 youth, women and members at large -- to ensure that all
10 of the views were heard and that they were part of the
11 report that went to the constitutional committee. As a
12 result, we can speak with confidence that the
13 representations we make are reflective of all of the people
14 in the province.

15 With these consultations, we also take
16 care to ensure that special groups within the community
17 are included -- elders, youth, and women.

18 In terms of the processes and mechanics
19 of working towards self-government within the limitations
20 prescribed by existing government structures, we've been
21 fortunate to be able to negotiate a number of agreements,
22 and Gerald has referred to the Framework Agreement and

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1 the world that Mr. Getty played in that.

2 It has been a very trying exercise at
3 times. We find that we have to begin by understanding
4 each other when we deal with government, that we have to
5 take the time to understand the other person's point of
6 view. But through more than three years now of
7 negotiations with provincial government departments
8 through the Framework Agreement, we have been able to
9 establish that understanding, and establish ways of
10 working cooperatively together.

11 It's really a simply process -- we play
12 a win-win game. There don't have to be any losers in the
13 process. We can create structures that enable the
14 government to achieve its objectives, and us to achieve
15 ours, and hopefully we all are concerned about the
16 well-being of the Métis people in Alberta.

17 Every once in a while, of course, we run
18 across people who don't understand, or aren't willing to
19 understand, or are set in their ways and unwilling to
20 change. But through continued dialogue gradually they
21 come around. And I suppose they say that about us, too.

22 But it's very much a dialogue and it's very much working

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1 towards cooperative efforts to achieve common goals.

2 We're now working towards a long term
3 renewal of the Framework Agreement, an expansion into other
4 sectors than those which we are dealing with. And we've
5 been really encouraged by the cooperation and commitment
6 that we see from the provincial government.

7 To add to that we have now begun a
8 tripartite process which will bring the federal government
9 into that activity. It works in a way that it doesn't
10 interfere with our relationship with the provincial
11 government, which is well-established. It doesn't
12 interfere necessarily with our direct bilateral talks with
13 the federal government. But it also enables all three
14 parties to work together where that is appropriate. We're
15 just at the beginning stages. We're very encouraged with
16 the kind of co-operation we're getting.

17 All of this, of course, is aside from
18 the unbelievable advances we seem to be making with regard
19 to the constitutional process, the new level of
20 recognition of the Métis and an acceptance of the Métis
21 as a distinct aboriginal nation within Canada.

22 We're not sure yet what will come out

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1 of that but we feel confident, because of the successful
2 negotiations we have had with governments in the last few
3 years, that by continuing to apply those same kinds of
4 processes and creating similar mechanisms, we'll be able
5 to gradually gain more influence over what happens to Métis
6 people as far as the impact of government on them.

7 We have a basic goal, I guess, that
8 underlines all of the activity, and that is a recognition
9 that self-sufficiency is the only key to
10 self-determination. As long as people are dependent upon
11 government through welfare and those kinds of programs,
12 they cannot truly be self-governing, self-determining.

13 So, much of our activity is focused on,
14 first of all, establishing recognition of Métis history
15 and culture, creating vehicles to inspire pride in Métis
16 identity, and, from that, self-identity and pride,
17 providing opportunities for education, for training, for
18 employment, and for economic development opportunities.

19 We're more than hopeful that Métis
20 control of Métis affairs will enable us to successfully
21 deal with many of the issues that have been a problem for
22 decades; that the real solution is not to help people but

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1 to help people to help themselves.

2 I think part of the success of what we're
3 doing is based upon the kind of organizational structures
4 that we are creating. We see them as models for
5 self-government even though they may not be called
6 government, at this stage.

7 We have been going through an extensive
8 comprehensive corporate review which affects all aspects
9 of the organization. The goal was to ensure that the
10 organization was equipped to meet the challenges of the
11 90s and beyond. And some of the basics of those
12 reorganizational activities include separation of
13 politics from the administration and the corporate
14 activities of the association, to clearly identify that
15 the role of the elected representatives is to set policies
16 and ensure that the mechanisms are in place to make those
17 policies a reality -- the role of administration is what
18 you'd expect -- but also to ensure that the activities
19 of the association are conducted in a responsible,
20 effective and efficient manner.

21 One thing we've done as much as possible
22 is to separate out activities and make them independent,

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1 related to the organization but operating independently
2 of it. So, many of our activities are handled by societies
3 and corporations which have boards appointed by our board
4 of directors, boards composed of people who have expertise
5 in the areas they are dealing with. If they're
6 corporations, they are wholly owned by the association
7 for all the people; if they're societies, there may be
8 a memorandum of understanding that sets out the terms of
9 their relationship with the Métis Nation.

10 What that does is allow that activity
11 to operate, again, efficiently and effectively, with a
12 minimum of political interference. That's always been
13 a criticism in the past, that native organizations,
14 aboriginal organizations, are politically run,
15 politically influenced, and automatically assumed that
16 they're inefficient because of that.

17 We think that the changes that we're
18 proposing will clearly identify the roles of all of the
19 players in the activities we undertake, and that they will
20 set to rest those accusations of political interference.

21 Now, of course, the reality is that the whole world works
22 that way -- this whole political bias is not an exclusive

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1 reserve of aboriginal organizations.

2 It's been known to happen in provincial
3 governments -- I'm sure you've noticed it, Mr. Blakeney
4 -- and federal governments, and (ha ha). It's similar
5 to that perception that people say, well, how many members
6 to you have and how can you say you represent all the Métis
7 people of Alberta? Well, how many people selected the
8 prime minister? How many select the leader of the party?

9 So, there is that perception that we have to deal with.

10 This is just a brief overview of the way
11 we approach things. Our intention is to take your advice,
12 Mr. Blakeney, and approach Mr. Crombie for intervenor funds
13 so that we can again go into the community and deal with
14 all of the issues that are on your agenda, and maybe some
15 others as well if we think they're important; to compile
16 a presentation based upon the views of the people in the
17 communities, the real Métis people. Certainly we will be
18 including recommendations and, hopefully, workable
19 solutions that we can suggest that will solve the problems
20 as well as identify them. We don't believe we should just
21 throw all the problems at someone else and have them solve
22 them, that the way to do it is for us to create the solutions

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1 and then ask for support, for us to seek partners in getting
2 those things done, for us to seek champions who will speak
3 for us and help to represent us.

4 We're more than a little proud of what
5 we have accomplished over the last few years, and it's
6 a real credit to our leadership and to all of the people
7 in the Métis community. People like me, thousands of civil
8 servants -- which I never wanted to be called but I guess
9 I'm labelled now -- but it's only possible for the staff
10 that I direct do what it does because of the support and
11 encouragement and wisdom of the leadership that we have.

12 We're proud of what we've accomplished today and we look
13 forward to what we can accomplish in the future through
14 the support, the encouragement and the championing of
15 people like you. Thank you.

16 **COMMISSIONER ALLAN BLAKENEY:** Thank you
17 very much. Just before I ask Mr. Chartrand whether he
18 has comments or questions, I will ask one brief comment,
19 and then a question follows from it.

20 I'm very encouraged to hear your report
21 and the fact that you are pursuing it whether we're here
22 or not. You're pursuing workable solutions to the

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1 problems you are facing and I would ask for a comment on
2 how you see the role of the Métis Nation in dealing with
3 issues in major urban centres, issues that are uppermost
4 in the minds of many Métis people, I'm sure. Things like
5 education or child welfare or culturally-directed programs
6 or social welfare or health or recreation, as the case
7 may. Any comment on that would be helpful.

8 **CLINT BUEHLER:** It's funny you should
9 mention that because I was just talking to Stan Plante,
10 who is the Vice-President for Zone 4 which includes
11 Edmonton, out in the hall during the break. He indicated
12 that one of the things that his zone would be doing was
13 talking to Mr. Crombie about how we might get assistance
14 in dealing specifically with that problem.

15 However, a number of steps have already
16 been taken. There is an aboriginal committee composed
17 of representatives of city hall and the Indian Association,
18 the Métis Association, working towards addressing that
19 very issue.

20 I think, for too long, we've perceived
21 that the only area we could really act on was where there
22 were aboriginal lands, and it's becoming increasingly

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1 clear that there is an opportunity in urban centres to
2 create new kinds of government that involve the various
3 categories of aboriginal people working together with the
4 mainstream community. We're not sure how that is going
5 to work out yet. But we have begun to work on it.

6 There have been a number of sessions of
7 various kinds, there are a number of committees dealing
8 with problems particularly in the inner city, committees
9 composed of the various representatives of the community.
10 It's a major problem. It's going to require a lot of
11 innovation and we've begun to work on it, and the jury's
12 still out on how successful we'll be.

13 **THELMA CHALIFOUX:** Just to add a bit to
14 that, your question on the urban centres. I think we have
15 been doing it a very small scale for many years, a number
16 of organizations, with the Métis.

17 A few years back we realized that there
18 was a big problem in the inner city, not with the street
19 children -- their problems were being addressed; young
20 prostitutes, their problems were being addressed -- but
21 there was a lot of children that we called the forgotten
22 children. They are the children of the drug addicts, the

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1 alcoholics, the single parent families, that are left alone
2 for a long time. I was involved in organizing what we
3 call the Adrian Hope Youth Centre, and that addresses those
4 where they have a place to come to play rather than the
5 streets, where they have a place to talk. We're struggling
6 with it because, once again, we have a hard time getting
7 funding from anybody in that area.

8 In the areas of education to the
9 Framework Agreement, we've been able to develop a sector
10 for education that is presently looking at it and helping.
11 We have also developed an education foundation, because
12 the Métis don't have any funds available to them for
13 assistance in education. So, our education foundation
14 has begun.

15 We have over 700 homes in the province
16 of Alberta that are owned by the Métis that were being
17 maintained, and they're on a sliding scale for rent. When
18 I was involved with that I found that a single mother with
19 four children was able to get off welfare and go to work
20 because she could afford the rent. They were paying well
21 over 60 per cent of their wages in rent so that they could
22 not survive. Because of that program, we have taken a

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1 lot of the urban families and taken them off the welfare
2 rolls, put them into education, we have training, there
3 is training available now through the Métis Association,
4 through the Métis Nation.

5 Those types of things are what we are
6 doing -- it's a small start, but it's a beginning.

7 **COMMISSIONER ALLAN BLAKENEY:** It sounds
8 like a major start.

9 **GERALD THOM:** Mr. Commissioner, I am
10 very happy, very glad that you brought that up because
11 we do have, as you understand, even in our own society,
12 the Métis society, the traditional Métis and the urban
13 Métis. And we do have a very serious problem in major
14 urban areas.

15 We are starting at a small scale and it
16 is being addressed; however, I think it is going to take
17 some time and some very innovative thinking, like Clint
18 said, to bring all issues concerning aboriginal
19 self-government and urban areas to a point.

20 **COMMISSIONER ALLAN BLAKENEY:** Let me
21 just make one comment. I think if you even were here and
22 listening this morning, you would see evidence of a strong

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1 and growing sense of self-identification for Métis people,
2 a strong continuing sense of self-identification for
3 treaty nations.

4 When we look at the major urban issues,
5 on the face of it, at a first look, it looks like many
6 of them would be initially best dealt with on the basis
7 of some cooperative arrangements and some cross-cultural
8 arrangements -- Indian, Métis and perhaps non-aboriginal
9 ones -- going at some of these problems. I'm happy to
10 see the odd nod saying that, while that doesn't solve the
11 problem you don't oppose that out of hand, you think there
12 can be a basis for cooperation.

13 **CLINT BUEHLER:** As a matter of fact, of
14 the more than 700 homes, about a third of them are occupied
15 by aboriginal people other than Métis because the need
16 was there, and how do you turn people away if they have
17 no other alternative? That's true with a lot of the other
18 services we provide, as well. And certainly with the
19 Adrian Hope Centre, the kids that go there it doesn't matter
20 what colour they are, or how they're identified, or white
21 kids and black kids, Asian, whatever, because it's not
22 about control, it's about service.

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1 **COMMISSIONER ALLAN BLAKENEY:** Thank
2 you. And now I'll ask Mr. Chartrand and Mr. Shirt.

3 **COMMISSIONER PAUL CHARTRAND:** Thank
4 you. I want to begin by thanking you for your presentation
5 and I would like to ask two general questions directed
6 at no particular individual, whoever might wish to respond.

7 I intend them to be opportunities to elaborate a couple
8 of points that you've touched upon, for the public record.

9 The first one has to do with
10 identification of the Métis people. We hear submissions
11 from across the country on various points, including the
12 matter of identification, and including the matter of
13 identification of the Métis people.

14 So, my invitation to you is to explain,
15 if you would, the answer to the question: Who is a Métis;
16 who are the Métis people? And in doing that, you may wish
17 to draw the distinction between that question, perhaps,
18 and who is a member of the Métis Nation of Alberta, for
19 your organizational purposes. That's my first question.

20 **THELMA CHALIFOUX:** Our board of
21 directors faced that issue about a year or so ago, and
22 they went to our learned Métis historians and professors

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1 at the universities. There is now a definition, a definite
2 definition, of who is a Métis. I was going to bring it
3 this morning and when I checked with our President last
4 week he advised me that, in order to make it stronger,
5 it has to go before the Métis National Council, because
6 we have to have one definition for all of the Métis
7 homeland. So that definition will be enacted upon as soon
8 as it's approved at the Métis National Council level, if
9 ever the constitutional talks conclude.

10 **GERALD THOM:** I might add to what Thelma
11 was saying, and to your question. We already have in place
12 a membership code. We have a system within our computer,
13 high-tech white man's world, that will bring back, and
14 also a full time genealogist on staff. That system itself
15 will go back seven generations -- nine? -- and it's quite
16 a unique system.

17 And we definitely need it because we're
18 always asked by governments or agencies or departments
19 how many people we represent. That was why it was so
20 important that during the constitutional talks that we
21 asked for enumeration dollars. We have to enumerate our
22 people. We have to get that established.

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1 Out of that, as well, out of the
2 membership fees, as well, a portion of that goes to the
3 education foundation. As our members are apply for
4 membership, a portion of these dollars goes directly to
5 the education foundation. So we are raising some dollars
6 through membership as well to, hopefully, get matched by
7 government for education funds.

