

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

LOCATION/ENDROIT: BATTLEFORDS' INDIAN AND MÉTIS
FRIENDSHIP CENTRE
NORTH BATTLEFORD, SASKATCHEWAN

DATE: THURSDAY, OCTOBER 29, 1992

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"for the record..."

STENOTRAN

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INDEX

North Battleford, Saskatchewan
October 29, 1992

Name	Page
Opening Prayer by Harriet Arcand	1
Opening Remarks by Co-Chair Georges Erasmus	1
Opening Remarks by Commissioner Blakeney	7
Presentation by Battlefords Indian Health Ben Weenie	9
Presentation by Battlefords Tribal Council Russ Brown	22
Presentation by Métis Society of Saskatchewan Albert Delaire, Regional Director	24
Presentation by James Favel and Bill Swimmer	39
Presentation by Battlefords Indian and Métis Friendship Centre Arnold Blackstar, Youth Programming	65
Presentation by Saskatchewan Indian Agriculture Program David Whitehead	86
Presentation by Jim Swetenham	94
Presentation by Aboriginal Women's Council of Saskatchewan Harriet Arcand, Elder	103
Presentation by Saskatchewan Native Addictions Council Corporation Margaret Ruda	111
Presentation by City of North Battleford Barrie Conkin, Mayor	125
Presentation by Canadian Catholic Organization for Development and Peace Jeff Baldwin	140
Presentation by Doug Anguish Member of the Legislature	164

Name	INDEX	Page
Presentation by North Battleford Comprehensive High School Dawn Campbell Karen Scout		186
Presentation by Kewatin Communications Gary LaPlante		214
Presentation by Battlefords Justice Advisory Council David Arnot		227
Presentation by Battlefords Adult Diversion Project Tony Murdoch and Con Graham		244
Presentation by Confederation of Tribal Nations Rodney Gold, Tribal Chief Eric Burt, Executive Director		260
Presentation by Brian Tootosis and Lawrence Sweeney, Councillors, Poundmaker Band		294
Closing Prayer by Harriet Arcand		317

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 North Battleford, Saskatchewan

2 --- Upon commencing on Thursday, October 29, 1992

3 at 8:45 a.m.

4 **Co-Chairman GEORGES ERASMUS:** We are
5 going to start with an opening prayer from Harriet Arcand.

6 **(Opening Prayer)**

7 **Co-Chairman GEORGES ERASMUS:** Thank you
8 Harriet. I would like to welcome everybody to the Royal
9 Commission hearings. This is our second round of
10 hearings. We launched our public participation hearings
11 last spring and went to approximately 37 communities all
12 across Canada.

13 We were travelling in three teams. We are doing the same
14 thing again this round.

15 From the first set of hearings which were
16 an attempt, more or less, to break the ice with the public,
17 both Aboriginal and non-Aboriginal, we used our mandate
18 terms of reference as a guideline for anybody to make
19 presentations on any of the different subject matters.
20 Anyone who has had a chance to look at the terms of reference
21 is well aware that we have a very, very broad mandate.
22 It covers everything from self-government, economic
23 development, culture, language, youth, elders' issues,

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 women's issues, Indian Affairs, Indian Act, Métis issues,
2 treaties and on and on and on, to justice, culture and
3 education.

4 From the first set of hearings we came
5 out with a number of documents. They are in the back out
6 there. We also developed a discussion paper called
7 "Framing the Issues". The intention of these documents,
8 both the background document and this "Framing the Issues",
9 was to assist us in this round of hearings. We heard a
10 lot about problems in the first round and we began to hear
11 some of the solutions.

12 The intention of the Royal Commission
13 in our hearings is to have a dialogue on the possible
14 solutions to the kinds of problems that Aboriginal people
15 are experiencing and have been experiencing for some time
16 across the country.

17 We are hoping this time around, while
18 we know we will continue to hear the historical issues,
19 the backgrounds, the informative stuff bringing the Royal
20 Commission up to date on the situation in different parts
21 of the country, that people will also be spending some
22 time on the kinds of solutions and remedies that they see
23 for their particular situation.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 With me here is Allan Blakeney, off to
2 my left. He doesn't need much of an introduction in
3 Saskatchewan. He is a former premier of the province.
4 My name is Georges Erasmus. I am Co-Chair. The two of
5 us are part of a seven-person Royal Commission. We have
6 a cross-section of the Canadian population.

7 The other Co-Chair is René Dussault.
8 He is a judge from Quebec. He is leading another part
9 of the Royal Commission right now in some hearings in
10 another part of the country. Bertha Wilson, former
11 Supreme Court judge, is also a member of the Royal
12 Commission. Then we have a number of Aboriginal people,
13 three other Aboriginal people. Of the seven commissioners
14 four are Aboriginals.

15 Paul Chartrand comes from Manitoba. He
16 is a Métis. He is a lawyer. He is a professor at
17 university. Then we have Viola Robinson, a Micmac from
18 the Atlantic. She stepped down from the Native Council
19 of Canada. She was the president at the time when the
20 Royal Commission was being sorted out by Brian Dickson.
21 She was asked if she would be interested in being a
22 commissioner and she decided to step down from the
23 leadership of the Native Council of Canada to join the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Royal Commission.

2 Then we have Mary Sillett, an Inuit
3 person from Labrador. She also stepped down from
4 leadership positions. In fact she was both the leader
5 of the Inuit Women's Organization, plus on the executive
6 of the Inuit Tapirisat of Canada, their national
7 organization.

8 The seven people I mentioned make up the
9 commissioners. We have a growing staff, a little under
10 100. Between two-thirds and toward three-quarters of the
11 staff are Aboriginal. We have tried very hard to make
12 sure that one of the legacies that we leave behind as a
13 Royal Commission is the fact that the work was primarily
14 done by Aboriginal people.

15 We will be holding, more than likely,
16 two more rounds of hearings. The intention of the
17 Commission as we move further and further into our hearings
18 is that we are getting closer and closer to the actual
19 solutions that will deal with the issues that everyone
20 is talking about.

21 We will be coming out with documents that
22 try to deal with those possible solutions. We are hoping
23 that in the next round we will have a document that doesn't

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 quite look like this one and that perhaps is also looking
2 at some of the ideas and the solutions that are coming
3 forth, so that even if they came from Manitoba, perhaps
4 Alberta can respond to them; if they came from Quebec,
5 B.C. can respond to them; so that we know from people
6 whether or not the different ideas for solutions are going
7 to work in different parts of the country.

8 We know it is a little hard when we go
9 to a new community that hasn't had an opportunity to present
10 to us in the past and here we are expecting them to be
11 involved further down the process. But we feel it would
12 be unfair if we just kept going back to the same community
13 to have a dialogue with. We do expect that when we go
14 into a new community people will do some of the things
15 that we did earlier on in the hearings. We also hope that
16 they will be making some efforts to get on board in trying
17 to find the solutions that we are all looking for.

18 Also in the later rounds we expect the
19 intervenor funding resources that have been available for
20 organizations will probably start to come in, in the way
21 of products and ideas. There was a fund that we helped
22 launch for organizations, both native and non-native, but
23 primarily Aboriginals we expected would apply, that would

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 allow Aboriginal people to do their research, their own
2 work, on any of the issues we are mandated to do some work
3 on. We expect that in the later rounds we will be getting
4 the results of that research also.

5 Anyway, enough for some of the opening
6 comments. If presenters don't mind, today what we will
7 be doing is asking people if they do not mind if we ask
8 questions. We are hoping that we can get into a dialogue
9 and explanation perhaps of what they told us, perhaps
10 answering questions we have devised here, or something
11 similar to it.

12 By the way, the questions in here are
13 just a guideline. They don't have to be specifically
14 addressed. If there is a better question that you want
15 to deal with, we are more than willing to hear them.

16 I am going to ask Allan Blakeney if he
17 has a few words in the opening, and then we will hear our
18 first presenter.

19 **Commissioner ALLAN BLAKENEY:** Thank
20 you, Georges. I won't add very much to what Georges has
21 said about the Commission and about the fact that we are
22 travelling across Canada.

23 We are travelling across Canada in order

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 to hear what people tell us about the problems but also,
2 and I want to underline this, what they are telling us
3 about the possible solutions.

4 It is not going to be possible for the
5 Royal Commission, no matter how much they travel and no
6 matter how much research they do, to come up with effective
7 recommendations for solutions to the problems facing
8 Aboriginal people unless we get the suggestions from
9 Aboriginal people themselves. They have been living with
10 the problems. They have some ideas of what solutions might
11 work, and we are trying very hard to get from them their
12 ideas.

13 This will mean that we are going to have
14 to ask some questions and sometimes be a little pressing
15 with respect to questions. This is particularly true
16 because we get one slant in one city, another slant in
17 another city or town or reserve, and therefore we must
18 probe to find out what is behind these suggestions being
19 put forward.