8 **CLINT BUEHLER:** Just to answer further
9 to your question. You don't have to be a member to be
10 enumerated, but you have to be enumerated to be a member
11 of the association. But we don't want to make it a
12 requirement -- if you're a Métis, you're a Métis, according
13 to the criteria -- so the board doesn't feel they can make
14 it a requirement that you have to be member of the Métis
15 Nation of Alberta Association in order to have a card that
16 says you are enumerated as a Métis. We certainly encourage
17 it, of course.

18 **COMMISSIONER PAUL CHARTRAND:** Before I
19 press on, I note, Senator Chalifoux, you're incidental
20 remark which tells us about your keen anticipation of the
21 end of the constitutional process!

22 **COMMISSIONER ALLAN BLAKENEY:** Have you

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1 got a grandchild?

2 **THELMA CHALIFOUX:** Quite a few of them!

3 **COMMISSIONER PAUL CHARTRAND:** Mr.

4 Buehler, I think I cannot over-emphasize the significance
5 of these issues. As you have indicated, there are
6 distinctions between definitions of Métis, say, for
7 purposes of the constitution as opposed to the purposes
8 of your organization. If there are entitlements to be
9 received, then the question always is what is the test
10 to determine, in respect of any particular individual,
11 whether the entitlement vests in that individual.

12 I ask, then, if you would be kind enough
13 to inform the Commission about the substantive definitions
14 that you have, and about the definitional and enumerational
15 work that you do. I think that it is important that that
16 be done.

17 My next question has to do with the
18 tripartite negotiations, as you have termed them, and the
19 land issue in that context. I wonder if you might like
20 to comment on your perspective, your position, with respect
21 to the issue of land. Now it is a fact that, in the province
22 of Alberta, there are Métis settlements, and that is

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1 unique. In no other province is there a similar situation.

2

3 I wonder if you might tell us about the
4 distinction, if any, between the Métis Association, the
5 settlements, any associations they might have, how your
6 Association views the matter of land, in the context of
7 self-government negotiations, in the context of these
8 tripartite negotiations.

9 **GERALD THOM:** Let me first of all say,
10 Paul, there is no distinction between the Métis on land
11 base and Métis off land base. The premiere and his
12 government, and also the Métis Federation, have signed
13 Bills 34 and 35 to entrench Métis lands in this province.

14 However, there is a Commission set up and established
15 to address settlement issues. We expect in the very near
16 future that we will be coming together, as the Métis Nation
17 and the Métis Federation, to address other concerns.

18 We have, for example, in some areas some
19 of the Métis lands -- I'll give you a couple of examples
20 of Métis settlements that are occupied by, say, 83 per
21 cent of one settlement that I'm aware of, by Treaty Indians
22 or Bill C-31 Indians.

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1 We, the Métis Nation, have no intention
2 of removing those families from those lands. However,
3 we do not feel it is right that when policies and decisions
4 are made on Métis land that policy should be developed
5 by those families. We cannot help the fact that, through
6 inter-marriages on Métis settlements, this has evolved.

7 For quite a number of years, talking
8 about my own personal experience and trying to draw to
9 some conclusion for your question, as a young gentlemen
10 myself I often wondered why there was two separate Métis
11 organizations.

12 As I started to get involved in the
13 politics of our Métis world here in Alberta, I came to
14 understand quite some time ago that the Métis Association
15 of Alberta then, as it was, established the Métis
16 Federation to pursue a lawsuit against the provincial
17 government. Initially, we did have 12 Métis settlements
18 and we lost, unfortunately, four of the settlements.

19 Now, taking that into consideration, and
20 what's happened today, is the fact that the premier and
21 the body, of course, the General Council of Métis
22 settlements have agreed to sign those bills.

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1 We are looking forward to working with
2 the General Council on issues and inviting them opening
3 to participate in our Framework Agreement. We've already
4 started to do so. We intend to have them more full partners
5 and participatory partners in our framework process, as
6 I cannot see two separate agreements in this province for
7 the Métis people.

8 However, there is some outstanding
9 issues on Métis lands, and not only on the settlement lands
10 but also in northern communities, where we hope to
11 establish, and we've also tabled with the provincial
12 government, what was called the Back Lakes Action Plan.

13 The Back Lakes Action Plan was carried
14 out by ourselves to identify predominantly Métis
15 communities in the north with land problems, land and
16 expansion for future generations, say, encroachment by
17 industry, setting aside lands for commercial development,
18 as well, because we do have some very strong economic
19 development movement in the northern part of our province
20 in the timber resource industry.

21 So, we were actually looking at two
22 different types of land bases. We do have, we are very

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1 fortunate like you said, I agree with you, to have the
2 eight Métis settlements -- 1.2 million acres of land.
3 I must say that, in the last several months, I've seen
4 some very positive movement between the General Council
5 and their tribunal, their Commission, coming to us as
6 leaders of the Métis Nation to resolve some of their issues
7 as well, politically, at the constitutional table. To
8 resolve, as well, some social economic problems that they
9 do have on the Métis lands, the settlements themselves.

10

11 I'm not sure if I answered all of your
12 question, but that is a brief history of it.

13 **COMMISSIONER PAUL CHARTRAND:** Thank you
14 very much. That's the end of my turn.

15 **COMMISSIONER PAT SHIRT:** (Translation)

16 If I could now ask about the procedure you guys are going
17 to represent, I'm wondering if you will invite those people
18 two months from now to come down and explain your procedures
19 and what the Métis people are doing, the things you have
20 been working on and how you have proceeded with it. I
21 would appreciate seeing that. (End of translation)

22 I guess one of the things that in some

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1 ways opened my eyes is that I used to have this song that
2 I used to sing a long time ago and it came from this one
3 study, a study that I read about native youth, and we talked
4 about native youth earlier. The study said that native
5 youth that identified with the Indian way of life use less
6 alcohol and drugs than the ones that identify with the
7 non-Indian way of life. But they also found that the ones
8 that used the least amount of alcohol and drugs were the
9 ones that were bi-cultural, that were able to adapt from
10 one culture to the other culture. And when I was speaking
11 at one conference I composed an honour song that would
12 honour both cultures, the Indian culture as well as the
13 white culture, and it goes like this:

14 --- **(Sings song)**

15 Some day I'm going to get the words to
16 the national anthem for the Métis and add that, and then
17 we'll have a complete honour song.

18 **GERALD THOM:** (Translation) I thank
19 you for talking to us in our own language. We, too, like
20 to speak the language and come to sit down with people,
21 those Indian people, those of us down here from the north.
22 We still talk, both Métis and Treaty, get along together

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1 and work together and they both think the same way, but
2 we work together in the process and we still work with
3 Métis understanding.

4 And we are thinking about we're not the
5 ones that differ from each other, but it's the provincial
6 government that made the difference between Métis and
7 Treaty. Where I come from, Lac La Biche, many people out
8 there think they are native and we follow the path and
9 we relate to the Métis people, and for that I thank that
10 we speak still the same language, that we speak the same
11 way and, basically, we live the same way as native people.

12 (End of translation)

13 **COMMISSIONER ALLAN BLAKENEY:** Thank you
14 very much. We've had a good discussion.

15 **GERALD THOM:** Commissioners, thank you
16 very much for your time and your undivided attention.
17 Thank you to the generous crowd that we have here today.

18 I want to welcome you to the Métis Nation
19 of Alberta office. There's going to be a barbecue hosted
20 by the Adrian Hope Youth Centre and you will be welcomed
21 there by Gordon Russell who has been involved in the native
22 community, the aboriginal community, all his life,

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1 training youths to become boxers or be athletes. So he
2 is hosting the barbecue at our office and, hopefully, I
3 will be able to take the Commissioners on a short tour
4 of our operation. Thank you.

5 **COMMISSIONER ALLAN BLAKENEY:** We have
6 a little problem with our agenda, so we're going to carry
7 on here a bit. But we'll try to pop over to the steak
8 luncheon -- \$7.00 per plate my little note says -- and
9 we do hope that it works out well for the Adrian Hope Youth
10 Centre. Thank you.

11 **GERALD THOM:** (Translation) I thank
12 you very much. (End of translation)

13 **COMMISSIONER ALLAN BLAKENEY:** We would
14 invite the next presenter -- oh, I understand everybody
15 is welcome to go to the lunch of the Métis Nation of Alberta
16 at 13140 St. Albert Trail.

17 We now invite Mr. Dennis Thorne.
18 Welcome, Mr. Thorne.

19 **DENNIS THORNE:** I think it's after
20 twelve, so I'll say good afternoon and it's a pleasure
21 to address the Commissioners and the elders, ladies and
22 gentlemen.

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1 Before I begin, I just want to give a
2 brief synopsis of who I am and what I've done. I worked
3 seven years in the federal penitentiaries beginning in
4 1981. I built some of the first sweat lodges in Kingston
5 Penitentiary where I worked four-and-a-half years. I also
6 worked two-and-a-half years in the federal penitentiary
7 in Prince Albert, and a year at the psychiatric centre
8 in Saskatoon. I was recognized during that time as a
9 traditional spiritual elder.

10 With that, my topic is "Protection of
11 Traditional Spiritual Beliefs".

12 My traditional spiritual name is Tungan
13 Cikala, which means "part of the rock spirit". I am of
14 the wolcika tioshpay (ph.), the Chip Clan of the Oglalah
15 Sioux Nation in Canada and the United States. My language
16 is Lakota.

17 I am known as the traditional red man
18 of this Turtle Island called North America. Speaking for
19 my clan, we are not affiliated with any political
20 organization, nor do we identify with any of the native
21 organizations in Canada or the USA. As well, we do not
22 follow the present day concept of chief and band council

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1 that was created by Indian Affairs. We have a traditional
2 spiritual chief who is a medicine man; also, we have four
3 thinkers whose responsibility is for the welfare of the
4 clan and to look into the future. Then we have our Tukalas
5 whose responsibilities are for the protection and security
6 of the clan.

7 We have a traditional form of government
8 which we have not let go of because of our inherent right
9 to live that way, and the Creator.

10 We meet several times a year for
11 spiritual purposes and to plan the future. Through this,
12 we are known as a distinct, traditional spiritual people.

13 It is with great concern that I present
14 this brief for the protection and preservation of our
15 traditional and spiritual beliefs and culture. The
16 inherent right to practice our traditional beliefs was
17 given to us when the Creator first put the red man here
18 on earth. For thousands of years, we continuously obeyed
19 the spiritual laws of the Creator. During that time,
20 before the coming of the European to this land, the
21 aboriginal people used these spiritual laws to survive.

22

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1 In times of great difficulty, the
2 Creator sent sacred gifts to the people from the spirit
3 world to help them survive. This is how we got our sacred
4 pipe, songs, ceremonies, and different forms of
5 government. These were used for the good health,
6 happiness, help and understanding for the red nation.
7 As we saw these four concepts materialize, we continuously
8 gave thanks in a traditional sacred manner.

9 Included in the spiritual laws were the
10 laws of the land. These were developed through the sacred
11 traditions of each tribe of red nations by the guidance
12 of the spirit world. We each had our sacred traditions
13 of how to look after and use medicines from the plant,
14 winged and animal kingdoms. The law of use is sacred to
15 traditional people today.

16 In the last 125 years, there has been
17 a systematic breakdown of traditional spiritual beliefs
18 by the federal and provincial governments; as well, a
19 systematic conversion by the established Christian
20 religions of Canada. The overall objective of the
21 systematic policies were to assimilate the aboriginal
22 people. The governments of the day and religious orders

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1 thought we were lawless, godless, and governless, so we
2 must be uncivilized.

3 The first one to impose the system was
4 the Hudson's Bay Company, the Northwest Mounted Police,
5 the soldiers, Indian Affairs, Indian Affairs agents, and
6 religious orders. Their concept of law was from an
7 ethnocentric perception. They judged the aboriginal
8 people from their values and cultural viewpoint of their
9 manmade laws.

10 With the creation of the chief and
11 council, a concept of Indian Affairs and the power residing
12 in the Indian Agent, came the state of a powerless governing
13 body. The inherent right to govern ourselves
14 traditionally was denied.

15 From the 1880s to the 1950s in Canada
16 and the USA, our traditional ceremonies and beliefs were
17 outlawed by manmade foreign laws. There was a
18 confiscation and plunder across this land. Some of our
19 sacred items were burned and the rest were put in museums
20 or held by non-native people. Through this oppression,
21 many of our people spent time in prison or gave their life
22 for these sacred beliefs.

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1 The past 125 years has left most
2 aboriginal people in a state of anomie, feeling helpless,
3 powerless, inferior, and unable to control their own
4 destiny. This created a lot of symptoms such as child,
5 elder and spouse abuse, rape, murder, assaults, break and
6 enter, theft, accidents, alcoholism, drug addiction.

7 Most of the alcohol-related symptoms
8 were expressed when they were unable to use reason. Their
9 low self-worth and anger led them on a self-destructive
10 path. This state of anomie was imposed systematically
11 on the aboriginal people by the justice, educational,
12 religious and welfare systems; as well, the paternalistic
13 attitude of Indian Affairs.

14 These symptoms of anomie led a lot of
15 our people to die or to be incarcerated. It perpetuated
16 a justice and prison system to grow into a powerful and
17 unaccountable bureaucracy separate from aboriginal
18 scrutiny.

19 In the past 10 to 15 years, traditional
20 spiritual people have met with much discrimination,
21 prejudice, bias and racism when we try to introduce our
22 spiritual beliefs into the present system. It has taken

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1 many years of education and prayers for understanding to
2 have a better relationship with this system so the
3 incarcerated aboriginal could have accept to their
4 spiritual beliefs. We are mostly tolerated today, but
5 the racism and discrimination continue with no recourse
6 or protection.

7 One of the reasons for the Jay Treaty
8 which Canada and the U.S. signed was the freedom of movement
9 for aboriginal people. Canada does not live up to its
10 obligations of the treaty today. When traditional
11 spiritual people cross the border to come to Canada or
12 go to the USA, we are molested and harassed by border
13 customs.

14 One of the laws that we have is that any
15 woman on her menstrual cycle should not come in contact
16 with or touch sacred objects. This is challenged by female
17 prison and custom guards to go through our sacred bundles
18 or pipe bags.

19 Another question asked is, do we have
20 any animal parts? My spiritual way of life and traditions
21 are composed of many animal parts. When I cross the border
22 I may have eagle feathers, eagle wings, eagle bone whistle,

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1 eagle claws, bear grease, buffalo fat, animal skins --
2 these are all used for ceremonial purposes; as well, many
3 medicinal plants and herbs. Again, I have no recourse
4 or protection.