20 I know you won't mind if we ask some
21 questions. We don't mean to be pushy or offensive. It
22 is just that we want to find out how the suggestion we
23 are hearing fits in with what we heard yesterday or last

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 month.

2 A couple of shear mechanical items.
3 There is literature at the back corner. You will see at
4 the back of the hall that there is a table where you can
5 pick up literature about the Royal Commission. If you
6 are having difficulty hearing, and we don't know quite
7 what the sound will be in this hall, you can get headsets
8 in the back right-hand corner where the man is holding
9 up his hand. You can fit them on. They are hooked up
10 to the microphones and you can hear very clearly.

11 We are going to hear from the presenters
12 who are on our list. We have a pretty full day, but if
13 anyone feels they would like to make a contribution, do
14 talk with some of our people on my right hand, Mr. Wood,
15 or on my left hand, another staff member, who will see
16 we could find a spot for you on the agenda.

17 Thank you very much for coming. We hope
18 you will participate in spirit and perhaps in voice.

19 **Co-Chairman GEORGES ERASMUS:** Our first
20 presenter will be representing the Battlefords Indian
21 Health, Ben Weenie.

22 **BEN WEENIE, BATTLEFORDS INDIAN HEALTH:**
23 I would like to say good morning to the members of the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Royal Commission.

2 When I was asked to make this
3 presentation, I was asked based on my experience in the
4 workforce and also facing Indian situations all my life.

5 One area that I would like to bring to your attention,
6 since it is a vast area, and I would like to concentrate
7 on is young people, the youth.

8 I feel this is a very important issue
9 because today we are experiencing problems that are geared
10 to parents, males, females and healing workshops but there
11 is not much for youth in terms of overall wellness.

12 Sometimes being absorbed in education we tend to overlook
13 a lot of their needs because we are very adult oriented.

14 I feel, as a native person, that the
15 young person needs a lot of direction in many areas because
16 of the world that we live in. Also, as native people we
17 are losing some or most, or maybe in some cases all, of
18 our cultural heritage. I feel this is very important,
19 and this is from my experience having been 11 years in
20 the Dicksons field. Presently I am Dicksons consultant
21 for the BCT Indian Health Services.

22 We need to look at our existing services
23 in terms of youth and educational needs. Recently the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 provincial government introduced a native studies
2 curriculum. I have some concerns with that. Those people
3 who are also in that aspect, maybe non-natives, have a
4 lot of concerns because of its very in-depth curriculum.
5 Therefore it could set back those of us who live in that
6 lifestyle, those of us who are bicultural. There are a
7 lot of things in there which I feel are not appropriate
8 for grade 10 level in high school, for example.

9 I want to go to a specific area, and that
10 is youth offenders. I have worked with youth offenders
11 by having workshops for them off and on for the past two
12 years. Here is what I observed.

13 Native youth offenders are in a vicious
14 cycle of destructive behaviour resulting in repeated
15 sentences, being rejected in their communities, or living
16 or coming from a dysfunctional home or environment where
17 there is no support system when they return from being
18 sentenced.

19 Young offenders need to deal with their
20 wounds and scars which have resulted from violence,
21 excessive drinking -- it could be in the family -- and
22 other behaviour that is not appropriate which becomes their
23 companion or support system.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 When I look at their environment I see
2 that it is like going to a hospital for treatment but there
3 are no doctors or nurses to deal with the problem. I am
4 very concerned about these young people. I can see them
5 being institutionalized in life, because that could be
6 their haven. I am really concerned about that and that
7 they can sometimes be the wrong peer group in the community.

8 Like I said, usually they are rejected because they come
9 from single parents or drinking parents; they are left
10 on their own.

11 Something needs to be looked at in that
12 manner in an appropriate way. I am thinking of maybe
13 having staff trained to deal with some type of treatment
14 programs or healing programs for these native youth. A
15 lot of them lack skills and education. If they were given
16 appropriate treatment modules, they could understand part
17 of where they are at, look at their behaviour, deal with
18 their attitude and understand the adult world around them
19 and that they have alternatives rather than being angry.

20

21 We need that in the youth centre and that
22 is what I wanted to say briefly about youth services.
23 Also at the reserve level I would like to see family

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 oriented programs because a lot of people are asking for
2 family or parenting programs. Again that is where youth
3 comes in, knowing how to deal with our young people today.

4
5 One thing I look at today is encouraging
6 mobile treatment services as part of the community. I
7 know the federal government introduced rehab services in
8 Saskatchewan with so many seats, but I also feel there
9 was poor planning and no direction. Today, all we have
10 is treatment but no specialized treatment for youth, no
11 family treatment, no halfway houses, no adequate follow-up
12 programming.

13 In order to be effective we need to look
14 at these situations and be comprehensive of the native
15 people, especially young people.

16 That is all I wanted to say this morning.

17 Thank you. I am here if you want to ask questions.

18 **Co-Chairman GEORGES ERASMUS:** Thank
19 you. We will start with Allan Blakeney.

20 **Commissioner ALLAN BLAKENEY:** A number
21 of interesting ideas and I wonder if I might put some
22 questions to you of the who should do what variety.

23 First I will talk about the native

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 studies curriculum of the provincial government, the new
2 native studies curriculum as I understand it to be. What
3 do you see are its problems? You said that you were
4 concerned, but if you were writing it how would you write
5 it?

6 **BEN WEENIE:** My experience is that my
7 daughter is attending high school in the country. In grade
8 10 the class is composed of all students, not just native
9 students. The white parents are angry because
10 spirituality is something that is heavy and they do not
11 understand.

12 When you cross-reference that with
13 Christianized teachings and talks about horse spirit or
14 bear power then you know there are going to be problems.

15 I feel it is not appropriate for teachers unqualified
16 in that area to talk about it because they don't really
17 understand what it means. Some of these teachings are
18 sacred. Some of these teachings come from appropriate
19 elders. They could be misinterpreted, based on Christian
20 teachings.

21 I had to face a lot of anger when I went
22 to a meeting, anger from non-native parents. I was very
23 angry at the province because I felt it was just like the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 hospital with no doctors, no nurses, no specialists. I
2 am concerned about that because I think they could have
3 asked people from the Saskatchewan Indian Cultural
4 College, which they did in the city at Jean Paul; they
5 looked at appropriate resources.

6 One of my intentions is to look at that
7 and maybe call a meeting with the elders on that. There
8 are a lot of serious considerations, serious concerns about
9 the hidden messages which could be destructive for the
10 people who are in that traditional way.

11 **Commissioner ALLAN BLAKENEY:** The
12 principal concern is the ability of the people who were
13 teaching the course to teach about Aboriginal spirituality
14 correctly, because they obviously lack any basic knowledge
15 of it. They can learn some knowledge of it, but Aboriginal
16 spirituality is not something that you could teach me in
17 10 minutes.

18 **BEN WEENIE:** Right, or one year.

19 **Commissioner ALLAN BLAKENEY:** Or one
20 year, right. You said that in the city they did take
21 advantage of the Indian Cultural College and other people
22 who would be more qualified in that regard.

23 I have a couple of other questions.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 There are just a little different but of close likeness.

2

3 We are looking at programs for native
4 youth and you suggested that we needed appropriate
5 treatment to see if we could break the cycle. Who would
6 know what is appropriate treatment for a native youth who
7 was caught in the cycle of perhaps an unfortunate home
8 or for whatever he gets convicted and goes around the
9 revolving door again? Who would know what should be done?

10

11 I think the people in the correctional
12 centres feel that it is a problem they don't know what
13 to do about.

14 **BEN WEENIE:** We are looking at a
15 multi-approach to this because of these young people being
16 affected by alcohol and drugs. They need to study that.
17 They are lacking in a lot of things in the world today.
18 They need to look at both the modern and traditional
19 settings. They need to review part of their heritage.

20 We also need to reinforce a lot of things
21 to make them have pride, like maybe having youth camps
22 with the elders working with the youth. Also they need
23 some education in terms of surviving and money management.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 I often think that sometimes native
2 people don't really understand the law and therefore it
3 is not really serious because we say it is the white law,
4 meaning that we don't really accept it. I don't know if
5 I am right or wrong but that seems to be a common
6 denominator. Therefore we shouldn't feel bad if we commit
7 because it is the white law.

8 That is what I feel we need to examine.
9 We need to be educated in a lot of things like the justice
10 system.

11 **Commissioner ALLAN BLAKENEY:** I think
12 I could probably make a string of things somebody needs
13 to do. It is not the people at the correctional institute
14 because they do not know how to do that.

15 Who do you think, if you were setting
16 it up, should deliver that program?

17 **BEN WEENIE:** People who understand the
18 situation, people who are bicultural, people who live and
19 understand both worlds, people who know what it takes to
20 survive and know what it takes to respect.

21 We had an all-native treatment centre
22 which was excellent. In Saskatchewan we were one of the
23 first certified treatment centres. I feel we did an

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 excellent job. I have seen a lot of positive results
2 because we were sensitive to our clientele, their
3 background and their communities. We also knew how to
4 deal with them.

5 **Commissioner ALLAN BLAKENEY:** Does that
6 still operate?

7 **BEN WEENIE:** Due to politics it is
8 closed right now, because of the split of the districts.
9 Often I think self-government plays a part. When you
10 set up district programming, the self-government concepts
11 comes in and then all bands want to go in their own
12 direction. It is hard to go back to that team approach.

13 **Commissioner ALLAN BLAKENEY:** Was it
14 run by a tribal council?

15 **BEN WEENIE:** It was run by a district.

16 **Commissioner ALLAN BLAKENEY:** By a
17 district?

18 **BEN WEENIE:** Yes.

19 **Commissioner ALLAN BLAKENEY:** The last
20 question is of the same kind. You spoke of people on
21 reserves calling for classes or someone to teach parenting
22 skills.

23 Who do you think could -- I won't name

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 a reserve around here because they will think I am saying
2 they need parenting skills -- on any of the reserves around
3 here like Moosomin, Poundmaker or Thunderchild?

4 **BEN WEENIE:** I think, without naming
5 anybody, this is a real need because of the way our young
6 people are influenced by the media and by society.
7 Sometimes maybe we are old-fashioned in our ways and we
8 need to learn certain self-interest skills and programming
9 to deal with our young people in a positive way so that
10 they act in a positive manner.

11 **Commissioner ALLAN BLAKENEY:** Who
12 should do this? My thought would be that you should get
13 elders from that reserve or the next door reserve to come
14 in. I think I wouldn't be able to select any people from
15 non-native culture who could go into the Moosomin reserve
16 and talk about parenting. I think that is beyond our
17 skill.

18 **BEN WEENIE:** I guess I am here setting
19 up a job for myself. Native people like me who understand
20 both worlds have certain skills. You have to understand
21 that when you are dealing with alcohol and drugs you learn
22 from society, how they affect. You learn to adopt instead
23 of denying, because we are different people.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 We also have to learn some of the things
2 that could offset and be positive like behaviour, the way
3 we communicate and the way we deal with our children.
4 The way we were dealt with is far different than how we
5 should deal with our children today.

6 In my time when my parents told me no
7 in their language it was no. Today when I tell my kids
8 no it is just like saying yes to them.

9 **Commissioner ALLAN BLAKENEY:** You too.

10 **BEN WEENIE:** Often I used to be very mad
11 about it until I learned that they are testing and you
12 have to explain your feelings.

13 **Co-Chairman GEORGES ERASMUS:** You have
14 made very interesting comments.

15 You started off your presentation by
16 saying that you were concerned for young people because
17 of the healing that is going on in the circles and so forth
18 is primarily adult oriented, that young people were more
19 or less falling through the cracks or else were too young
20 to get into that. Yet already young people are having
21 problems. You are working with young offenders and
22 others.

23 How early should the work begin with

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 young people?

2 **BEN WEENIE:** Basically the idea of
3 cultural and native studies is good. I would also like
4 to see it in Indian schools where we could have Indian
5 trainers and Indian teachers. I think it should be part
6 of their curriculum.

7 We say that it belongs at home. It used
8 to work like that, but now we have to understand the
9 lifestyle that we live today. For example, myself and
10 my wife both work and it is hard for us to spend a lot
11 of time with our children. There are a lot of other similar
12 families.

13 If something like that were implemented
14 or encouraged it would really help us in a lot of ways.
15 But we have to do it in an appropriate way. We have to
16 remember that sometimes too we have to watch racist
17 comments. Sometimes we say it is the white man who brought
18 alcohol, it is the white man who brought the money. We
19 don't want to train our kids to have thoughts like those.

20 We have to accept the fact that we want
21 to co-exist and that we must learn a lot of these things
22 in order to survive, to feel better and to have wellness
23 in future governments or future leaders.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Co-Chairman GEORGES ERASMUS:** You are
2 saying they should start in school fairly early.

3 **BEN WEENIE:** I would like to see it.
4 I think it is happening in some communities where they
5 have gatherings. It could be weekly or daily. This is
6 what I see as the need now for 1990s. We need to update
7 our training and our educational skills as parents.

8 **Co-Chairman GEORGES ERASMUS:** You are
9 also saying that there should be family orientated programs
10 so that the whole family is involved.

11 When you said that you are talking about
12 some kind of wellness programs, some kind of healing
13 program.

14 **BEN WEENIE:** Right, community
15 gatherings.

16 **Co-Chairman GEORGES ERASMUS:** Thank you
17 for coming forth this morning.

18 Next we have the Battlefords Tribal
19 Council that wants to say a few words to us. Russ Brown
20 wants a few minutes.

21 **RUSS BROWN, BATTLEFORDS TRIBAL COUNCIL:**
22 Mr. Chairman Erasmus and Mr. Commissioner Blakeney, as
23 you are probably aware, the fall assembly of First Nations

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 is taking place in Saskatoon. The Aboriginal leaders of
2 the Battlefords Tribal Council, being the chiefs Little
3 Pine, Poundmaker, Sweetgrass, Mosquito and Lucky Man Bands
4 and our tribal council chairman Rod King, are attending
5 those meetings. They have asked me this morning to offer
6 my apologies for their inability to attend.

7 There is a resolution on the floor this
8 morning as a result of the defeat of the referendum of
9 October 26th. They felt it necessary to be present in
10 Saskatoon this morning to participate in that debate and
11 the subsequent vote. They would ask your indulgence in
12 accepting a written submission within the next 10 days
13 addressing their concerns and solutions on issues such
14 as native self-government, the implementation of treaties
15 and other matters of primary concern such as the
16 establishment of an economic base.

17 **Co-Chairman GEORGES ERASMUS:**

18 Certainly. No problem.

19 **RUSS BROWN:** That is all I have to offer
20 this morning.

21 **Co-Chairman GEORGES ERASMUS:** Thank
22 you. The Métis Society of Saskatchewan, the regional
23 director in this area, Albert Delaire.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **ALBERT DELAIRE, REGIONAL DIRECTOR,**
2 **MÉTIS SOCIETY OF SASKATCHEWAN:** Basically I guess we have
3 some concerns, especially dealing with this document.
4 We find that the more and more this Royal Commission goes,
5 the more and more they seem just to be forgetting us Métis
6 people. Ninety per cent of this thing is dealing with
7 the treaties and everything like that.

8 For some reason there is just not very
9 much in there for Métis people. I think we need a lot
10 more Métis input into these things. At one time I believe
11 the Royal Commission was supposed to come and visit some
12 of our Métis farms. For some reason that was put on hold
13 and never ever did happen. We have a Métis farm in Le
14 Bret. Things like that have never happened.

15 I think we need a lot more input from
16 the Métis people. We need more visits for the Métis
17 people. I think you should come into the communities and
18 visit some of the homes. Like I say, it is very
19 disappointing to open something up and find that the Métis
20 people are always sitting on the back burner. We should
21 finally be, if not equal, at least fairly close. We are
22 just sick and tired of always being put on the back burner.

23 A lot of our concerns would be about our

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 education and our health. No matter what we do we seem
2 to be always running into a stone or brick wall. If this
3 Commission is set up in the way it is, they should just
4 remember on Aboriginal people the Métis are too. Even
5 in your book, in the document here, you will find us right
6 on the back burner all the time.

7 I guess that is our biggest concern.
8 It is time that we should have a lot more input and many
9 more things should be happening for us as Métis people.

10 In housing and employment we have the
11 same problems as the treaties or anyone else. We have
12 problems with our health, our housing and our employment.

13 These are some of the main issues the Royal Commission
14 should be probably looking at and dealing strictly with,
15 not only with the treaties on this things but also with
16 the Métis, really strongly with the Métis.

17 I guess those are probably some of our
18 bigger concerns. We have no area input. We don't see
19 anybody from the Royal Commission. I have had one visit
20 in my office since I was elected in February. There is
21 just not enough Métis input. I guess that is our biggest
22 concern with this Commission.

23 **Co-Chairman GEORGES ERASMUS:** The

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 document was not singling out anyone. The generic term
2 Aboriginal people was used throughout it. It was not an
3 attempt to highlight any particular people.

4 The document dealt with the issues we
5 heard last time and then we developed some questions which
6 were generic questions. If you will notice, the term
7 Aboriginal is used. We used it to reflect all Aboriginal
8 people. It was not singling out any particular people.

9 Rather than ask about Métis
10 self-government, Indian self-government, we are using
11 generic terms. It is not an attempt to isolate anyone.

12 **ALBERT DELAIRE:** Then, for instance, at
13 least put one day aside from the Métis people. Come to
14 the Métis Society and tour our head office in Saskatoon.