5 As I travel in Canada and the USA, I see
6 in gift shops, tourist shops, or rock shops, many of our
7 traditional medicines and sacred things for sale.
8 Non-native people are selling pipes, sweetgrass and sage
9 for profit. Sometimes it is our aboriginal people who
10 are doing this because they lack understanding or do not
11 believe our traditions.

12 Our sacred sites, such as medicine
13 wheels, petroglyphs, rock paintings, fasting places,
14 pipestone quarries, mounds, and other ceremonial places
15 are all controlled by manmade and non-native institutions.

16 Traditional people do not want to be tourists to their
17 culture but have access for spiritual practice and beliefs.

18 Many traditional people do not have
19 their own land today. We are charged by different agencies
20 if we pick medicines or cut willows for ceremonial purposes
21 in national or provincial. These are often the only clean
22 places left to pick medicines.

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1 We cannot transport meat or fish for
2 ceremonial purposes from the NWT to the provinces, or we
3 will be charged.

4 Today, provinces are asking for the
5 power to be in charge of culture. Everywhere we turn there
6 are bureaucracies or manmade laws that imply they supersede
7 our spiritual traditional laws, and still we have no
8 recourse or protection.

9 The church hierarchy are telling the
10 aboriginal people to bring their spiritual sacred objects
11 into the church. They are trying to create something which
12 is manmade. These are two separate beliefs. Traditional
13 people know that if it continues that way the church
14 hierarchy will be making laws for the pipe and other sacred
15 objects. This is a threat to our distinctiveness. We
16 want to have one mind with our beliefs.

17 Traditional spiritual people are the
18 keepers of the traditions and ceremonies. The sacred
19 objects are their responsibilities. They have the right
20 to scold or teach the right way to look after these beliefs.

21

22 The Canadian Charter of Rights and

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1 Freedoms has a freedom of religion clause in it, but there
2 is no equality for traditional spiritual beliefs. To
3 traditional people, this clause is interpreted to mean
4 that we only have the freedom to choose one of the Christian
5 denominations, or Hindu or Islamic religions.

6 Our traditional spiritual beliefs are
7 not a religion. Ours is a holistic spiritual way of life.

8 This spiritual way of life is our traditions, beliefs
9 and government. It does not matter if we are Métis,
10 status, non-status, treaty, or non-treaty -- this still
11 is an inherent right. With our spiritual belief, we help
12 all people, whether they are black, red, yellow or white.

13

14 In conclusion of this brief, I wish to
15 relate the greatest reason for our protection. By the
16 1960s, traditional spiritual people were almost extinct
17 except for those who went underground. A lot of our
18 traditional spiritual elders went to their graves with
19 much knowledge.

20 Since then, there has been a rebirth of
21 the culture and spirituality. More and more aboriginal
22 people are learning their language and traditions; as well,

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1 more are fasting and sundancing to revive their spiritual
2 potential. Furthermore, non-native people from all over
3 the world are coming to traditional spiritual people for
4 help.

5 Also, institutions of all kinds are
6 asking for traditional spiritual people to be involved
7 for support, but we can only go so far in our help because
8 our spiritual beliefs do not belong in institutions.

9 When it comes to the rehabilitation of
10 our people, aboriginal people are trained and educated
11 by non-aboriginal philosophies of healing. So there are
12 all kinds of institutions to get help. There's an
13 institution for every symptom of inanimate state; as well,
14 there's an institution for every part of the body, plus
15 the spiritual.

16 The present health care system is in a
17 crises and heading for financial collapse unless there
18 are alternatives. Traditional spiritual people want to
19 create alternatives for all humans to get help. Our
20 perception of healing is holistic. It takes in the mental,
21 physical, emotional and spiritual aspects of the human
22 as a whole; as well, everything is related and relative

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1 to each other.

2 We want to develop holistic healing
3 communities across Canada and the USA, a place where any
4 individual or families can come and get help. These places
5 could be for the walking wounded in the cities, or juveniles
6 heading for the prison system, as well as for those who
7 are coming out. Also, for those who need counselling or
8 want to take traditional medicines to get healed from
9 different diseases. Maybe there will be some who may only
10 want to come and learn their language and traditions, or
11 develop their human or spiritual potential. We also want
12 our communities to be as self-sufficient as possible.

13 In order to develop this healing
14 concept, we need land. Mother Earth is our healer, teacher
15 and counsellor, but the problem is our reserves in Canada
16 are too small to develop this concept. Also, there is
17 not much clean land left. Thousands of aboriginal people
18 live in cities and have no land. The only clean land is
19 in the hands of national or provincial parks, as well as
20 Crown land. Because of this alternative concept of
21 healing, which would help all Canadians and Americans,
22 Crown lands should be set aside for this purpose.

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1 Also, traditional spiritual people are
2 the stewards and true environmentalists of this turtle
3 island. This was a responsible gift given to us from the
4 Creator. We would like to be co-managers of national or
5 provincial parks. This would not only be a way of being
6 assured of employment, but to preserve a distinct people
7 and way of life.

8 We need the co-operation and the
9 goodwill from the rest of Canada, as it will benefit all
10 Canadians. Change rarely comes without hardship,
11 ridicule and personal sacrifice. Only special people rise
12 to meet this challenge.

13 I also have some recommendations, if you
14 would like to hear them.

15 That the freedom to practice our
16 traditional spiritual beliefs be equal to the freedom of
17 religion clause in the Canadian Charter of Rights and
18 Freedoms. This equality clause should not be interpreted
19 by the Supreme Court, federal court or provincial courts,
20 but must be interpreted by a council of traditional
21 spiritual elders.

22 The freedom to practice our traditional

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1 and spiritual beliefs be also included in the Canada Clause
2 of the Canadian constitution. This inclusion to the
3 Canada Clause should also be interpreted by a council of
4 traditional spiritual elders. The freedom to practice
5 our traditional and spiritual beliefs be also included
6 in the any aboriginal charter of rights and freedoms.
7 This freedom should also be interpreted by a council of
8 traditional spiritual elders.

9 The Jay Treaty could be used as a
10 starting point for discussion between the traditional
11 spiritual elders and Canada, in regards to border crossing
12 and any further discrimination or harassments.

13 Sensitization workshops be given by
14 traditional spiritual people to customs, parks, fish and
15 wildlife, forestry, justice system, religious hierarchy
16 and all other government bureaucracies.

17 Traditional spiritual governments be
18 co-managers of national and provincial parks. We shall
19 be co-managers of all sacred sites for their preservation
20 and cultural and spiritual use.

21 Traditional spiritual governments are
22 recognized as a distinct form of aboriginal government

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1 and equal to any other form of government.

2 Crown land be set aside for the
3 preservation and protection of the traditional spiritual
4 people's distinct way of life.

5 In each province and territories, the
6 council of traditional and spiritual elders be appointed
7 by their different nations to handle any disputes,
8 harassments, discriminations and racism when it comes to
9 the protection of our traditional beliefs.

10 **COMMISSIONER ALLAN BLAKENEY:** Thank
11 you, Mr. Thorne, for that comprehensive presentation.
12 I noted that you had it in writing and I would invite you
13 to leave with us, with the table back here -- all right,
14 you've already done so. Thank you very much.

15 Now, I'll call upon my colleagues, Mr.
16 Chartrand and Mr. Shirt, to make any comment.

17 **COMMISSIONER PAUL CHARTRAND:** Thank
18 you, Mr. Thorne, for your presentation which touches upon
19 some very important matters. I would like to make a few
20 brief comments about some of the points that you raise.

21 We have heard in a number of places about
22 the benefits of programs and activities such as you are

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1 referring to in the federal penitentiaries. We have heard
2 those sorts of testimony from officials and inmates. In
3 fact, in one place, we were told that people were anxious
4 to establish a sweat lodge but could not find someone to
5 do it, so there is very much an apparent need.

6 It's important for the Commission to
7 understand the significance of spirituality religion, and
8 the resurgence -- if I may use that word -- of aboriginal
9 peoples. I would like to make a comment about your
10 suggestion regarding Section 2 of the Charter of Rights
11 and Freedoms. If you are suggesting that it is possible
12 for us to recommend that the Supreme Court of Canada not
13 be involved in the interpretation of that provision, then
14 my response is that I know of no legal or constitutional
15 gymnastics that would permit us to do that. The courts
16 have recently been moving, not to interpret the
17 significance of aboriginal spiritual practices under the
18 Charter of Rights provision regarding freedom of religion,
19 but as something else; that is, within the ambit of positive
20 rights, as opposed to freedoms under the Charter. I would
21 cite the Sioui case, for example, and there are other cases
22 in the lower courts that have dealt with various aspects

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1 of aboriginal religion.

2 If you are making a different sort of
3 suggestion, perhaps one that suggests the establishment
4 of special tribunals respecting the resolution of
5 aboriginal rights issues, including the kinds of things
6 you've put before us, then it seems to me that might be
7 an option. But I thought I would make a quick comment
8 about that. Mr. Blakeney might wish to differ from it,
9 I don't know, but it's the end of my turn.

10 **COMMISSIONER PAT SHIRT:** Thank you.
11 One of the things I'd like to talk about, I guess, is Dennis'
12 role at the adolescent treatment program. He's been
13 working with youth down there and being a very beneficial
14 presence to the youth. The strength of that program is
15 basically with the advice that we have gotten from elders,
16 and the strength that we have gotten from elders, and we'd
17 like to thank you for your participation. Thank you.

18 **COMMISSIONER ALLAN BLAKENEY:** Thank you
19 very much. Our last presentation before we break for lunch
20 will be the Medical Examiner's office, Mary Ellen Arnup.

21 **DR. JOHN BUTT:** I must apologise to the
22 Commission for this concern that we've had with the

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1 projector. We weren't entirely certain whether we were
2 going to have the opportunity to set this up during the
3 lunch hour or not.

4 I would introduce myself. My name is
5 Dr. John Butt. I'm the Chief Medical Examiner for the
6 Province of Alberta. Under the Attorney General's
7 department, there is an office of the Chief Medical
8 Examiner which is responsible for the investigation of
9 sudden death in the province. You will hear something
10 about that from Ms. Arnup. Mary Ellen Arnup is a
11 research officer with our office. And the information
12 we are providing to you is statistical information, and
13 a statistical interpretation of it is available. We've
14 provided to the Commission copies of this presentation.

15 I regret that the information we present to you is not
16 positive, but rather sad. It has to do with violent death
17 in the native community, particularly those modalities
18 of accident, suicide and homicide.

19 It brings forth an obvious problem which
20 we have chosen to, as well, associate with the use of
21 alcohol. And there is statistical information available
22 that correlates the two of these.

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1 It is not our wish, in fact to the
2 contrary, to at all sensationalize this problem. We are
3 aware that the Commission and members of the public at
4 large have at least anecdotal information about the problem
5 of violent death in the native community and its
6 association with alcohol.

7 We were concerned, however, on hearing
8 of the development of the Commission that this might be
9 an area that would officially escape your attention. Ms.
10 Arnup has told me that the scientific literature, that
11 is the literature of the social sciences, has a paucity
12 of information about this area, so we bring it to you with
13 the word "hope" in mind. And with that, I will turn this
14 over to Mary Ellen Arnup to develop the presentation.

15 In advance of that, I would say thank
16 you for allowing us to attend here, and we would be pleased
17 to answer your questions at the end or to provide follow-up
18 information if that is your wish.

19 **MARY ELLEN ARNUP:** In 1989, the Province
20 of Alberta held a public inquiry lead by the Honorable
21 Justice Rolph, into several deaths that had occurred on
22 the Blood Indian Reservation. When preparing these cases

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1 for inquiry, Dr. John Butt noted that there seemed to be
2 an excessive number of violent deaths. As a result, these
3 cases were compared with deaths in Lacombe County, a
4 non-native rural community of similar population size.

5 There appeared to an unusual number of
6 unnatural deaths on the Blood Indian Reservation, and that
7 alcohol played an important role. However, the number
8 of cases was very limited and so we wish to explore this
9 issue further.

10 In today's presentation, I will review
11 rates of unnatural death between natives and non-natives,
12 and identify differences in alcohol consumption at the
13 time of the death.

14 All unnatural deaths in Alberta must,
15 by law, be reported to our office. The information is
16 stored on computer, and I analyzed this data for a period
17 of five years from 1986 through to 1990. The cases were
18 separated by race into native and non-native, and, for
19 our purpose, native includes Inuit, Métis and native
20 Canadians. The data regarding race is obtained in
21 Calgary and Edmonton deaths by staff and medical
22 investigators who visit each and every scene, and in rural

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1 areas RCMP officers who attend the scene collect the data
2 on behalf of our office. Race is confirmed by the Medical
3 Examiner, and, if there is an autopsy, then by the
4 pathologist. Race is further verified when the next of
5 kin receive copies of the certificate of death.

6 The manner of death is determined by the
7 Medical Examiner following the completion of the
8 investigation. In the Province of Alberta, a medical
9 examiner must be a physician, and he or she is trained
10 in the determination of the manner of death. The
11 determination is based on medical and autopsy findings
12 and through a careful evaluation of all of the
13 circumstances surrounding the death.

14 As shown in this first slide, unnatural
15 deaths were reviewed under the following categories:
16 homicide, suicide, accidental, unclassified, and
17 undetermined.

18 Homicide is death that is purposely
19 inflicted by other person, and it includes child battery
20 or neglect, and death of an assailant killed by a police
21 officer is also considered homicide.

22 Suicide is death from intentional

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1 self-inflicted injury.

2 Accidental death is due to unintentional
3 or unexpected injury, and it includes death due to external
4 factors such as an act of God or other misadventures.

5 Deaths in which evidence of alcoholism
6 or any drug misuse is a direct part of the primary cause
7 of death are categorized as unclassified. To put this
8 simply, because long-term use of alcohol or drugs cause
9 the death, it really can't be called a homicide, suicide
10 or accident, and, therefore, it's unclassifiable.

11 The manner "undetermined" is used when
12 the medical cause of death is unknown. For example, in
13 some deaths an extensive investigation including an
14 autopsy and laboratory tests still can't pinpoint a
15 specific cause of death. Undetermined is also used if
16 the medical cause of death is known but it cannot be
17 determined whether or not it was an accident, suicide or
18 homicide. And that may occur when there is simply not
19 enough information about the circumstances surrounding
20 the death.