15 I notice when you guys are down here you
16 are always visiting the tribal councils or you are always
17 doing something, but you never ever come over to the Métis
18 Society office and sit and just put a day aside.

19 I know there was supposed to have been
20 one day put aside where you guys were going to come and
21 visit our farms. That never ever happened.

22 It is a good way to get out of everything,
23 by saying: okay, fine, Aboriginal people. But if you go

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 through the document, you know as well as I do that when
2 you are talking through this whole document we really do
3 feel excluded from this document.

4 We need a lot more input and I am hoping
5 it can be rectified. I am hoping we can start seeing some
6 more input. I am hoping you guys can come one day and
7 spend it with the Métis Society.

8 I believe it because of self-government.
9 I mean, let's face it: if it would have been a yes vote,
10 us Métis people were the ones who probably would have gained
11 the most. Instead of being on the back burner we would
12 have been up on the front. With the no vote we are back
13 to straw one but we are still going to fight. We want
14 to fight for our rights. We feel that we should at least
15 be recognized.

16 I just feel that in this document we are
17 not recognized. Aboriginals is a big scope. I would sure
18 like to see the word Métis in there a little bit. That
19 would have been kind of nice.

20 I guess those are my concerns.

21 **Co-Chairman GEORGES ERASMUS:** We have
22 not been going through any more communities that are
23 non-Métis than we are Métis. In fact if you look at the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 presentations in Saskatoon over the last two days, rather
2 than hearing more from status Indians or treaty Indians
3 we probably heard more from Métis.

4 You do not need to be defensive with us
5 as if we are listening to only one side. The term
6 Aboriginal is in the Constitution. It refers to all the
7 Aboriginal people.

8 If you read it again, the questions are
9 very generic. When we ask about Aboriginal
10 self-government we are not referring to only the Inuit
11 or the status. It is everybody. We were not trying to
12 come up with a Métis document. This was a document from
13 the Royal Commission reflecting all Aboriginal people.
14 This could be used from the coast of Labrador to the west
15 coast, so the Haida could read it.

16 If we were to repeat everything for every
17 Aboriginal people and break it out, the document would
18 have been twice as thick as it is. In this way we got
19 away with one question in each area for Aboriginal people.

20 You talked about the possibility of our
21 visiting farms and so forth. Yes, until about last week
22 we were talking about the possibility of one day in
23 Saskatoon and then a day in the area to visit farms, homes

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 and so forth. That was being planned. But there was such
2 a demand for people to make presentations to us in Saskatoon
3 we felt we could not have a day where we went around and
4 visited people, when we had all these presenters we were
5 going to turn down. We ended up having two days there.

6 Look at the people we heard from
7 yesterday: Clem Chartier, Gerald Morin and Gabriel Dumont
8 who started the morning. These were Métis people we were
9 listening to.

10 **ALBERT DELAIRE:** In one place out of how
11 many, though? I notice on this one here, as I go through,
12 I believe I am the only Métis person on here. If you keep
13 looking there are more treaties and everything on here.

14 I am not blaming them, you understand.

15 They deserve everything they get and there is no doubt.

16 I have no problems with that. Basically our biggest
17 concern is that hey, we want to be recognized too. I know
18 everybody gets off on saying Aboriginal people and it is
19 okay, it includes everybody. Maybe it does.

20 I am just basically stating that in
21 Saskatoon it was great. There was a lot of Métis people
22 there. I would just like to see a lot more Métis input.

23 I guess that is the big thing I am talking about.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Co-Chairman GEORGES ERASMUS:** I guess
2 the only thing I would like to say is that rather than
3 having spent time on telling us that you want more Métis
4 input, if you had spent some time telling us what it was
5 you want us to hear, you might have got a bit more of what
6 you want done.

7 I mean what are your concerns and what
8 do you want done about that? That is what we are here
9 to hear.

10 **ALBERT DELAIRE:** My big concern is that
11 if you had the Métis input then we would know. It is like
12 the economy and education.

13 **Co-Chairman GEORGES ERASMUS:** That is
14 why we are here and that is why you are sitting there.

15 **ALBERT DELAIRE:** What I am saying is
16 that it is one input.

17 **Co-Chairman GEORGES ERASMUS:** It is not
18 one input. Everywhere we have gone we have heard from
19 Métis people.

20 **ALBERT DELAIRE:** Do you want to put that
21 on a balance compared to the treaties?

22 **Co-Chairman GEORGES ERASMUS:** No.

23 **ALBERT DELAIRE:** No.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Commissioner ALLAN BLAKENEY:** I
2 wouldn't mind taking you on, on that, just because I have
3 seen the last two days. I will read the list if you like.

4 Opening prayer, Joan Lavallee. As far
5 as I know she is Métis or non-status. The next one we
6 heard from was Maurice Blondeau from the Indian and Métis
7 Friendship Centre. Maurice is Métis or non-status. He
8 is not status.

9 Then we heard from Julia Eweing who is
10 a non-Aboriginal, J. P. Nicolette who is non-Aboriginal,
11 and somebody from the City of Saskatoon who was
12 non-Aboriginal.

13 Then we heard from a disability
14 counsellor, Isabelle Smith, and I believe she is Métis.
15 She may be non-status. She is not status. Chris Axworthy
16 is non-Aboriginal; he is an MP. Then we heard from Gordon
17 Ahenakew and he is status.

18 Then we heard from Claude Petit, and he
19 is Métis, and people from the Joe Duquette High School.
20 They were half Métis would be my guess. Next we heard
21 from Indian and Métis Advisory Council, Karen Chamone.
22 I think she is Métis; I do not think she is status.

23 Cheryl Starr was the next one. She is

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 status. Next was Robert Doucette from Métis Local 126
2 and he is Métis. The next one was SUNTEP, Gabriel Dumont,
3 a Métis organization. Then we did not hear from the Métis
4 youth but we might have.

5 The next day we heard from the Gabriel
6 Dumont Institute. That was Métis all the way. Then the
7 Human Rights Commission, non-Aboriginal. We heard from
8 someone from the FSIN. We heard from a man by the name
9 of Hart and I think he was non-Aboriginal.

10 The Aboriginal Women's Council of
11 Saskatchewan appeared next and they are half and half.
12 They represent status and non-status, mostly non-status.
13 Then we heard from Urban Treaty Indians and they were
14 status and Métis Family and Community Justice Services,
15 Noble Shanks, and they were Métis. Next was Education
16 and Employment Women's Working Group, Michele Harding,
17 and I believe they were Métis. Next was Métis Society
18 of Saskatchewan. Mr. Morin and Mr. Chartier are certainly
19 Métis.

20 That was our list and I think that
21 balances not bad.

22 **ALBERT DELAIRE:** No, I have to agree
23 with you.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Commissioner ALLAN BLAKENEY:** Then we
2 will be going to Isle La Crosse and La Loche a little later,
3 in three weeks time or so. They are predominantly Métis
4 communities as you know.

5 We have not been on that many reserves
6 because we have been having our functions in the nearest
7 town so that we can hit everybody. We were in a Métis
8 settlement in Alberta the last round, on one of the Métis
9 settlements in Alberta up by Lac-la-Biche.

10 It is a big country. Even though we are
11 splitting into three groups we will only hit one-tenth
12 of the places we would like to hit. We are hearing a fair
13 bit.

14 On one point I will take your point.
15 We do frequently get more paper and more presentations
16 from status Indian people. Clem Chartier yesterday was
17 talking about being in on the negotiations with respect
18 to the Constitution. At one time he was the single lawyer
19 acting for the Métis National Council and for the Assembly
20 of First Nations they were 19 lawyers. He said: "Sometimes
21 we get outgunned". I think the Métis National Council
22 gets outpapered by FSIN or, I should say, the Assembly
23 of First Nations just because they have a bigger set-up.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 We do try to watch that, but we take your
2 point that the Métis organizations frequently do not have
3 as big a public service or as big a bureaucracy, if I may
4 use that term, as the status Indian organizations. We
5 will have to watch that to see that we do not get overwhelmed
6 with a single voice.

7 **ALBERT DELAIRE:** The only other issue
8 I guess is employment. For instance, we ran into a little
9 bit of problems there with our Le Bret farm. It just about
10 went under at that time and we couldn't help from anybody
11 to pull it back up. Finally it is coming along. It
12 employs a lot of people.

13 I think the success of Pathways is coming
14 along good and that is where a lot of our employment is
15 going to be. We still have a lot of problems to iron out
16 with Manpower. But is there anything in the unemployment
17 field or for the Aboriginal people to learn more about
18 self-government through SNEDCO or any place like that?
19 Is anything else coming up to help them out, to start their
20 own business or do anything like that?

21 **Co-Chairman GEORGES ERASMUS:** What we
22 are holding hearings on is what people want in the future,
23 on the kinds of services or programs that either government

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 should deliver or they should deliver themselves, on new
2 institutions that should be created. That is the whole
3 idea of these hearings: what do the people want, what is
4 it that they desire, what are the long-term solutions and
5 who should do what? Those are the questions we are trying
6 to deal with.