21 This slide depicts the number of
22 unnatural deaths between natives and non-natives over the

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1 five-year period of the study. There were a total of 1,123
2 natives and 6,718 non-natives included. In order to
3 compare between the two groups, the data was standardized
4 on the basis of the population rates, so the figures
5 reported here are all rates per 10,000 of population.

6 What this graph indicates is that the
7 unnatural death rate is consistently higher for natives
8 than non-natives. Over the study period, the average rate
9 for natives was an alarming five times higher than the
10 non-native population. Concern over the death rate for
11 natives is not a new issue. A study of mortality on 35
12 reservations in Alberta was published in 1982 and it showed
13 a similar trend.

14 A more detailed look at the unnatural
15 death rate helps us to determine if there is any particular
16 manner of death that is more prevalent in natives versus
17 non-natives. This will help us to determine if there is
18 an area of concern that needs to be addressed in terms
19 of prevention. When the data was examined, it becomes
20 apparent there is a great difference between the two groups
21 regardless of the manner of death.

22 In all of the categories, the natives

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1 had a significantly rate of death than the non-natives.

2 The mean rate of homicidal deaths was 1.8 versus .23 per
3 10,000, and this rate is more than eight times higher for
4 natives than non-natives.

5 The mean rate of suicides was 4.0 versus
6 1.6. Our study showed that the rate of suicide among
7 natives was two-and-a-half times that of the non-native
8 population. This is slightly lower than data from
9 Statistics Canada which shows that the Canadian suicide
10 rate for native population are three to four times higher
11 than the rest of Canada's population.

12 Although we did not analyze the data on
13 the basis of age because of the small numbers we had
14 available, Statistics Canada has reported that in some
15 age groups the rate of native suicide is seven times higher
16 that of non-natives.

17 The rate of native accidental deaths was
18 three times that of non-natives, with a mean of 9.5 versus
19 3.2 per 10,000. This is consistent with data published
20 elsewhere. The background paper on accident and injury
21 prevention in Alberta, prepared for Alberta Health in 1990,
22 points out that natives are three times more likely to

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1 be injured than other Canadians. In the United States,
2 the native injury mortality rate is nearly double that
3 of the rest of the American population.

4 In Alberta, the leading causes of fatal
5 injuries among natives are motor vehicle collisions,
6 suicide, poisoning and drowning.

7 The next category that we have is
8 unclassified, and the rate for these deaths also differs
9 dramatically. The mean rate for natives was 3.4 per 10,000
10 and the rate for non-natives was .6 per 10,000. This
11 manner of death was five times more rampant in natives
12 than non-natives, and this only includes deaths where
13 alcoholism or drug misuse is the primary cause of death,
14 such as the case of a drug overdose or death due to an
15 acute drinking binge that causes alcohol poisoning. It
16 does not include deaths where alcohol or drugs were simply
17 a contributing factor, such as the case of a drowning victim
18 who was intoxicated at the time of the incident.

19 The final category there is
20 undetermined, and the rate for undetermined deaths for
21 natives was three times that of non-natives. The mean
22 rate here was 1.1 for natives and .3 for non-natives.

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1 One factor that might affect this rate is the difficulty
2 in obtaining adequate information in order to confidently
3 make a determination regarding the manner of death.

4 Blood alcohol levels at the time of the
5 death were also compared and samples were taken in all
6 unnatural deaths, with the exception of deaths occurring
7 in hospital, badly decomposed bodies, or in cases where
8 only bones were found. This slide depicts the summary
9 of the alcohol results over the five-year period for about
10 90 per cent of the cases that we saw on the other slides.

11 The number of cases with alcohol levels
12 in each range are expressed in a per cent of the total
13 number of cases tested. For example, if 100 natives were
14 tested and 20 of these people had an alcohol level of 0,
15 then that would be expressed as 20 per cent. Cases where
16 alcohol was not tested are not included in this analysis.

17 More non-natives than natives tested
18 negative for alcohol. A mean of 33 per cent of the natives
19 tested negative versus 55 per cent of non-natives. There
20 was a slight but significant difference between natives
21 and non-natives when comparing low alcohol levels in the
22 range up to .7 grams per litre. The mean was 7.8 for

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1 natives and 11.4 for non-natives -- and you should keep
2 in mind that the legal limit here in Alberta is .8 grams
3 per litre.

4 There is no significant difference for
5 the two groups for medium alcohol levels in the .8 - 1.9
6 grams per litre range.

7 When high alcohol levels in the 2.0 -
8 2.9 grams per litre were examined, there was a greater
9 percentage of natives, 25 per cent, than non-natives at
10 11 per cent.

11 At fatal alcohol levels, those testing
12 over 3 grams per litre, natives again were significantly
13 different from non-natives. 15 per cent of natives fell
14 into this category while only 5 per cent of non-natives.

15
16 What this slide is showing is that over
17 the five-year period, a greater percentage of natives had
18 been drinking prior to death, and, more importantly, the
19 non-natives drink in moderate amounts whereas the natives
20 tend to drink a lot. The natives had a rate two to three
21 times greater than non-natives for alcohol levels over
22 2.0 grams per litre.

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1 Other studies of native injuries have
2 shown that the majority of violent deaths are associated
3 with the heavy use of alcohol. Our study confirms that
4 this is the case in Alberta today. It must also be kept
5 in mind that homicidal deaths and some accidental deaths,
6 such as motor vehicles, only include the state of the
7 victim, not the perpetrator; and, therefore, the
8 involvement of alcohol may even be higher than what is
9 shown here.

10 In conclusion, this study has
11 demonstrated that the unnatural death rate for natives
12 is consistently higher than expected for the population
13 in general. Over the five-year period, the average rate
14 for natives was an alarming five times higher than
15 expected. Every manner of death was higher for natives
16 than non-natives, and of particular concern is the rate
17 for unclassified deaths where alcohol and drugs are a part
18 of the cause, and the rate of homicidal deaths.

19 All of the deaths in this study are of
20 unnatural causes and, therefore, can be classified as
21 mostly preventable. The pattern of fatal injuries is
22 similar to that seen in the non-native population and,

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1 therefore, existing programs and strategies used to reduce
2 injuries among Albertans should work for natives, too.
3 But the rates for natives still remain much higher than
4 the rest of the population. This doesn't mean that the
5 existing programs don't work but that perhaps there are
6 more factors involved, and that the existing programs need
7 to be modified for native people.

8 It appears from this study that a
9 reduction in alcohol consumption among native
10 Canadians will be a key factor in reducing preventable
11 death. Changes to education programs, limited access to
12 alcohol, reduced demand for alcohol through improved
13 social conditions are some of the suggestions that we make.

14

15 Thank you very much for your attention.

16

17 **COMMISSIONER ALLAN BLAKENEY:** Thank you
18 very much, Dr. Butt and Ms Arnup. It is certainly a graphic
19 portrayal, both figuratively and literally, a graphic
20 portrayal of the problem and pretty convincing evidence
21 that intemperate use of alcohol is a major contributing
22 factor to this excessively high rate of accidents and

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1 death.

2 It's probably not the function of your
3 office, but would you have any suggestions, other than
4 the ones in your last two or three lines, as to what might
5 be done. Clearly, there is always the Henry the VIII
6 situation when you are talking about alcohol use. Is it
7 the problem or is it a symptom and I am sure it is a bit
8 of both, but any suggestions you might have would be more
9 than welcome.

10 **DR. JOHN BUTT:** My response to that is
11 that in the first place I don't understand the problem
12 and that's a cop out. If I knew the culture and I had
13 the sense to understand people who have lost or are losing
14 their culture, the only thing that I could say and I think
15 it was of great interest to me to listen to Mr. Thorne
16 and his remarks on the native culture and his concerns
17 over its loss. That gives me a bit of insight as a
18 non-native into the problem, but I couldn't recommend
19 anything because I just don't really understand the problem
20 enough.

21 It's very easy to turn around and say
22 throw more money at something, but he in fact suggested

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1 that some of the legislated ways of dealing with problems
2 are not successful. I am inclined to believe that about
3 a social problem, that it needs more than just a law.

4 I am sorry that I can't be more helpful
5 because I feel that I can say on behalf of our office that
6 we regard this as a very sad situation and one that we
7 would like to understand better and help to cure.

8 **COMMISSIONER ALLAN BLAKENEY:** This is
9 not asking for a precise answer, but the question goes
10 on: Is the pattern similar for other drugs besides
11 alcohol? Is there any evidence that cocaine or the abuse
12 of other drugs has produced similarly devastating results?

13 **DR. JOHN BUTT:** I can say on the basis
14 of my own observations, so that makes it an anecdote, not
15 a fact. I know of very little hard drug abuse in the native
16 communities and that would include cocaine and heroin
17 specifically. But the abuse of prescribed drugs is bad
18 in the native community. Those include tranquillizing
19 drugs, so-called psychotropic, such as valium and the whole
20 group that go with that.

21 It also includes painkilling drugs and
22 cough mixtures with narcotic-like drugs attached to the

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1 cough mixture. Those drugs are of concern to us in the
2 native community.

3 **COMMISSIONER ALLAN BLAKENEY:** Thank
4 you. I will ask my colleagues.

5 **COMMISSIONER PAUL CHARTRAND:** Thank
6 you. I begin by thanking you for your informative
7 presentation. It is the sort of thing we need, sound
8 policy I suppose that is grounded in a solid factual base.

9 I do have one question and I think it
10 is a very important one. Let me couch it in a preambular
11 introduction, if I may.

12 The issue I wish to explore is that of
13 identity and identification. For the purposes of our
14 mandate, and I am not going to be asking you to comment
15 about these sorts of issues, but for the purposes of our
16 mandate it is important to identify the aboriginal peoples.

17 When we look around we observe that for many purposes
18 individuals are identified by their connection to a group
19 by political means. Let me give two or three examples.

20 The Indian people, so-called in the
21 Indian Act, for example, are legislatively defined as such.

22 There is no -- the matter of genetic make-up is not

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1 determinative of the identity of a person for the purposes
2 of the Indian Act. In the United States the courts have
3 faced the question for a long time who is, say a Cherokee,
4 so you cite an example from a case in the 19th century
5 and the answer there has been given the identity of the
6 Cherokee is the essential character of the Cherokee Nation
7 is political. The distinction, that is, between the
8 political character of the group as opposed to what might
9 be called the racial character of the group.

10 For our purposes, we will be exploring
11 important distinctions between notions of race, racial
12 minorities and other notions. For example, I note that
13 in the Constitution there is the recognition of the rights
14 of aboriginal peoples. Canadians, for example, are
15 identified by political means through the Citizenship Act
16 and perhaps in other ways, so it would not, I suppose,
17 be possible for physicians physically to identify any
18 particular individual as a Canadian by means only of a
19 physical medical examination.

20 If I heard you right, the statement was
21 made by Ms Arnup I believe in giving us the report, race
22 is confirmed by the medical examiner and that is the thing

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1 that I do not understand. I would ask you to explain,
2 if you would, what is the process by which that is done?

3 **DR. JOHN BUTT:** I could begin that
4 because I conduct some of the examinations myself. The
5 process broadly begins with identification of a name and
6 in terms of Indian people an attempt to identify the band
7 number in every case.

8 I can't say how that is done with the
9 Métis people. The process is expanded by making a formal
10 identification by the nearest friend or better a person
11 of the family who is able to handle the task post mortem.
12 That is all that I can say that we do.

13 There are other methods of confirmation
14 in terms of where there are doubtful issues, but those
15 are more directed to in fact the identification of the
16 individual than the identification of the race.

17 **COMMISSIONER PAUL CHARTRAND:** Right.
18 That is important and I did require clarification to better
19 understand the statistics that you are presenting to us.

20 This is revealing, so a person by way of an example might
21 be a band member and yet have no genetic affiliation with
22 the aboriginal peoples of Canada. An example might be

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1 a woman who married a so-called status Indian prior to
2 1985 would have the status in law of an Indian. However,
3 there would be no possible way that I can understand for
4 a medical examination to reveal that particular status.

5

6 All I can say is thank you for having
7 assisted by clarifying that point.

8 **COMMISSIONER PAT SHIRT:** Again, thank
9 you for your study. One of the things that I guess in
10 a lot of ways is that since 1973 we have been saying that
11 alcohol and drugs are the number one killer in Indian
12 country and most of the time I guess we have been saying
13 it is native people killing native people. I don't know
14 if you've had a chance to go and see any of the native
15 programs that have culture-based programs because I think
16 they have been making a significant impact in Indian
17 country in terms of the number of people who want to sober
18 up.

19 I know at Poundmaker's Lodge we had 1,483
20 referrals to the Lodge alone and we referred several
21 hundred people ourselves to other addiction programs
22 because we just didn't have the beds for them. We took

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1 700 people in the treatment at Poundmaker's Lodge and
2 that's 95.6 per cent occupancy. So, there is a lot of
3 native people out there wanting to get sober. I think
4 we have recognized this for a long time and I think this
5 study just verifies the magnitude of the problem in terms
6 of addiction in this country.

7 The other thing is that you are saying
8 in terms of I think a lot more people have to be educated,
9 not only people but also the doctors, they are beginning
10 to feel that natives suffer from a valium deficiency and
11 also all of the other prescribed drugs that you have
12 mentioned. That's a serious concern for us working in
13 the addictions field, that everybody needs to be educated
14 in that area.

15 I guess the question I was going to ask
16 is did you compare these statistics to the rest of the
17 country in terms of Indian country or was it just Alberta?

18 **MARY ELLEN ARNUP:** Unfortunately, I
19 have as yet been unable to find much concrete data to
20 compare to. There is very little research out there.

21 **COMMISSIONER PAT SHIRT:** I guess us in
22 the field who have been working in addictions programs

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1 in Alberta have been so busy doing that we haven't had
2 time to study and sit back and study, but were there any
3 native people involved in your program that were involved
4 in the study and the actual carrying out of the study?

5 **MARY ELLEN ARNUP:** In this particular
6 instance, no. This was strictly based on post mortem data.
7 It was just done within our office.

8 **COMMISSIONER PAT SHIRT:** Thank you.

9 **COMMISSIONER ALLAN BLAKENEY:** I believe
10 we will have asked you to leave with us a copy of your
11 material or to send it along at some later time. We would
12 be very grateful if you could do that. The other was some
13 on paper copies of your graphs.

14 We want to thank you very much for a
15 thought provoking and disturbing presentation. Thank
16 you.

17 **DR. JOHN BUTT:** Thank you.

18 **MARY ELLEN ARNUP:** Thank you.

19 **COMMISSIONER ALLAN BLAKENEY:** It is now
20 about 1:13. We are asked to resume at 1:30 and we are
21 not going to be able to make it. We are going to put that
22 over until two o'clock and hope to be in business at two

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1 o'clock with Mr. Cody Hodgson. Thank you.

2 --- **Lunch Recess at 1:15 p.m.**

3 --- **Upon Resuming at 2:20 p.m.**

4 **COMMISSIONER PAUL CHARTRAND:** I spent
5 my lunch hour in a taxi trying to get somewhere
6 unsuccessfully. In fact, someone said, "Well, don't worry
7 about the cab. Just as long as you don't leave in a huff".
8 Actually, that was Groucho Marx I believe.

9 Ladies and gentlemen, we are resuming
10 the Hearings of the Royal Commission on Aboriginal Peoples
11 here in Edmonton. We heard from presenters this morning.

12 At the beginning of this afternoon's session I would like
13 to take a moment to make a couple of announcements, but
14 I begin by introducing the Commissioners for the benefit
15 of those who were not here this morning.

16 On my right is Commissioner Allan
17 Blakeney, a member of the seven member Royal Commission.

18 To my left is Mr. Pat Shirt, the Commissioner of the day,
19 who is known locally and my name is Paul Chartrand.

20 Before beginning, I would like to remind
21 you and I do remind you that we have translation services
22 available in Cree, French and English and headsets are

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1 available at the back of the room. They can serve two
2 useful functions, interpretation/translation of course
3 is one and the other is that they can also provide
4 amplification of the presentations that are being made
5 if you should need that.

6 We are ready to proceed and I call upon
7 the Alberta Fish and Game Association, represented I
8 believe by Mr. Andy Von Busse.

9 **ANDY VON BUSSE, ALBERTA FISH AND GAME**
10 **ASSOCIATION:** Thank you very much. Mr. Blakeney, Mr.
11 Chartrand and Mr. Shirt, we have given you a written
12 presentation that is considerably longer than what I am
13 going to present here. We only have a short period of
14 time and I am going to try and fit it all in, if I can.

15 We certainly thank you for the
16 opportunity to make this presentation. Our specific
17 concern is that of the existing issue of native hunting
18 and fishing rights. We also realize that the presentation
19 and some of the comments that we are going to be making
20 is contrary in viewpoint, but we feel it is a very valid
21 viewpoint and we feel that it is one that many non-native
22 citizens subscribe to.

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1 We urge all of you and those members of
2 the Commission who aren't here to read our presentation
3 in its entirety and take it in the spirit that it is meant
4 to be given, that's from a conservation point of view.

5 We draw your attention to the wording
6 in Part 11 of your Terms of Reference which says, among
7 other things:

8 "...the protection of traditional hunting, fishing and
9 trapping ways of life."

10 We respectfully suggest that traditions
11 are something that changes in all societies. As an
12 example, Treaty 6 and Treaty 7 Indians in Alberta
13 traditionally subsisted through the hunting of buffalo
14 and, of course, that tradition is not something that could
15 be carried out today because of other changing
16 circumstances.

17 We would also like to point out in a
18 Canadian government booklet which says aboriginal peoples,
19 self-government constitutional reform, one of the things
20 they do say is that this Commission should consider
21 solutions conducive to a better relationship between
22 aboriginal peoples, the Canadian government and the

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1 Canadian society as a whole. I think this is really
2 important that the Commission takes that into
3 consideration when making some of the recommendations.

4 In today's environment we feel it is
5 unrealistic that natives have unlimited hunting and
6 fishing rights in the areas that they have the right of
7 access to. Both the federal and provincial governments
8 have recognized the importance of maintaining wildlife
9 in a healthy and valuable state. There are many laws and
10 regulations that provide a degree of control over the
11 activities of mankind that affect wildlife; control of
12 pollution, hunting and fishing regulations and the general
13 public impact studies on dams, roadways and other
14 industrial activities. We feel the only uncontrolled
15 factor right now is the unlimited hunting and fishing
16 rights of natives.

17 There are also many native groups and
18 elders who attempt to have people use these rights in a
19 responsible manner. We know that. Unfortunately, we
20 also know that there are some natives who choose not to
21 use these rights in a responsible manner and have little
22 or no regard in the taking of wildlife. Some of them

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1 practice methods that can be best termed as unethical and
2 are often excessively detrimental to wildlife.

3 There are many documented instances of
4 night hunting, excessive netting at spawning times, the
5 hunting of wildlife in the spring just before a new
6 generation is being born, commercial-type hunting where
7 refrigerated semi-trailers are brought into an area, often
8 by status natives that aren't residents of this province.

9 There are many other types of these abuses.

10 There are many people who have witnessed
11 these types of abuses and are very frustrated in knowing
12 that under existing laws there is very little that can
13 be done about it.

14 The current Constitution discussions
15 are likely to result in renegotiation of the status quo
16 with reference to natives in Canada. Rather than these
17 current discussions being a one-sided affair with native
18 groups adding to their present power, we feel that these
19 discussions can and must be used to rationalize some of
20 these problems that are apparent under the existing regime.

21 We are concerned about the native
22 hunting issue and we hope that it can be addressed. We

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1 feel that the situation that existed at the time the
2 treaties were made don't necessarily have validity in
3 today's date. A few reasons are such as this, that at
4 one time natives were able to live their traditional
5 lifestyle because of the relatively small numbers and in
6 many cases the remoteness from developed areas and both
7 they and the animals could accommodate unlimited hunting
8 and fishing rights.

9 Now natives are one of the fastest
10 growing groups in Canada. Their numbers in many areas
11 now exceed that that existed at the time the treaties were
12 signed and it appears that trend will continue. We feel
13 wildlife couldn't cope with that pressure, even if
14 primitive conditions and methods were used, but with modern
15 technology such as four-by-fours, rifles, off-road
16 vehicles, quads, that it can very negatively affect and
17 quickly negatively affect game populations.

18 It is only a small percentage of natives
19 that live a traditional lifestyle today and totally rely
20 on subsistence hunting. It is for many reasons, many
21 reserves are little different than many other communities
22 and are trying to become progressive and develop.

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1 We know that natives often view hunting
2 rights as a very emotional issue, especially when it is
3 tied in with treaty rights, but also know that there are
4 a number of natives who recognize that we can no longer
5 continue to have that existing regime of unregulated,
6 unlimited killing of wildlife in Canada.

7 If the Constitution maintains or further
8 allows a proven inequality of rights of Canadians, we feel
9 if that issue continues to fester which in turn we feel
10 promotes racism, inhibits positive attitudes from each
11 other from a developing of all peoples of Canada.

12 An issue with many people is that many
13 Canadian taxpayers pay to manage the wildlife, both from
14 licence revenue and from general taxation. In the present
15 regime their interests are inferior to a group which does
16 not contribute financially to that management. Wildlife
17 management officials in many areas of Canada admit that
18 they do not even know what percentage of game animals are
19 being taken by natives and that's largely because of the
20 refusal of native groups to co-operate with these
21 departments. The argument we have heard is that such
22 information could be used against them.

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1 How can our wildlife resource be
2 effectively managed when a major factor affecting that
3 resource refuses to contribute to the management? The
4 provinces must be in a position to equally manage all
5 factors impacting on wildlife. The present regime does
6 not allow for a fair and effective system of management
7 to be implemented.

8 We must point out that at the time when
9 most treaties were signed there were no hunting regulations
10 in Canada. Fish and wildlife resources were viewed
11 essentially, with the exception of the buffalo, as being
12 inexhaustible and there was no need for them. But when
13 the need for regulations became apparent, it was imposed
14 for conservation purposes, those same conservation
15 purposes are even more apparent and more real today than
16 they were 100 or 110 years ago.

17 I am trying to speed it up so I can cover
18 most of the points I am trying to make. We feel that the
19 principle of wildlife conservation must override that of
20 treaty rights. subsistence hunting and fishing should
21 only be allowed in those areas where access to other food
22 sources is limited. Today's realities are that most

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1 Canadians, whether status or otherwise, live within a
2 reasonable driving distance of grocery stores. The
3 reality is today, again the use of high-powered rifles,
4 night lighting, four-by-four vehicles allow access and
5 success that could not have been foreseen at the time that
6 the treaties were signed.

7 Abuse by unethical and uncaring
8 individuals who may use existing native hunting and fishing
9 rights must be controllable by the government. Fish and
10 wildlife resources belong to all Canadians and protection
11 of these resources must be for all Canadians. We feel
12 existing provincial governments must retain the ultimate
13 control over wildlife management, regardless of land claim
14 issues and these governments must retain the authority
15 to regulate harvesting methods within those land claim
16 areas.

17 We feel there can be no commercial sale
18 of meat from fish or wildlife taken under treaty
19 circumstances. We feel by-laws under the Indian Act
20 should not take precedence over federal and provincial
21 legislation that exists to conserve wildlife and wildlife
22 habitat.

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1 Natives that are covered under treaty
2 and who do not live on reserves must be subject to the
3 same laws as non-status citizens when it comes to fish
4 and wildlife issues. We feel that is imperative.

5 Allowing some Canadians, and that is
6 treaty Indians, to utilize unregulated and unlimited
7 harvesting methods and legal markets for trade in wildlife
8 increases the difficulty of controlling poaching and an
9 illegal trade in wildlife. As soon as there is a legal
10 method or market created for wildlife, unscrupulous and
11 unethical individuals of any race will take advantage of
12 that situation.

13 We have some recommendations and I am
14 going to skip some of this other because I know we are
15 pressed a bit for time. The recommendations are that
16 individual bands be given clear authority to make by-laws
17 concerning the management and use of fish and wildlife
18 resources within the boundaries of reserves and clear
19 powers to enforce such by-laws. These by-laws would be
20 applicable to all members and would abrogate any individual
21 rights that a band member may want to claim.

22 Provision should also be made whereby

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1 on the resolution of a band council and with the concurrence
2 of a province, provincial game laws could be brought into
3 force on a reserve by order-in-council. Those species
4 that are migratory in nature, such as caribou or walleye,
5 must come under special consideration, due to the
6 vulnerability of the species to over-harvesting.

7 Those status natives who are not members
8 of a band and who because of not being members do not fall
9 under the authority of a band should be subject to the
10 same wildlife regulations as all other non-status
11 Canadians.

12 For any hunting or fishing activities
13 outside of reserve areas or Crown land areas not under
14 some form of use, any hunting or fishing privileges that
15 are in addition to those normally available to all citizens
16 would be subject to negotiations only. We refer the
17 Commission to the statements in Treaties 6, 7 and 8 which
18 specifically call for restrictions on gathering rights
19 in these circumstances. These negotiations could be held
20 by the treaty organizations, by the bands in the immediate
21 area and the provincial government, with other interested
22 groups such as the federal government and possibly

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1 ourselves having intervenor status.

2 A concerted effort is needed by the
3 wildlife regulators to recruit status natives to form an
4 enforcement branch that would have the authority to deal
5 with native abuses, both on and off the reserve.

6 We need a comprehensive
7 information-sharing program with native people on the
8 necessity of fish and wildlife conservation. Native
9 peoples were the original conservationists. However, the
10 mythologies that are now used allow a few dedicated abusers
11 to decimate viable wildlife populations in many areas.

12 Native bands and treaty organizations
13 must be involved in the co-management of wildlife. The
14 needs of a particular band to wildlife may exceed that
15 which is available in its own reserve area, especially
16 where the bands is small. In these cases, open
17 discussions, along with adequate regulation restrictions
18 that may be necessary should be used to supplement
19 legitimate subsistence needs of band members.

20 The claim of individual treaty rights
21 by any one person so covered must be subordinate to any
22 regulation made by either a band in those areas of its

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1 jurisdiction or provincial or federal governments. We
2 strongly feel that any self-government by natives must
3 be circumscribed to the extent that they or other Canadian
4 governments are able to regulate the present-day regime
5 of unlimited, unregulated hunting and fishing.

6 If individuals covered by treaty could
7 continue to claim individual treaty rights and circumvent
8 such regulation, Canadians would continue to have their
9 wildlife threatened by those individuals who choose to
10 be abusive in their hunting and fishing activities.

11 Any changes in the existing situation
12 vis-a-vis gathering rights must consider that the first
13 issue to be addressed is conservation.

14 Secondly, in order to eliminate the
15 often acrimonious and potential racist conflicts that
16 arise as a result of the present regime, hunting, fishing
17 and trapping rights must be viewed as being fair to all
18 Canadians. Any changes that contemplate further
19 delineating rights or privileges on a racial basis will
20 negatively affect feelings by a large number of Canadians
21 on other issues which are as or probably more important.

22

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1 There is no question that natives, as
2 we know from some of the presentations this morning, have
3 problems in the areas of education, poverty, family
4 violence and the number of natives that are in our jails.

5 The emotional issue of hunting, fishing and trapping
6 rights cannot get in the way of those reforms, but if the
7 existing regime is not modified we run the danger of those
8 other important issues being ignored or being viewed as
9 secondary.

10 The most important point is that our
11 wildlife needs our help. It cannot sustain the
12 philosophical regime of unlimited rights and we, all
13 Canadians, must recognize that any regime that supports
14 unlimited and unregulated gathering rights transcends
15 proper wildlife management. This is an issue of
16 conservation first towards wildlife.

17 The problems that exist in the present
18 regime must be addressed and rectified. The method we
19 use to obtain those regulations may vary, but regulation
20 must be put in place. Our wildlife needs our help and
21 we feel regulation must come from the Commission. Thank
22 you.

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1 **COMMISSIONER PAUL CHARTRAND:** Thank
2 you, sir. I will ask the other Commissioners to make
3 comments and to ask questions, but I would like to first
4 make some very, very brief remarks.

5 In law at least, if not otherwise, there
6 is no notion of absolute rights and interests need to be
7 balanced. We have your submission and it will be our duty
8 to make the kind of balance that at the end of the day
9 appears proper to us in light of what we hear from all
10 Canadians.

11 My first comment is this, that I will
12 be examining the document in detail and in due course.
13 I cannot do it now. I can say that the statement on page
14 15, that the Sparrow decision has some difference from
15 a view of the Commission in a commentary is one that I
16 do not understand. I can assure you that I will be
17 reviewing it to try to discern the distinction that you
18 say is there, but it is not one that is readily apparent
19 to me.