7 If you think that the known programs you
8 are aware of that exist today are not sufficient, tell
9 us why they are not sufficient and what you would replace
10 them with.

11 **ALBERT DELAIRE:** I guess I just think
12 that there should be probably more. It gets so that you
13 have to just about be a banker yourself in order to get
14 anything from even SIMAS. It is supposed to be set up
15 to help people but yet let's face it: Aboriginal people
16 are not usually economically sound, and if they are not
17 sometimes SIMAS won't even do anything. I think that
18 policy should be changed. They should look at the
19 individual, at the individual basis and at what is
20 happening.

21 I would like to see something like that
22 in place.

23 **Commissioner ALLAN BLAKENEY:** Can I

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 talk a little bit about this with you? I take your point
2 on this.

3 We were talking yesterday with the
4 Canadian Council on Native Business. Their job is to see
5 if they can get more Aboriginal entrepreneurs, Indian and
6 Métis people starting businesses of their own.

7 When I say "Indian and Métis" I don't
8 exclude non-status, you know what I mean.

9 **ALBERT DELAIRE:** Yes.

10 **Commissioner ALLAN BLAKENEY:** I will
11 use that because that is the one I grew up with, Indian
12 and Métis. They are saying that government programs do
13 not work as they should because government almost always
14 has to act in a safe way. Before they lend money they
15 have to have a business plan and a pile of paper because
16 they have to be able to prove that they acted in a careful
17 and prudent way.

18 A lot of the making of loans to people
19 to start up a business does not depend on whether they
20 have a nice pile of documents but whether that person can
21 make it work. It is a gut decision: Is that person going
22 to be able to make it work or not?

23 Some bankers can operate that way. They

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 can say: "I can lend that fellow money. He hasn't got
2 all the paper there but he will come through".

3 What we need therefore are some
4 organizations, some financial organizations, operated by
5 Aboriginal people so they can take those kinds of risks
6 which the government sometimes can't because they get into
7 political trouble if they lend money without the
8 documentation.

9 We would interested in knowing whether
10 the Métis Society of Saskatchewan or any local has any
11 ideas about setting up SNEDFOs or SNEDCOs. There have
12 been lots of them around. We, meaning the Government of
13 Saskatchewan, had a Saskatchewan Native Economic
14 Development Corporation, SNEDCO, and another one, SNEDFO
15 for foundation. The idea was to have a board which would
16 have a majority of Aboriginal people but with a couple
17 of non-Aboriginal sort of business and financial types
18 to lend their expertise and start this money going out
19 there because frequently what stops Indian and Métis people
20 getting into business is getting that first lump of
21 capital.

22 If you have any thoughts as to how that
23 might be made to work we would surely be interested in

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 them. Governments do have money. They do not have money
2 at the moment, but over time they do have money and they
3 can bankroll some of these things. Someone else has to
4 run them. Otherwise they are not going to work.
5 Otherwise they are going to be paper-bound. That is the
6 toughest environment for a small businessman to operate
7 in. I think it is even tougher for Indian and Métis small
8 businessmen because they have not grown up with paper as
9 some white businessmen have grown up with paper, potential
10 businessmen.

11 If you have any thoughts on that we would
12 be sure interested; not necessarily today but any time
13 you or the Métis Society can turn their mind to that we
14 would be interested.

15 **Co-Chairman GEORGES ERASMUS:** Thank you
16 for coming forth.

17 We are going to take a brief coffee break
18 now.

19 ---Short Recess at 9:50 a.m.

20 ---Upon resuming at 10:05 a.m.

21 **Co-Chairman GEORGES ERASMUS:** We are
22 going to have a short presentation from James Favel.
23 Please proceed.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **JAMES FAVEL:** I am Jim Favel from the
2 Strike Them on the Back Band reserve and this is Bill
3 Swimmer.

4 We are direct ancestors of Strike Them
5 on the Back Band. Some time in 1880 Indian Affairs
6 appointed a young Sweetgrass to replace the Strike Them
7 of the Back chief. That is when Indian Affairs changed
8 the name to Sweetgrass.

9 Now we are totally ignored by Indian
10 Affairs and past and present chiefs and councils of the
11 reserve. We want to be recognized by the government.

12 Here are some of our problems. We have
13 a lot of problems. We are totally ignored by the band
14 council; like I said before by present and past ones.
15 We want to be recognized. We want out treaties entrenched
16 in the constitution because I think Treaty 6 supersedes
17 the constitution. Our treaty rights are based on the
18 grass, on the sun and on the rivers.

19 I would like to thank you for giving us
20 the opportunity to express some of our problems. We would
21 like to be recognized now. I will turn it over to Bill
22 Swimmer.

23 **BILL SWIMMER:** My name is Bill Swimmer.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 I am classified as a member of the Sweetgrass Band under
2 the Indian Act but descended from Chief Strike Them on
3 the Back and treaty members from the Strike Them on the
4 Back reserve.

5 I would like to address two issues. One
6 is self-government and native justice that people are
7 talking about. First I will deal with native justice.

8 One of the biggest concerns native
9 people are expressing to white society is that they do
10 not understand the white system of native justice, judges
11 and lawyers and all the laws.

12 It will take place when the native
13 justice systems comes into play. The majority of people
14 in Canada is not native. When a native person transgresses
15 a native law you have to understand that native law to
16 deal with it and provide punitive consequences.

17 The two systems will never come in
18 contact or come to a balance. I myself could be charged
19 under a law that I as an individual do not think I broke
20 because I do not understand it. A white person
21 transgressing a native law does not understand that law.
22 Where is the justice here?

23 What is going to happen is that native

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 people are going to adapt to the white system and implement
2 consequences to that system and are not going to deal with
3 native law in terms of transgressing culture, spirituality
4 and the government in place under Indian law prior to the
5 coming of the white people.

6 The other area is self-government and
7 the inherent right to self-government. I have an inherent
8 right to self-government as an individual, to govern
9 myself. The inherent right they are talking about is
10 two-headed. One is that inherent right prior to contact
11 and the other is inherent right after contact.

12 Prior to contact there was no financial
13 institution in place. Everybody understood what the law
14 was and governed themselves according to social, economic
15 and whatever method they had in place to promote culture
16 and people as people.

17 Whereas the system they are talking
18 about of inherent right that they want to institute into
19 Canadian society is an institution where some other people
20 will support that system and thus inherent right will not
21 come into play then. It is just being supported and
22 financed by another institution. How can you classify
23 that as inherent right?

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 There definitely has to be a separation
2 between inherent right prior and after contact and after
3 contact we have treaties. The treaties have to be
4 recognized. The Canadian Constitution has to be
5 recognized by both peoples. There should be some common
6 denominator here.

7 The common denominator comes from the
8 Supreme Court cases that we deal with where the courts
9 always said there is a fiduciary relationship between
10 Canadian government and the treaties the Queen entered
11 into.

12 That is all I have to say for the time
13 being and the time is up.

14 **JAMES FAVEL:** If you have any questions
15 we will answer them.

16 **Co-Chairman GEORGES ERASMUS:** Allan, do
17 you have any questions?

18 **Commissioner ALLAN BLAKENEY:** Yes. I
19 am not sure from the presentation what the issues are with
20 respect to the Strike Them on the Back Band which is now
21 the Sweetgrass Band. Am I correct in saying that?

22 **BILL SWIMMER:** No. Let me bring you
23 back to the initial events that took place. There were

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 always two distinct and separate bands here: Strike Them
2 on the Back and the Sweetgrass bands. Strike Them on the
3 Back Band entered treaty at Fort Carleton in August 1876.
4 Sweetgrass Band entered into Treaty 6 on September 28th,
5 a whole month after. They were always two separate bands.

6 Strike Them on the Back land was surveyed
7 prior to 1884 but it was not completely surveyed. It was
8 surveyed along with Thunderchild and Moosomin by the Delmas
9 area, but Moosomin and Thunderchild were forced to sell
10 their land. Lucky for us they left Strike Them on the
11 Back land in tact but it was not completely surveyed.

12 Another reserve was surveyed just south
13 of Strike Them on the Back. Strike Them on the Back Band
14 members moved down there with a bunch of other people.
15 Lately Indian Affairs, through section 28 of the 1928
16 Indian Act which gave themselves the authority to add and
17 delete members of a band, added members to that land base.

18 Strike Them on the Back should have been allocated that
19 land and somehow Indian Affairs relinquished their
20 obligation to recognize Strike Them on the Back.

21 We can see that process taking place.

22 We are under that process because Indian Affairs and the
23 Indian Act do not supersede the treaties or abolish these

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 treaties. We are talking about a treaty land based band,
2 a treaty band in relation to the Canadian government as
3 it was stipulated in the articles of Treaty 6 of 1876.