20 If there was a particular purpose for
21 that commentary which was a limited purpose and I thought
22 it had been articulated with the necessary degree of

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1 precision, but there is no point carrying on more because,
2 as I said, I need to do a closer examination and I will
3 do that.

4 The other quick commentary I would make
5 is I am unable to understand your reference to the emotion.

6 I suspect that all people put a little emotion in to
7 accompany the force with which one makes a presentation
8 or an argument to which one is committed.

9 I do thank you for your presentation and
10 I now turn to Commissioner Blakeney if he has any comments
11 or questions.

12 **COMMISSIONER ALLAN BLAKENEY:** Thank
13 you. I think you have raised an issue which I think must
14 be addressed, since I think there are, at least in some
15 areas and with respect to some species, real questions
16 of conversation, questions which will interest aboriginal
17 and non-aboriginal people alike.

18 When we move from the practical to the
19 emotional or, if you like, broad principle, then I will
20 recount to you what aboriginal people used to say to me
21 in Saskatchewan sometime. They would say, "We got hunting
22 and fishing rights, unlimited hunting and fishing rights

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1 in the treaties, in exchange for our surrender of title,"
2 perhaps not title, "but at least occupancy of a large
3 section of the province, because we weren't farmers and
4 you said farmers were going to come in here and then we
5 could hunt and fish". That was the deal, "Those people
6 would farm and we would hunt and fish".

7 Now what is going on, this is what they
8 are saying to me, all the farmers want to hunt and fish.
9 They said to us, "Okay, if you want to hunt and fish,
10 fine. We are happy to reverse the deal, but we'd of course
11 want the land back". As I say, this is sort of an argument,
12 not seriously, but underlying the fact that in their
13 judgment non-treaty society got their part of the bargain.
14 They are busy farming the land and that the treaty people
15 have a right to the wildlife resource and if non-treaty
16 people want to complain about conservation, that's fine,
17 but it's not their problem. It wasn't the resource set
18 aside for them.

19 It is no more sensible for white
20 governments to talk about how we are going to conserve
21 all of this, than it would be for Indian bands to say you
22 are farming that land wrong.

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1 I am not saying that this has any
2 practical application now because I think here we are and
3 we have to conserve the resource. I am just saying from
4 an emotional framework it is frequently not helpful to
5 say that Indian people should have the same hunting rights
6 as white people, I will use Indian and white, because they
7 feel, hey, that wasn't the deal. You are the farmers and
8 we are the hunters and don't bother telling us how to
9 conserve. We've done it for 300 years or 3,000 or
10 whatever.

11 So that we have to get over these
12 emotional blocks on the part of white people that somehow
13 they are less than equal when it comes to wildlife, which
14 to an Indian group it's not an argument at all. They say,
15 look you still have your land. With respect to Indian
16 people, the practicality of somehow having to conserve
17 that resource is there for all of us and somehow we have
18 to come up with some sort of a practical solution which
19 avoids any references to equality and these types of
20 emotions which produce these interesting results from
21 other people. Enough of a speech, but I tell you what
22 I used to hear.

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1 **ANDY VON BUSSE:** I wonder if I may make
2 some comments on that. I certainly agree with some of
3 what you have to say. I think all the numbered treaties
4 that I was referring to certainly call for some form of
5 regulation at some time. I reference that in the written
6 brief.

7 That being the case, our position is that
8 regulation where called a foreign treaty should certainly
9 be implemented. It hasn't been in practice and the need
10 for conservation probably overrides the overall need.
11 Because of the realities today as far as industry is
12 concerned, agricultural access, harvesting methods and
13 a number of others, we feel it really must be considered.

14 **COMMISSIONER ALLAN BLAKENEY:** I will
15 make one little comment on yours. You will be aware, I
16 am not being argumentative here, that it is the position
17 of Indian people that the written treaty doesn't contain
18 the whole deal and that the essential deal was the one
19 I say, that we are the hunters and fishermen and we will
20 continue --

21 **ANDY VON BUSSE:** I make reference to
22 that also as to some of the discussions that led up to

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1 it. Again, when you read the brief I am sure it will be
2 clear.

3 **COMMISSIONER PAUL CHARTRAND:** Thank
4 you. I ask Mr. Shirt if he has any comments or questions.

5 **COMMISSIONER PAT SHIRT:** I agree with
6 Mr. Blakeney in the sense of what native people believe
7 our treaty rights are and that's part of it in terms of
8 hunting and fishing.

9 One of the other things that I didn't
10 see in your brief is I just wonder how much of the habitat
11 of the fish and game has been spoiled by pulpmills and
12 farming and you realize that maybe in Canada natives only
13 own less than 1 per cent of the land. That doesn't leave
14 very much hunting territory in the sense of what you are
15 proposing. Certainly they have set aside about 20 per
16 cent of the land just for their own benefit in terms of
17 parks, again that doesn't seem like a fair deal in a lot
18 of ways, but it's one of your recommendations I guess in
19 the sense of, I am not sure it's a recommendation, but
20 you were saying something about reserves making by-laws
21 in regards to what you believe and that they should be
22 enforcing these laws that you believe.

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1 Again, that is in some ways the first
2 recommendation that I heard.

3 **ANDY VON BUSSE:** I don't believe that's
4 what I said. I believe what I said is that the bands have
5 the authority to make by-laws on the reserves and if they
6 wish to adopt those of the provincial government that would
7 be up to them, but whatever is on the reserves is that
8 they be given that authority to make those by-laws and
9 be able to enforce those as they see fit.

10 **COMMISSIONER PAT SHIRT:** But also in
11 your submission you say it's okay for -- it seems like
12 the ones that benefit the white people in terms of oil
13 exploration, lumber and different things that affect their
14 habitat, that seems to be okay, but all the rest in terms
15 of hunting has to be negotiated with native people.

16 **ANDY VON BUSSE:** If I may comment, we
17 make many submission to Hearings like Al-Pac, Diashawa,
18 the Proctor and Gamble plants and we have just as many,
19 if not more, concerns as far as the impact of those
20 developments on wildlife and habitat.

21 I may also comment that at least in the
22 case of Al-Pac we are able to somewhat influence the way

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1 they utilize that land up there and to have at least not
2 a net negative impact on the wildlife. Certainly any time
3 that there is any impact we are concerned.

4 This is one area where we feel that right
5 now the governments do not have a mechanism in place to
6 control those people who choose to be abusive. I want
7 to stress that, that we are also aware and have had
8 discussions with some natives and some native bands that
9 have that same concern, but there is no mechanism where
10 the abusive person can be controlled. We shouldn't lose
11 sight of the fact that that's one of the major things,
12 you can have 90 per cent or 95 per cent of the population
13 in a band being responsible for as far as conservation
14 is concerned and if you have a very small number of people
15 who choose to be abusive because it's their right to hunt
16 in whatever manner they wish and take out as many animals
17 as they wish, I think we as an organization have an extreme
18 problem with that.

19 There must be some form of regulation,
20 again like I state in my ninth point, how that regulation
21 comes about is a different matter, but there must be some
22 form of regulation to help control those that choose to

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1 be abusive.

2 **COMMISSIONER PAUL CHARTRAND:** Thank you
3 for your submission.

4 **ANDY VON BUSSE:** Thank you very much.

5
6 **COMMISSIONER PAUL CHARTRAND:** I now
7 call upon Mr. Everett Lambert or perhaps it is Lambert
8 and perhaps you would wish to advise us.

9 **EVERETT LAMBERT:** Thank you. I will
10 turn the mic on.

11 Thank you, Mr. Blakeney and Mr.
12 Chartrand and all of you, ladies and gentlemen, for coming
13 to listen to us today.

14 I am Everett Lambert, a
15 Mohawk-Cree-Métis originally from the Paddle Prairie Métis
16 Settlement in northern Alberta.

17 In my talk today my main issue will be
18 that of economic development and its importance to native
19 Canada. Economic development without a doubt in mind is
20 the most important issue facing native Canada. Our people
21 need substantial and significant and meaningful
22 employment. By "substantial" I mean a huge number of jobs

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1 for our people have to be realized. Our unemployment rates
2 are soaring with the eagles right now.

3 As the Dene spokesman Frank Decealy (ph)
4 said in the National Film Board film on the Fort Good Hope
5 Slavey, something's not right here. You go and jump on
6 an Edmonton Transit bus outside the hotel right now during
7 normal working hours and you will find a disproportionate
8 strong representation of our people riding idle on those
9 buses. That's not right.

10 Perhaps the most advantageous group in
11 terms of employment standards are the Métis and non-status
12 natives predominantly of western Canada. Our
13 unemployment rate sits at approximately 34 per cent
14 according to Professor James Frideres (ph) in his 1988
15 text "Natives in Canada". That is still in Canadian
16 employment standards a very high rate, twice that of
17 Canada's overall rate which sits at approximately 14 per
18 cent in 1992. Substantial numbers of our people have to
19 be employed.

20 How are we to do this you ask? I say
21 we attack on all fronts. We need small businesses which
22 are the main pumps that run any economy on Mother Earth.

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1 We need big business, mega development. Canada itself
2 is being overrun by outside influences in mega
3 developments. Alberta, one of the main actors in mega
4 developments, such as oil and gas, pulp, et cetera, is
5 being overrun by Japanese and American oil companies and
6 pulp and paper firms.

7 Diashawa at Peace River and the
8 Athabasca Al-Pac pulpmill are controlled by outside
9 interests. Let's get a grip on it before more outsiders
10 continue to do so. Those resources belong to us as
11 Canadians, as Albertans and as native Canadians and as
12 native Albertans. Let us, mainstream Canada and my fellow
13 native people, control these resources. They are ours.
14 We can do it.

15 Let us as Canadians expand into world
16 markets more so, such as our Japanese brothers are
17 impressively doing so.

18 Education is another front we can attack
19 on. To employ substantial numbers of our Indian, Métis
20 and Inuit brothers, we need educated individuals, doctors,
21 lawyers, mechanics, heavy equipment operators,
22 waitresses, bank tellers, professors, the whole nine

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1 yards. We need all of you people now, yesterday. We are
2 all going to be spokes of the wheel.

3 Non-native employers and native
4 employers, who incidentally don't hire our own enough,
5 hire us. We need jobs. I need a job. Native Syndicate,
6 my company, is circulating business cards out there. All
7 types of us need jobs. That university across our river
8 there, sits there with a little city of 30,000 students
9 and with a strong contingent of some 200 native people
10 as students. Many of these people need jobs. Hire us.
11 We can do the job. Give us a chance. That's what I mean
12 by substantial and significant job development.

13 To add to this, I would like to define
14 the meaning of the term "meaningful employment.

15 The other night a young gentleman from
16 the Crier family at Hobbema met his last moments in a fatal
17 car accident in our city. He was driving his late-model
18 sportscar which he had bought with the trust monies these
19 Hobbema youth receive upon becoming of age. They are
20 burying him today, or soon if they haven't already done
21 so. I hope he isn't buried in vain.

22 This helps, along with the scenario of

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1 the oil and gas wealthy bands at Hobbema to define the
2 term "meaningful". Natives don't just need money.
3 Natives need jobs. They need meaningful full-time jobs,
4 jobs that keep them busy eight hours a day, 40 hours a
5 week, not the part-time underpaying overworked position
6 too many of our people presently hold. When natives are
7 holding these types of jobs, they won't have the time to
8 sustain or permeate the many negative stereotypes and
9 statistics they presently evoke, such stereotypes and
10 statistics as the soaring suicide rates. Hobbema has one
11 of the highest, if not the highest. We won't have the
12 time to put people in jails at the shocking and unacceptable
13 rates at which we are across our great land.

14 One, we simply won't have that kind of
15 time to fall into the crime rut rate at the rate we are
16 presently doing so.

17 Today's Edmonton Journal reported on
18 yesterday's Hearings held in Hobbema, where you, the
19 Commissioners, heard that Hobbema has the third-highest
20 rate of violence amongst Alberta communities. That's what
21 meaningful employment will do. It will cause a suction
22 or a vacuum effect.

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1 Other positive effects will be drawn in.
2 Education, for instance, will fall into the fold with
3 the demand for more native employees, such as lawyers,
4 businessmen, bankers, et cetera. The education rate will
5 subsequently rise, the demand will cause a domino effect.
6 This is why and likely many before me and many after me
7 who will speak to this invaluable Commission will tell
8 you gentlemen, jobs are our number one issue in this land,
9 both for non-natives, but at least doubly so for native
10 people.

11 We need to put an estimated quarter of
12 a million natives to work in meaningful jobs across Canada.
13 All unemployed Canadians, both native and non-native,
14 need headline attention in this regard. That's what
15 substantial and significant job development is.

16 So, I ask you media people to help this
17 Commission and help us native people get back on the road
18 of economic development. Get the message across for us
19 accurately. We deserve page 1, especially on this issue.

20 That's the nutshell of my presentation,
21 Commissioners. I have the long-term or, pardon me, the
22 longer paper here in front of me. It's also a ten page

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1 research paper that was done for the Canadian Studies
2 faculty at the University of Alberta. I am sure in due
3 course and in due time you will have a look at it.

4 One of the things I would like to allude
5 to, if I am not going overtime, is the history of native
6 economies in this land. One of the things that comes to
7 mind is the mention of Crowfoot, the great Blackfoot chief.

8 Crowfoot had a teepee big enough not only to house his
9 ten wives, but also to have a small pow-wow in. Crowfoot
10 had 400 horses. To watch 400 horses eat is to watch a
11 threshing machine. They had to split into four groups
12 for this reason.

13 Also, centuries or warriors, the
14 watchmen who guarded over and tethered them did this for
15 logistical reasons. One man could only watch so many
16 horses. One cannot forget that natives were good horse
17 thieves. As the Enoch Indian Reserve Band outside
18 Edmonton may reflect, in Enoch the surname "Horsethief"
19 is quite common. This colourful snapshot that I have
20 just given you, gentlemen, provides an excellent glimpse
21 or window into the histories, realities and richness of
22 pockets of native economies which we are enough in number

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1 and strength. Of course, not all economies thrive like
2 this all the time. Indeed, Crowfoot and his people starved
3 at least once, especially after the coming of the white
4 buffalo hunters who mass slaughtered the herds in some
5 instances. History is somewhat short here perhaps also.

6 The important fact is that our economy
7 sustained our chieftainship, if I may call him that,
8 governments. It may be in place here to add that I am
9 a political science major in my university studies.
10 Native economies have of course passed over many peaks
11 and through many valleys to arrive at the relative valley
12 we now live near the bottom of, that is relative to the
13 rest of the Canadian politic society.