4 That is what happened here. There are
5 two distinct, different bands involved here and being
6 lumped into one by the Department of Indian Affairs under
7 the Indian Act.

8 **Commissioner ALLAN BLAKENEY:**

9 Between the two bands did they get all the land they are
10 entitled to? That is one question.

11 The second one is: Has there been
12 recognized a claim for treaty land entitlement? Thus is
13 one of these bands included in the 27 or whatever bands
14 that are included in the current umbrella agreement which
15 was signed? Is that an outstanding land claim?

16 **BILL SWIMMER:** There is another one that
17 might throw you off. It is that Sweetgrass Band 113 is
18 one of the 27 bands that are in the land entitlement process
19 right now. There are claiming members based on that 1928
20 Indian Act, 6 and 10 of the 1928 Indian Act, where all
21 the people were being brought on to the reserve. They
22 are claiming these people but they are not claiming
23 anything for Strike Them on the Back.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 The Strike Them on the Back Band has
2 never been operated under the Indian Act. They have been
3 recognized by the Department of Indian Affairs as a
4 separate band. Therefore, with the advent of this land
5 entitlement process being in place, Strike Them on the
6 Back Band members decided that they should pull their
7 reserve out of the entitlement process so that they would
8 not wipe out that reserve entirely.

9 If the process does not stop now with
10 the 27 bands as it is, Strike Them on the Back and its
11 initial land allotment of 94.6 square miles will be totally
12 wiped out. Plus the initial parcel of land that was
13 surveyed will be wiped out by this land entitlement process
14 and it will go over into a fee simple system where each
15 individual will have the opportunity to sell or tax that
16 land base.

17 We are talking about treaty reserve here
18 as opposed to Crown land which is the other one.

19 **JAMES FAVEL:** I might also remind you
20 that I was chief in 1958, 1959 and 1960. I was one of
21 the first to organize with the Federation of Saskatchewan
22 Indians. At the time when section 51 of the Indian Act
23 was enforced to make protest on non-band members or

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 whatever you want to call them, different blood or whatever
2 it was, I got involved in this with the Sweetgrass Band
3 members. My brother Philip and I were going to be kicked
4 off the reserve by section 51.

5 I knew beforehand that there were two
6 different bands. Strike Them on the Back Band was the
7 first original band. These are stragglers who wanted to
8 apply section 51 of the Indian Act.

9 I went to work on it some time in 1958
10 or 1959. The Minister of Indian Affairs was Fairclough
11 and Davey Fulton was the Minister of Justice. I wrote
12 to all officers and members of the House, also Indian
13 Affairs, making them aware that we were Strike Them on
14 the Back Band and that section 51 didn't apply to us because
15 we are direct ancestors of Strike Them on the Back Band.

16 It was my grandfather who signed that treaty. That is
17 what I did.

18 Mr. Colborne was the Battlefords acting
19 superintendent or whatever you want to call him; it changed
20 names so many times. He got a letter from Ottawa. He
21 told me, he said: "You go back and claim your reserve
22 for Strike Them on the Back Band, and all the stragglers,
23 do whatever you want to do with them". But there were

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 older people at the time. We listened and we said: "Let's
2 get back together, live together". So I let everything
3 go.

4 Today it is getting worse. I should
5 have pulled off. There is a letter there somewhere,
6 probably some place in the archives now. There was a
7 letter that came direct from Ottawa that we were recognized
8 and entitled to the Strike Them on the Back Band list.

9 We have the letter. We are well
10 documented. We have all the papers and documentation that
11 we are and should be recognized as Strike Them on the Back
12 Band.

13 Indian Affairs is totally against this
14 and some provincial party members are against this. The
15 chief and council are against this, present and past ones.
16 They were all against this.

17 **Commissioner ALLAN BLAKENEY:** Chief
18 and council of Sweetgrass.

19 **JAMES FAVEL:** Yes, but we don't want to
20 deal with the chief and council. We want us to be
21 recognized. We want the Commission to bear our problems
22 for us. The chief and council and Indian Affairs won't
23 help us.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 We are building houses by the river where
2 the old campsite is. Whatever it is we are, we are going
3 to stay with it. It is not going to be another Oka case
4 but it will be damned near close to it if we don't get
5 what we want.

6 **Commissioner ALLAN BLAKENEY:** When you
7 say the "letter from Ottawa", do you think that was from
8 Ellen Fairclough or from Davey Fulton?

9 **JAMES FAVEL:** No, I really don't know
10 that but there was a letter. Mr. Colborne had it. I
11 believe he is alive yet. But there was a letter that
12 confirmed that we are Strike Them on the Back Band. Indian
13 Affairs has been telling the chief and council: "Well,
14 you have got to have a referendum. Strike Them on the
15 Back Band can go back to their band membership and have
16 their membership recognized".

17 There is no such thing as a policy in
18 our treaties. Indian Affairs wasn't around when the
19 treaties were signed. We can't go by its policies and
20 we can't go by the second-hand policies from the chief
21 and council that are being instructed by Indian Affairs.

22

23 **Commissioner ALLAN BLAKENEY:** Are you

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 now on the Sweetgrass Band list?

2 **JAMES FAVEL:** I am right now, yes.

3 **Commissioner ALLAN BLAKENEY:** If I
4 looked at that list, you would be on that list?

5 **JAMES FAVEL:** Yes.

6 **Commissioner ALLAN BLAKENEY:** And you
7 too, Mr. Swimmer? I am just trying to get a grip on this.
8 This is not a simple problem.

9 **BILL SWIMMER:** No, no. We are dealing
10 with two different lists and two different ethnicities.
11 One is treaty and the other one is the Indian Act. We
12 are not opposed to the Indian Act operating on reserves,
13 taking care of the status Indians.

14 We are a treaty people coming from a
15 treaty band. These are two different things. You can't
16 lump one into the other. That just about happened with
17 the referendum just a couple of days ago. They would have
18 taken all treaty people into the Canadian constitution
19 and wiped out the treaties. It is a good thing the vote
20 was no.

21 Treaties have to be dealt with
22 separately, particularly Treaty 6 which was signed by the
23 Queen in right of Canada to operate in this land. We are

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 dealing with two different band lists here. One is the
2 treaty list and one is the Indian Act list.

3 Under the Indian Act I am classified as
4 an Indian. That is it. If you wipe out the Indian Act
5 and you wipe my Indianness out of me, what do I become
6 after that? But if I revert to the treaty list I am still
7 a treaty Indian there, in the right of my great-grandfather
8 and his people and the treaty on behalf of themselves and
9 their children and the children before them.

10 It is not an easy issue to understand
11 or even to deal with. If we just look at the treaties
12 everything comes into focus, but if we solely rely on Indian
13 Affairs and the Indian Act then everything is kind of a
14 dog's breakfast where everybody is lumped together.

15 **JAMES FAVEL:** One of the biggest present
16 day problems with us -- and I am not referring to other
17 reserves now; I am more referring to the Sweetgrass reserve
18 -- is that as soon as the Indian Affairs found out that
19 Indian people on a national level wanted Indian
20 self-government Indian Affairs made its own policies
21 empowering chiefs and councils to govern their reserves.

22 It gives them all the money, all the grants. Half the
23 time we don't know where the grants go.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 To the people in the council, my educated
2 friends -- some are uneducated and they are not my friends
3 -- what happens now? They made them believe they are the
4 government. They run the whole show. They can spend that
5 grant tomorrow, the next day or the week after if they
6 want to because Indian Affairs doesn't say nothing. All
7 the programs are being misused on the reserve for the simple
8 fact that the people believe they are the real government
9 and Indian Affairs overlooks all the problems: welfare
10 issues, education, housing, renovations. You name it;
11 it is there. The problems we have, you people don't know
12 them.

13 **Co-Chairman GEORGES ERASMUS:** You say
14 the department makes the chief and council feel they are
15 the real government. Who is the real government if they
16 are not the government? Is there a more traditional form
17 of government that you are talking about, or what is your
18 meaning?

19 **BILL SWIMMER:** In every democracy in the
20 world the government comes from the people. Here the
21 government comes from the people who are put in place by
22 the Department of Indian Affairs under the Indian Act to
23 govern.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 They have no accountability or
2 responsibility to the people on the reserve. There are
3 no band meetings on my reserve, anyway. While that reserve
4 now has a good band, we never had a general band meeting.
5 We don't know what these people are doing.

6 Prior to contact, and I have to go back
7 and as a native person stress this very adamantly, the
8 government came from the people first. It moved up. Here
9 the system comes down and goes back up; it doesn't come
10 to the people at all.

11 In democracies the government comes from
12 the people themselves and it is not happening in the band.
13 That is what Jim is talking about here.

14 Our view is that government should come
15 from the people, but Indian Affairs is saying that
16 government stays right here and comes back to us.