14 I think I am running out of time here,
15 so I will perhaps wind up and entertain some questions
16 from you gentlemen.

17 **COMMISSIONER PAUL CHARTRAND:** Thank
18 you, Mr. Lambert. You are I think suggesting that in
19 moving forward the policy ought to move on two feet, on
20 the economic front and also on the educational front.
21 It seems to me at first blush it would be difficult to
22 disagree with that.

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1 I ask Commissioner Blakeney if he has
2 questions or comments.

3 **COMMISSIONER ALLAN BLAKENEY:** I would
4 like Mr. Lambert to offer any comments on what he might
5 think would be ways to encourage more jobs for native people
6 in specific areas. Thus, I don't hold out a whole lot
7 of hope for somebody coming around and finding 1,000 jobs.
8 That is not I think the first frontier.

9 If I go into a community which has a large
10 aboriginal population, I would like to think that the
11 people who serve that community are in a large measure
12 native people. At Lac La Biche we are seeing 55 per cent
13 of the students are native. How many teachers? Well,
14 we have one. Of this community how many of the nurses
15 in the hospital would be native? It's a small number.
16 Police?

17 Or even on a reserve -- I used to go
18 through reserves and see a car outside every house and
19 no service station on that reserve, although I knew people
20 there could repair cars, but they went to the next town
21 even to buy their gasoline.

22 Building trades. I used to watch houses

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1 being built on reserves by non-aboriginal people with 50
2 per cent of the people on the reserve being unemployed.

3 I am saying somehow we are not doing this right.

4 I am asking you whether you can offer
5 any suggestions as to how we could get -- I don't know
6 whether the problem is overt prejudice, subtle prejudice,
7 lack of qualified applicants and you hear all of these
8 arguments. What do you think? How do we get more nurses,
9 nursing aides, teachers, police, service station
10 operators, building trades, social workers, child workers,
11 all that we desperately need to serve mainly aboriginal
12 communities and frequently non-native people?

13 **EVERETT LAMBERT:** Thank you, Mr.
14 Blakeney. That is really a good question vis-a-vis what
15 I just said and you hit the nail right on the head. In
16 asking that question you just about answered yourself,
17 that you said you knew of a reserve where outside every
18 house sat a car. I know a place in northern Alberta, as
19 a matter of fact it's the place I am from, the Paddle Prairie
20 Métis Settlement and smack dab in the middle of our
21 sprawling settlement we have the Ghostkeeper store sitting
22 there idle and at about 60 miles an hour there is about

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1 three quarters of a million dollars worth of revenue flying
2 past our store right now. Our store is sitting there shut.

3 So, if we can fire up these businesses
4 that you reflected on in your question, gas stations,
5 nurses. We need the many employees you mentioned.

6 Another thing too is we can make a little
7 bit more hay with the programs we already have in existence.

8 This Royal Commission is a fine example of that. I hope
9 to see this Royal Commission actually do something
10 vis-a-vis putting our people to work.

11 The Aboriginal Economic Development
12 Program is another example. More people have to access
13 this \$800 million program.

14 All the programs -- that's one thing
15 native people aren't doing in this land is we are not
16 communicating with one another enough. We are not saying,
17 hey, look, I've got a program over here, come and knock
18 at my door. Let's do that. Let's bring these programs
19 more out on to the table, more accessible to native
20 Canadians.

21 I hope I answered your question, Mr.
22 Blakeney.

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

3 **COMMISSIONER PAUL CHARTRAND:** Thank
4 you.

5 Mr. Shirt.

6 **COMMISSIONER PAT SHIRT:** Thank you,
7 Everett. That's something I really agree with because
8 I guess in a lot of ways when you give the man a job you
9 know the wife wins. If the wife is also working you know
10 the child wins and when the family wins you know the
11 community wins, and when that community wins you know the
12 nation wins. If we can have our settlements and also our
13 reserves be winners in terms of economic employment that
14 is great.

15 One of the other things that Allan
16 Blakeney talked about is in terms of the number of teachers
17 that we have and the other jobs. I think even though the
18 federal government has put in some sort of employment
19 equity program, I don't think that the natives have ever
20 reached the quota in terms of population. I am certain
21 that a lot of the places -- but, at the same time, I think
22 about some small communities and one small community up

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1 north towards where you are from, where three native people
2 applied with Public Works to do the cleaning for the
3 hospital and the schools and that sort of thing. The three
4 native people were not selected. Instead, they got a white
5 person from Red Deer. Again, that's not employment
6 equity. If we can have more people in the position of
7 making those changes, I think that would be great.

8 It's the same thing in the sense of
9 getting people from northern communities, up where they
10 have all white teachers and yet when you get this young
11 kid who comes in from the north and he comes into a school
12 system here and they find out that the kid can't read or
13 the kid can't write. Again, I think it would pay and would
14 be much, much better to have a native person there, even
15 though you have a teacher that is very filled with knowledge
16 and theory and that sort of thing, but can't put it into
17 practice because these kids can't read.

18 I think there should be more changes
19 within the system itself, so that the native people are
20 hired because those aren't their qualifications. Those
21 are the qualifications that were set out by some department
22 that is sitting up in Edmonton here.

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1 Anyway, I was just thinking about that
2 in terms of employment equity. You talked about small
3 business and big corporations, but what is your thinking
4 in terms of getting more people into employment in the
5 corporations and in the bureaucracies?

6 **EVERETT LAMBERT:** Definitely that's
7 where one of the biggest opportunities for native people,
8 at least in the present day, lies and that is perhaps sadly
9 so. One of our greatest accesses to employment is in the
10 non-native sector. I guess I am appealing to the
11 non-native employers who might have some ears here today,
12 to give our people a chance.

13 I know many native people that are very
14 talented people and this thing, this Indian time thing,
15 that's a myth. There is no such thing as Indian time.

16 Our people are good workers. I know
17 people right across this land and what I would like to
18 briefly do here is thank Mrs. Brenda Blyan for putting
19 this together. She is an eminent example that native
20 people can do the job.

21 Perhaps, Mr. Chartrand, if you don't
22 have a question for me, I might close here with a comment.

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1 **COMMISSIONER PAUL CHARTRAND:** Please
2 do.

3 **EVERETT LAMBERT:** In concluding, I
4 would like to underline that economic development has to
5 be emphasized in the body of the report that you gentlemen
6 will put together. More importantly, it has to be acted
7 on.

8 I know you gentlemen have some pull on
9 the Royal Commission that you are a part of. Definitely,
10 if I don't see economic development underlined in that
11 report, I will not be a person to endorse that report.
12 Economic development hits closest to home in all native
13 communities across this land. There truly are some
14 quarter of a million people out there, native people
15 without a job.

16 I challenge you gentlemen to make some
17 hay here. Put us to work. We need the jobs. Thank you
18 for your time.

19 **COMMISSIONER PAUL CHARTRAND:** Thank
20 you, Mr. Lambert. That's F-8 on my computer, underlined.

21

22 We will now hear from the Women of the

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1 Métis Nation. I invite Marge Friedel to come forward and
2 her colleague. I welcome you. I ask you to take your
3 time to get settled in and proceed when you wish. You
4 may like to begin by introducing your colleague.

5 **MARGE FRIEDEL, WOMEN OF THE MÉTIS**
6 **NATION:** I would like to introduce Wendy Walker who is
7 the newest board member of Women of the Métis Nation.

8 I have made a submission also to your
9 Commission.

10 **COMMISSIONER PAUL CHARTRAND:** We would
11 like a copy.

12 **MARGE FRIEDEL:** Yes, I have given a
13 couple of copies.

14 Respected elders, honoured
15 Commissioners, fellow aboriginal men and women, on behalf
16 of Women of the Métis Nation I wish to thank you for the
17 opportunity to appear before your Commission today. It
18 is an honour to represent the members of Women of the Métis
19 Nation in Alberta and I must thank each of them.

20 As all of Canada attempts to address the
21 ongoing constitutional debate, a debate that has gone on
22 longer than most Canadians can remember, women continue

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1 to be excluded from the process. The struggle for equality
2 for women, both in mainstream and aboriginal worlds, has
3 seen limited success to date. Apparently, women's vision
4 of equality will require a more determined effort.

5 The constitutional debate is nearing an
6 end and women have not been invited to sit at the table,
7 a table where their future and the future of their children
8 is being decided.

9 Women make up an estimated 52 per cent
10 of the population. It has also been stated that women
11 do two-thirds to three-quarters of the world's work. Yet
12 when their future is at stake, they are excluded from the
13 discussion.

14 For Métis women the story is even
15 bleaker. In many parts of Canada women are being ignored
16 and disempowered by a few. Those who have the courage
17 to stand up and speak out against the male dominated
18 political organizations suffer retaliation. Recently,
19 a Métis woman in Saskatchewan was removed from the
20 Saskatchewan Métis Federation office, to which she had
21 been elected, because it was said the elections were
22 faulty. However, all who were elected to positions in

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1 this same election were allowed to remain in office. The
2 balance of the successful candidates were men.

3 Since the writing of this brief, the
4 Saskatchewan Métis woman has been reinstated, but only
5 after taking the matter to court. The Saskatchewan women
6 who supported her are suffering uncalled for retaliation.

7
8 A Métis woman in British Columbia was
9 terminated from her position as co-ordinator because of
10 the fact that she supported women to organize and become
11 involved. Another British Columbia Métis woman had her
12 membership in the Pacific Métis Federation revoked because
13 she dared to speak out.

14 In Alberta, a Métis woman has had an
15 outstanding court case pending against her since 1987.
16 The reason for this is she questioned the elected
17 leadership of the Métis Association of the day.

18 More recently, a Métis woman in a working
19 relationship was asked by her colleague to come to a meeting
20 without her underclothes.

21 Additionally, a Métis woman who is a
22 government employee was sexually harassed on the telephone

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1 in the middle of the night because she supported and
2 assisted Métis women's organizations.

3 In Alberta the only organization that
4 has truly and effectively represented Métis women for the
5 past seven years has been alienated because it tried to
6 acquire funding which was earmarked for women.
7 Consequently, a suspect women's organization was formed
8 under the auspices of the provincial body.

9 Documentation which substantiate these
10 incidents are included in our submission. All these acts
11 of retaliation are forms of violence against Métis women,
12 emotional, financial and political abuse. Interesting,
13 women are not the only Métis being excluded from the
14 representative group in Alberta. My uncle, who spent 25
15 years working for Métis people in Alberta, had his
16 membership revoked. He passed away two years ago with
17 a broken heart, which resulted from the elitist
18 manoeuvrings of this so-called representative
19 organization.

20 Métis women firmly believe that for the
21 constitutional process to reflect a true Métis woman's
22 involvement it must ensure that our voices are heard, that

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1 our experienced are understood and that our expectations
2 are given a respectful and responsive hearing.

3 At a meeting of Métis in Winnipeg on
4 October 3rd, 1991, the Prime Minister of Canada Brian
5 Mulroney gave his personal promise that in this round of
6 constitutional talks every voice would be heard. Yet,
7 when Métis women attempt to enter the process in a
8 meaningful manner, the doors have been slammed in our
9 faces.

10 Major decisions affecting us and our
11 children are being made without our thoughts. We are
12 taught by universal law that the spirit of life is made
13 up of three parts. To exclude one part, women, leaves
14 that spirit incomplete. The exclusion of women at the
15 constitutional table is contrary to the aim of the
16 Constitution. That is, of being representative of whole
17 society.

18 The process under which the Constitution
19 is being amended is not satisfactory for all aboriginal
20 peoples. The non-profit organizations that are
21 negotiating on our behalf are not governments and were
22 never meant to be governments. These self-interest groups

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1 who operate under a set of by-laws which meet the aims
2 and objectives of the organization, these organizations
3 are exclusive and have been known to revoke membership
4 at will.

5 The Government of Canada treats these
6 self-interest groups as though they are governments. The
7 most harmful part of the whole process is that because
8 these groups are treated like governments, they now believe
9 that they are governments and claim this government status
10 by default. This is totally unacceptable and somewhat
11 ludicrous.

12 The power that is bestowed upon these
13 non-profit organizations is being abused and this results
14 in what amounts to dictatorships.

15 The constitutional process we find
16 ourselves involved in is further flawed by the horse before
17 the cart method of process. Firstly, hearings were held
18 at the grassroots people in various communities and they
19 were asked "what do you think about the Constitution?"
20 Then, negotiations were held in which specific issues
21 arose. These specific issues were not dealt with in these
22 first hearings, so in effect communities were not really

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1 consulted. This backward system could be avoided by going
2 back to the grassroots people and raising the specific
3 issue before entrenching in the Constitution. Then, and
4 only then will people believe that they have had a say
5 in the making of the Constitution. Whoever heard of asking
6 someone how they liked the food before they have eaten
7 dinner.

8 Women of the Métis Nation believe that
9 the aboriginal people of Canada have an inherent right
10 to self-government. We also believe that we should have
11 the time to define and elect this democratic government.
12 Then and only then will the leadership of the aboriginal
13 people truly be representative of the people.

14 Women of the Métis Nation believe that
15 women have the right to represent themselves. This past
16 week the issue of gender equality was raised and
17 subsequently defined under a proposed amendment to the
18 Constitution, subsection 35(5). We find this definition
19 repulsive and terrifying, but we were not able to voice
20 our concerns and the Métis National Council offered no
21 opinion whatsoever on this issue. This is the
22 organization that purports to represent us as women. It

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1 is our opinion that this definition of gender equality
2 is dangerous.

3 Aboriginal women have been and continue
4 to be discriminated against by the unaccountable male
5 dominated political organizations. To have the exact
6 wording of this discrimination legalized is terrifying.

7 Given the silence of the leadership of
8 the Métis on this issue is it any wonder why we are striving
9 to represent ourselves here today? We believe that as
10 women we would bring a new, unique perspective and a
11 determination to succeed in addressing issues at the
12 constitutional table. We will continue to insist that
13 a woman's place is at the constitutional table. Thank
14 you.

15 **COMMISSIONER PAUL CHARTRAND:** Is Wendy
16 Walker going to add anything?

17 **MARGE FRIEDEL:** No, she is not.

18 **COMMISSIONER PAUL CHARTRAND:** Thank
19 you. Thank you both.