17 **Co-Chairman GEORGES ERASMUS:** You don't
18 feel that an election every two years is enough
19 accountability.

20 **BILL SWIMMER:** Let me put it another way
21 here. Let me answer this in a different light.

22 Sixty-five per cent of native people in Saskatchewan anyway
23 are urban Indians. That means 35 per cent of the people

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 are living on reserves. There is a 51 per cent turn-out
2 on voting day to elect these two-year system chiefs.

3 Just how much credibility can you place
4 on something like that? If it is a people's government,
5 the decision-making power should come from urban Indians
6 on to the reserves. There would be a terrific intellectual
7 bombardment from the outside on to the reserve, but that
8 is not current and that is the policy that should be in
9 place.

10 If you are really going to deal with
11 native issues and listen to the native people you have
12 come to the right place. You come to urban centres because
13 most of the people, members of the reserve are in the urban
14 centres. If you go to a reserve and the chief and council
15 make a presentation, only 4 per cent of these people are
16 even making decisions in Saskatchewan. There are 72 bands
17 and 72 chiefs and at every FSI meeting only four councils
18 go with the chief to make changes. Out of that 35 per
19 cent, only 51 per cent of them vote for these people and
20 only 4 per cent is running everything: all the programming
21 and decision-making power.

22 **Co-Chairman GEORGES ERASMUS:** May I ask
23 you another question. You were saying that there should

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 be a difference between what inherent right was prior to
2 the contact and what it is now.

3 What did you mean?

4 **BILL SWIMMER:** I came up with a
5 demographic situation a little while ago wherein the
6 government was accountable to the people. Prior to the
7 contact the government did come. They had families. They
8 had family groups. They had certain institutions within
9 these families. This was the organizational structure
10 of the government prior to contact.

11 This was a very effective. If you
12 didn't perform as a leader you were booted out. Because
13 all the other systems or organizations in place within
14 that structure supported you as a leader, you had to prove
15 yourself as a leader.

16 Under the Indian Act you don't have the
17 opportunity to do that. As a leader you don't stress
18 yourself.

19 **Co-Chairman GEORGES ERASMUS:** When you
20 said the inherent right was different, what you meant was
21 that the way of government was different.

22 **BILL SWIMMER:** Yes.

23 **Co-Chairman GEORGES ERASMUS:** The

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 process was different.

2 **BILL SWIMMER:** Right, yes. Everybody
3 contributed within that system.

4 **Co-Chairman GEORGES ERASMUS:** I think
5 I understand what you were saying.

6 Could I ask you what you meant when you
7 said that if the referendum would have resulted in a yes
8 the treaties would have been wiped out?

9 **BILL SWIMMER:** There is a system in
10 place where status Indians are being recognized.
11 Everybody is being classified as status Indian. When you
12 look at the words status Indian in any dictionary at all,
13 it just tells you that you are identified as something.

14 Here we have status Indians dealing with
15 treaty issues that only treaty people should be dealing
16 with. At the time of the treaty in 1876, when these
17 treaties were signed, Alexander Morris came here and there
18 was a limit imposed on these people to enter treaty. That
19 is how the system worked. Maybe it wasn't the right way,
20 but the people who entered treaty agreed to that principle
21 and that method; they agreed to it.

22 Naturally with a big territory like
23 Treaty 6, 121,000 square miles two years is not adequate

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 amount. They could be travelling five years all across
2 Canada with vehicles and airplanes, and these guys were
3 walking in horse and buggy days. They didn't have time
4 to enter a treaty within that two-year system. They left
5 everybody else out and these are what Indian Affairs
6 classifies as status Indians. They gave cars to them.
7 Because they were Indian they had an obligation to them.

8 We are saying fine, let that system be
9 in place but don't let these people a treaty and apply
10 it to themselves and govern these treaties. Treaty
11 Indians and status Indians and so on are not one and the
12 same.

13 **Commissioner ALLAN BLAKENEY:** Who
14 should be a treaty Indian? What blood content, if that
15 is the right way to measure, should one have? Clearly
16 if you are the grandson of somebody who signed the treaty
17 there is no doubt you are a treaty Indian.

18 Do you think of it in blood content terms
19 like the American Indians do, you know one-quarter or
20 whatever? Can you tell me who would be members of the
21 Strike Them on the Back Band that signed Treaty 6, for
22 example?

23 **BILL SWIMMER:** Let me go back to 1876

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 prior to the treaty process coming into this territory.

2 Everyone who was living with a group of people which is
3 classified as a tribe could have entered treaty based on
4 who was representing that band and saying "he is a member
5 of my band". They could be white. There was no blood
6 content at that period of time.

7 Anybody could have been treaty. He
8 could be a Frenchman or a European; as long as he was living
9 with the tribe he could have entered treaty. There was
10 nothing in place saying you are white, you are brown and
11 purple; you can't be a treaty member because we are only
12 dealing with these people here.

13 There were given that opportunity.
14 Indian people were given the opportunity. They took that
15 opportunity to put everybody into their band membership
16 and they were classified as treaty Indians at that time.

17 The generic term Indian was applied at that time, even
18 though they were not of Indian ancestry. The minute your
19 name appeared under a chief who signed treaty then you
20 were a treaty Indian.

21 **Commissioner ALLAN BLAKENEY:** That
22 would tell me how to find out in 1876 or 1880. How do
23 you tell me to find out in 1976 or 1980 who is a treaty

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Indian? Would it be if you had one great-grandparent or
2 two great-grandparents? Who do you define a descendent
3 for those purpose?

4 **JAMES FAVEL:** We are not making blood
5 counts here. We are not worried about the colour of the
6 blood.

7 We have presented that they won treaty
8 from the band list. We are the direct ancestors and this
9 is what we want. We can partly have Dogblood; we don't
10 care what it is but we want to be recognized under that
11 treaty. We are not make a blood count here. We are going
12 by the treaty band list.

13 **BILL SWIMMER:** To this day if you
14 applied the principle or concept to today's band list,
15 all you would have to do is read the articles of the
16 treaties. They say that only treaty people entered and
17 signed into the treaty and their descendants will be the
18 beneficiaries of these treaties. There was a time limit.

19 If you were white and entered treaty all your children
20 from that period of time are treaty people.

21 **Commissioner ALLAN BLAKENEY:** I am not
22 getting my point across. I am not worried about 1876.

23 **BILL SWIMMER:** Yes, I know.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Commissioner ALLAN BLAKENEY:** Anybody
2 who was there was a treaty person whether he was Chinese,
3 of Indian origin or Norwegian. That is the group, but
4 today we have to find out whether someone is a descendent
5 of that group.

6 Does any descendent qualify?

7 **BILL SWIMMER:** Yes.

8 **Commissioner ALLAN BLAKENEY:** If I have
9 one-sixteenth?

10 **BILL SWIMMER:** No, no, we are not going
11 by that. We are going by the articles of the treaty here.

12 **Commissioner ALLAN BLAKENEY:** I am
13 sorry. Tell me what articles of the treaty. You have
14 just told me their descendants.

15 **BILL SWIMMER:** Yes.

16 **Commissioner ALLAN BLAKENEY:** Two
17 people can have 100 descendants, and are they all treaty?

18 **BILL SWIMMER:** Yes, they are all treaty
19 because that is what the articles of treaty say: only the
20 descendants of the treaty signers will be beneficiaries
21 of these treaties till the treaties last.

22 **Co-Chairman GEORGES ERASMUS:** Does that
23 mean that whose people who lost status according to the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Indian Act could still have treaty rights if they are direct
2 descendants?

3 **JAMES FAVEL:** If they are direct
4 descendants.

5 **BILL SWIMMER:** This is where the
6 confusion comes into it. Everybody seems to lump Indian
7 Affairs, the Indian Act and the treaties. Separate them.

8 **Commissioner ALLAN BLAKENEY:** Just
9 forget about the Indian Act. Tell us who is a descendant.
10 Obviously people can be descendants of four different
11 treaties on that basis.

12 **BILL SWIMMER:** Yes, right. If my
13 great-grandfather Swimmer appeared under Strike Them on
14 the Back, his sons or his daughters married are descendants
15 of these treaties. The word descendants means that you
16 come from one person or two persons.

17 If you marry somebody else your
18 descendants are treaty beneficiaries of that treaty. The
19 Indian Act says that if you marry out you lose your status.
20 It has got nothing to do with that.

21 **Commissioner ALLAN BLAKENEY:** That is
22 fine, except there are an awful lot of members of any
23 particular treaty nation.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **BILL SWIMMER:** Right, yes.

2 **Commissioner ALLAN BLAKENEY:** There
3 will be thousands and thousands because some people will
4 be able to say: I am a descendant of that treaty, this
5 one, this one and this one. My great-grandmother on my
6 mother's side was here and my great-grandfather on my
7 father's side was here. You could be members of very many
8 treaty nations that way, and that is fair game, is it?