20 I wonder if I may start by asking for
21 a clarification of what I understand to be your main point.
22 You are asserting the illegitimacy of the organizations

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1 as representatives of the Métis people. I think I heard
2 you argue that there must be a new mechanism whereby women
3 are representatives. My question is who then are the
4 legitimate representatives? I didn't understand the
5 other side of the coin or the other part of your suggestion.
6 Presumably, other people than women will then be
7 represented too. Could you fill in your suggestion in
8 that respect?

9 **MARGE FRIEDEL:** The whole point here is
10 that the constitutional process is backward. We believe
11 in the inherent right to self-government, yes, but first
12 let's get the government in place and let the specific
13 issues come up. The people that are elected in a
14 democratic process under self-government will then be
15 truly representatives of the aboriginal people. There
16 won't be any room for revoking memberships out of a
17 non-profit organization.

18 **COMMISSIONER PAUL CHARTRAND:** If you
19 are arguing for representative institutions, my question
20 is by what mechanism do you propose that these
21 representatives be chosen?

22 **MARGE FRIEDEL:** Election.

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1 **COMMISSIONER PAUL CHARTRAND:** Of
2 anybody, but I thought you were arguing for women to have
3 a special place? You are not?

4 **MARGE FRIEDEL:** Not in that context
5 through the elections, so that all the Métis people can
6 have a part of this process.

7 **COMMISSIONER PAUL CHARTRAND:** All
8 right. So, you are denying the legitimacy of the existing
9 organizations and you are suggesting that a different
10 mechanism is required to provide you with legitimate
11 political representatives, but in that other process you
12 are not arguing for a special place for women?

13 **MARGE FRIEDEL:** No, other than running
14 on their own to become elected in a democratic way.

15 **COMMISSIONER PAUL CHARTRAND:** What are
16 the deficiencies with the present system in your argument?
17 What is wrong with the present system? There are no
18 elections, or what changes would you make to the present
19 system?

20 **MARGE FRIEDEL:** First of all, this
21 cannot be a non-profit organization where people are
22 excluded and people are being excluded. Our organization

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1 is being excluded. We know no information about the
2 Constitution. We receive nothing and they say they
3 represent us. They don't even tell us what is going on.

4 What we get is information from the newspaper and
5 television. **COMMISSIONER PAUL CHARTRAND:** A small
6 point, the proposal with respect to section 35(5), is that
7 a part of the materials you are leaving with us because
8 I am not familiar with it. **MARGE FRIEDEL:** No, but I
9 do have a copy of it.

10 **COMMISSIONER PAUL CHARTRAND:** I would
11 appreciate seeing one. I think you are suggesting this
12 was proposed this week. Did I hear that correctly?

13 **MARGE FRIEDEL:** This past week, yes.
14 Actually, it was proposed in Toronto and it was approved,
15 except for Prince Edward Island, the Yukon and the
16 Northwest Territories which were absent. It was approved
17 in principle.

18 **COMMISSIONER PAUL CHARTRAND:** Could you
19 tell us what it is as soon as possible?

20 **MARGE FRIEDEL:** If you will bear with
21 me, I do have it in my briefcase.

22 **COMMISSIONER PAUL CHARTRAND:** I don't

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1 want to carry it on too long. That's fine, if you have
2 it here I will examine it later on.

3 I will ask now if the other Commissioners
4 have questions or comments.

5 **COMMISSIONER ALLAN BLAKENEY:** I will
6 ask a question. I wasn't quite sure whether you felt that
7 women or Métis women should be represented at the current
8 constitutional negotiations and if the answer is yes who
9 should represent them?

10 **MARGE FRIEDEL:** Yes. Someone selected
11 by the Métis women.

12 **COMMISSIONER ALLAN BLAKENEY:** Is there
13 any body in existence or would it have to be created?

14 **MARGE FRIEDEL:** During the past year a
15 number of the provinces met on a national forum. Mary
16 Wieggers from Saskatchewan was elected as President of that
17 body. The political organizations in place refuse to
18 recognize that body.

19 **COMMISSIONER ALLAN BLAKENEY:** I am not
20 being argumentative, but do you say that body is
21 representative of Métis women across Canada?

22 **MARGE FRIEDEL:** It is a very new body.

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1 It has no funds. It has just been newly organized and
2 she is an interim President because we have no funds to
3 meet to organize properly.

4 **COMMISSIONER PAT SHIRT:** I have just a
5 comment. I wanted to say that at one point earlier when
6 I was younger and I was in university I took a feminist
7 course and I thought I understood more about women at that
8 time. I guess I did gain a little more understanding,
9 but then later on my wife did take a feminist course and
10 I found out that I was much richer. I found out I had
11 dishes and a vacuum cleaner, so even though in my household
12 that 50 per cent of the household work is still be done
13 not 50/50, she still likes to do more or otherwise she
14 would feel guilty, but it is better now though.

15 **MARGE FRIEDEL:** I applaud your wife.

16 **COMMISSIONER PAT SHIRT:** That was my
17 comment.

18 **MARGE FRIEDEL:** I applaud your wife.

19 I would like to finish with words from
20 Art Solomon who is an Ojibway elder.

21 "The woman is the foundation on which nations are built.

22 She is the heart of her nation. If that

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1 heart is weak, then the people are weak.

2 If her heart is strong and her mind is
3 clear, then the nation is strong and
4 knows its purpose. The woman is the
5 centre of everything."

6 Thank you.

7 **COMMISSIONER PAUL CHARTRAND:** Thank
8 you, Marge and Wendy.

9 I now call upon the First Nations Freedom
10 Network, represented by Mr. Darrell Bretton. I will
11 invite you to introduce your colleague whenever you are
12 good and ready.

13 **DARRELL BRETTON, FIRST NATIONS FREEDOM**
14 **NETWORK:** My colleague's name is Deborah Courtiorielle.
15 She is the Vice-Chairperson for the First Nations Freedom
16 Network.

17 I would like to begin my address in Cree
18 and then I will go into our presentation.

19 (Translation) I would like to thank Our
20 Lord for allowing us to come here and to welcome you all
21 here while we make our presentation. I would like to
22 explain to you the way we are moving and what we are

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1 attempting to do and the organization that we represent.

2

3 I thank the elders and my fellow members
4 for coming here to make presentations and to work together
5 on what we have been given and to speak for the people
6 that are unfortunate and are in jail and are fighting for
7 their lives. I myself am coming here to make a
8 presentation. (End of Translation)

9 Before I start, the First Nations
10 Freedom Network would like to thank the Creator and our
11 grandfathers for this day, also to have been invited to
12 be included in this circle of healers, educators, leaders
13 and, most importantly, our elders.

14 The First Nations Freedom Network is a
15 brotherhood and a sisterhood. Our mandate is to address
16 the issues of aboriginal incarceration, particularly the
17 overrepresentation of aboriginal people in provincial and
18 federal institutions and aboriginal recidivism.

19 The First Nations Freedom Network will
20 address these issues from an individual and collective
21 view that stems from our people's hearts, minds, spirits
22 in our endeavour to overcome the great Canadian lockup.

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1 My people are taking me through a healing process. They
2 need to continue in the healing. The First Nations Freedom
3 Network helps our people in the transitional phases from
4 incarceration to reintegration into their native culture
5 and also into the overall society.

6 The commissioners speak of
7 reconciliation. This is a part of the healing process.
8 This is a step toward maturity. Canada is a young
9 country. Young countries have difficulty at times looking
10 at themselves. As Canada matures, I become more and more
11 confident in my future and the future of my people.

12 The Royal Commission is taking a look
13 into the criminal justice system and its impact on our
14 aboriginal people. I commend this process.

15 Within Canada we have diverse groups
16 addressing aboriginal incarceration issues. First
17 Nations Freedom Network is only one such group. It is
18 a unique agency which deals with the transition from
19 incarceration to reintegration of our people into overall
20 society. First Nations Freedom Network is developing a
21 network of aboriginal groups and professionals to address
22 the widespread societal problem of aboriginal recidivism.

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1

2 Like many Canadians, we are concerned
3 about the over-representation of aboriginal inmates.
4 Specifically, we ask the question: Why five of eight
5 aboriginal inmates return to jail shortly after release.

6

7 These statistics will change with the
8 implementation of First Nations broad mandate to deal with
9 issues relating to recidivism. These statistics will
10 change with implementation of programs that will promote
11 a healthy self-image and enhance the self-esteem through
12 access to cultural and recreational activities. These
13 statistics will change with the development of an agency
14 that will continue to educate and support the First
15 Nations' inmates about aboriginal self-actualization.
16 These statistics will change with an educational
17 environment which is consistent with aboriginal values
18 and beliefs to overcome the negative experiences of
19 institutionalization to achieve a physical, a spiritual,
20 an emotional and psychological stability. These
21 statistics will change should programs be designed to meet
22 the needs of the immediate and extended families which

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1 are affected by the criminal justice system.

2 First Nations Freedom Network is an
3 aboriginal-run post-release support program for
4 aboriginal inmates and their families. We are a
5 community-based network, with a strong cultural
6 foundation.

7 First Nations Freedom Network has
8 provided pipe ceremonies, feasts, traditional protocol
9 to elders, referrals, healing circles; emotional,
10 spiritual, psychological support to its members being
11 released from prison, male or female. Our goal is to
12 develop a structure that builds on the aboriginal cultural
13 perspective in laws, and also to build on the successful
14 programming of Correctional Services Canada.

15 Suggestions to address
16 over-representation of aboriginal inmates incarcerated
17 would be:

18 a) that the Royal Commission extend
19 their political and legal support to First Nations Freedom
20 Network;

21 b) that the Royal Commission assist in
22 developping public and private contacts to access

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1 appropriate funding for First Nations Freedom Network;

2 c) that the Royal Commission assist in
3 developing a positive profile for First Nations Freedom
4 Network to carry out legal and political business;

5 d) that the Royal Commission makes
6 suggestions and recommendations for the future development
7 and implementation of First Nations Freedom Network.

8 Conclusion: First Nations Freedom
9 Network is lacking capital resources to initiate the
10 programs that are needed.

11 We are not seeking an over-exuberant
12 sum. What we really need is some startup capital to extend
13 our services, to offer our help to our people. What I
14 mean by startup capital is an amount sufficient to allow
15 us to obtain an office, some support staff and equipment.

16 I repeat, First Nations Freedom Network provides some
17 solution to over-representation recidivism of aboriginal
18 people.

19 Today, our members went to the sweat
20 lodge and they have given pipes. We have given them
21 tobacco and asked for guidance in doing the type of work
22 we're doing.

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1 Also today, we sat with the National
2 Parole Board for the first time. One of our members
3 requested that we sit with him. He was at a crossroads
4 in terms of recidivism, and his parole got revoked. He
5 was going up against another four-year bit, and with the
6 support of Freedom Network, we were able to demonstrate
7 to the Parole Board that these people do need help and
8 that a lot of the times that they are in trouble isn't
9 as a result of their individual frustrations, but rather
10 as a social problem. I am glad to say that next week this
11 individual will be released.

12 These are some of the things that we are
13 involved with in terms of aboriginal incarceration and
14 recidivism.

15 Again, I would like to thank you for
16 giving us this opportunity to do a presentation. And I
17 would like to thank Brenda.

18 **COMMISSIONER PAUL CHARTRAND:** Thank
19 you, Mr. Bretton, and I begin by asking if your colleague,
20 Deborah Courtoreille, wishes to add anything.

21 **DEBORAH COURTOREILLE:** I am here to
22 answer questions also.

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1 **COMMISSIONER PAUL CHARTRAND:** You're
2 here to answer questions also? All right. Good.

3 When you use the words "criminal justice
4 system", it leads me immediately to wonder about the notion
5 of justice that is intended. Is this a justice system,
6 or is it a criminal system? It occurs to me that even
7 the judges who decide on the meaning of the law would not
8 take the view that the law necessarily coincides with any
9 particular notion of justice.

10 We are a policy-making commission in the
11 sense that we are to recommend policies to the federal
12 government, and it seems to me that among your suggestions
13 are suggestions to assist you directly. I am not sure
14 we would be able to do that, but what I suggest is that
15 you pass your paper on to our staff, and we do try as much
16 as we can to respond to requests for direct assistance
17 as well. So, I urge you to leave your paper and to contact
18 the staff people so that your request is properly handled.

19 I will ask Commissioner Blakeney if he
20 has questions or comments.

21 **COMMISSIONER ALLAN BLAKENEY:** Just a
22 short question.

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1 There will be some other organizations
2 which do the general sort of work which you do. You refer
3 in your submission to the First Nations Freedom Network
4 being a unique agency, which deals with the transition
5 from incarceration to reintegration. Could you tell me
6 what you think is unique about the First Nations Freedom
7 Network?

8 **DARRELL BRETTON:** The uniqueness of
9 First Nations Freedom Network -- the ideas that are brought
10 forth and the vision -- is a result of the people who are
11 incarcerated. These are the people that are requesting
12 that an organization such as First Nations Freedom Network
13 be organized, that programs be developed in order to assist
14 them in the reintegration process. That is the
15 uniqueness.

16 **COMMISSIONER ALLAN BLAKENEY:** It was
17 organized, or it follows policies, at the request of the
18 inmates, the people who are incarcerated, and that sets
19 it apart from some other organizations.

20 **DEBORAH COURTORIELLE:** Yes. We do have
21 letters of support from some of the brotherhoods that we
22 have been in contact with, and sisterhoods, that support

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1 what we are trying to do.

2 **DARRELL BRETTON:** The problem that
3 we're having is that it costs approximately \$42,000 for
4 our people to be kept in these institutions and we are,
5 in a sense, saving the Canadian government and the
6 taxpayers money in terms of having success in keeping the
7 people out and accessing services, like regular human
8 beings would.

9 **COMMISSIONER PAT SHIRT:** Just a brief
10 comment, Darrell. I guess in the sense that one of the
11 things that I know is that inmates do need a lot of help
12 after they are released and they need a lot of aftercare
13 program, and I would just like to, I guess, in a lot of
14 ways say we need people like you to start developing, or
15 try to get these programs. Personally, I would like to
16 give you my support and encouragement.

17 Thank you, Darrell.

18 Thank you both for your presentation.

19 **COMMISSIONER PAUL CHARTRAND:** Ladies
20 and gentlemen, we have quite a number of presenters yet
21 that we have to hear from. However, we shall take a short
22 coffee break, say ten minutes, and resume, at which time

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1 we hear from the Native Council of Canada.

2 ---**Short recess at 3:42 p.m.**

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