9 **BILL SWIMMER:** I concede the explosion
10 part of the population, but we are dealing with one parent
11 or two parents. You are limiting it to that. We are only
12 dealing with 125 years here. You can't have 1,000 kids
13 in 125 years.

14 **Commissioner ALLAN BLAKENEY:** Well, you
15 would be amazed in 125 years.

16 They are telling me that George Bush and
17 Clinton are related.

18 **BILL SWIMMER:** It would be Bush and
19 Bush's children. That would be it.

20 **JAMES FAVEL:** We always say that we want
21 to be recognized. We are well documented and we are the
22 direct ancestors from the Strike Them on the Back Band.
23 We want to be recognized and we want to be restored.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 We are not talking about who claims to be; we are the
2 beneficiaries of that treaty and we want to be fully
3 recognized. This is all we are saying.

4 Research has been done. We have done
5 research from 1951. We didn't start our research last
6 week or last month. I started this when I was chief, in
7 1951 and 1958.

8 **Co-Chairman GEORGES ERASMUS:** I am
9 going to ask just one more question so that I can get a
10 little bit of clarification.

11 You said that the Indian Act doesn't
12 apply. Until very recently one of your sisters could have
13 married someone who was not either status or treaty and
14 she would have lost her treaty rights. According to what
15 you are telling us, would she still be regarded as a treaty
16 Indian?

17 **BILL SWIMMER:** If you strictly go on
18 treaty. If you go on the Indian Act she lost it. I would
19 have to agree with that. The Indian Act is legislation
20 which was assented to in Parliament on April 12, 1876.

21 If she lost her status through the Indian
22 Act, fine, she lost her status, but as a treaty Indian
23 she will never lose that. She was born into it and she

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 will die a treaty Indian. It depends on which one you
2 are going to follow.

3 **Co-Chairman GEORGES ERASMUS:** Okay, it
4 has been very interesting. I am certainly glad you two
5 wanted to make presentations to us. You presented some
6 very interesting ideas. I would like to thank you for
7 your presentation.

8 Our next presentation will be from the
9 Battlefords Indian and Métis Friendship Centre.

10 **ARNOLD BLACKSTAR, BATTLEFORDS INDIAN
11 AND MÉTIS FRIENDSHIP CENTRE:** Good morning and welcome
12 to the Battlefords Indian and Métis Friendship Centre in
13 the City of North Battleford and area.

14 I have a letter that was written by the
15 president of the Friendship Centre. Unfortunately he
16 could not make it here today so he asked me to read the
17 letter you on his behalf.

18 The president's name is Raymond
19 Hettinger and his letter reads as follows:

20 **Co-Chairman GEORGES ERASMUS:** Excuse
21 me. Is it a long letter?

22 **ARNOLD BLACKSTAR:** No, it is a very
23 short one.

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 "First of all I would like to take this opportunity to
2 welcome all of you to the
3 Battlefords Indian and Métis
4 Friendship Centre and to say it is
5 an honour to have you, the Royal
6 Commission on Aboriginal Peoples,
7 here today. We are all pleased
8 that attention is finally being
9 paid to the many problems
10 encountered by our people.
11 Hopefully together we will be able
12 to resolve some of these problems.
13 We take pride in our role at the
14 Battlefords Indian and Métis
15 Friendship Centre at helping to
16 resolve some of the small problems
17 which face aboriginal people. The
18 Battlefords Indian and Métis
19 Friendship Centre is a
20 non-sectarian autonomous social
21 service agency existing to
22 administer and implement programs
23 to meet the needs of Indian and

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 Métis people either migrating to
2 the cities or living in them. The
3 Battlefords Indian and Métis
4 Friendship Centre is a bridge
5 attempting to narrow the gap
6 between two cultures, between a
7 rural setting and an urban one.
8 The Battlefords Indian and Métis
9 Friendship Centre is funded for
10 administration costs only by the
11 Secretary of State. Programming
12 is not funded. Therefore program
13 costs are covered by revenues
14 generated from fund raising events
15 such as bingos, dances, volley ball
16 and hockey tournaments.
17 Programming at the centre includes
18 Cree classes, craft classes,
19 pow-wow practices, singing and
20 dancing, elders' evenings, youth
21 evenings and activities,
22 recreational and sports
23 programming, all of which are

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 cost-free to individuals
2 participating in these programs.
3 The Battlefords Indian and Métis
4 Friendship Centre has a large
5 gymnasium which is open Mondays to
6 Fridays as well as Tuesdays and
7 Wednesdays and Thursday evenings
8 from 7:00 to 9:00 p.m. Floor
9 hockey, volley ball, etc., are
10 enjoyed by all. A weight room is
11 available for those who enjoy
12 weightlifting exercises. We have
13 a staff of 11 which include a youth
14 co-ordinator, a recreation
15 supervisor, a recreation worker,
16 a family service worker and the
17 administration staff. In
18 closing, again we wish to welcome
19 you to the Battlefords Indian and
20 Métis Friendship Centre and wish
21 you a successful day."

22 That was a letter that was supposed to
23 be delivered by the president of the Friendship Centre

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October 29, 1992

Royal Commission on
Aboriginal Peoples

1 but it was unfortunate he could not make here this morning.

2

3 I was asked to make a brief presentation
4 on youth. My name is Arnold Blackstar and I am the youth
5 co-ordinator for the Friendship Centre. There are many
6 concerns for the youth in the City of North Battleford,
7 in the Town of Battleford and some of the surrounding
8 community that uses our facilities and programs at the
9 Friendship Centre. My address is primarily a concern and
10 not necessarily a problem or issue that is well defined.

11 It is a more or less a concern that we have discussed
12 among the staff. We have identified certain areas that
13 certainly need attention, but in what specific area or
14 avenue we have not really defined it as yet.

15 Our basic concern for youth is programs.

16 The Battlefords Indian and Métis Friendship Centre
17 provides as many cost-free activities for youth in the
18 City of North Battleford and the Town of Battleford. If
19 generated, revenue allows that there is adequate
20 programming available to the youth.

21 However, like most non-profit
22 organizations revenue or secured funding for programming
23 continues to be an ongoing struggle. For youth

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October 29, 1992

Royal Commission on
Aboriginal Peoples

1 programming the Battlefords Indian and Métis Friendship
2 Centre generates revenue from bingos, dances and stuff.

3 Any generated revenue in those areas is committed to youth
4 programming and even programs for individuals in the city
5 who cannot afford the programs delivered elsewhere in the
6 city that are usually of cost.

7 Most of the programs we provide are
8 cost-free to individuals and are utilized by a variety
9 of people of different backgrounds. We have not really
10 segregated individuals from their racial backgrounds.
11 We will not turn away non-Aboriginals, that sort of thing,
12 or people who have a fixed income that can afford to pay
13 for the services we do have.

14 There is much needed funding for youth
15 programs in the City of North Battleford and the Town of
16 Battleford. Some of the areas we have identified
17 initially are in the areas of employment. We have a number
18 of Aboriginal student populations within the elementary
19 schools and the high schools in the City of North
20 Battleford. Usually most of these students come from the
21 reserves to study here from September to June and from
22 July to August they find themselves looking for employment.

23

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 Employment at this time for the
2 Aboriginal student is very difficult due to the fact that
3 maybe there are not enough programs or job opportunities
4 for them within the City of North Battleford or Town of
5 Battleford or back home where job competition is usually
6 high.

7 Our concern was for more adequate
8 funding in the area of job generation, some programs such
9 as job generation, the Aboriginal student employment
10 training strategy program, Challenge '90 programs and SEC
11 for students. We believe that concentration in this area
12 would certainly help students, whether they are at the
13 secondary level or at the post-secondary level.

14 Another concern we had was in the area
15 of education, primarily post-secondary education and
16 student funding. We find that a larger number of
17 Aboriginal students are entering university, whether they
18 are Métis or of status background. We find that because
19 there are more students entering university there are more
20 students utilizing current funding programs available to
21 students. More funding in the areas of student allowances
22 and student loans would be more adequate to support
23 students now entering university.

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October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 Another concern in the area of
2 post-secondary education is funding for university. We
3 find that university funding has been decreasing or has
4 been capped at a certain amount of dollars. We also find
5 that the burden is being placed on students in terms of
6 the rising cost of text books and the administration tax
7 now applied to student loans.

8 I guess the biggest concern of students
9 now would be student fees which are increasing on an annual
10 basis at the universities.

11 There is concern in the area of support
12 programs in the areas of elementary, secondary and
13 post-secondary educational institutions. The
14 post-secondary concern is for the TEPs. At the University
15 of Saskatchewan we have ITEP, SUNTEP, NORTEP and the
16 Aboriginal law student program. They certainly do need
17 assistance in providing adequate support or much needed
18 support for aboriginal students entering university.

19 Also there are programs through the
20 secondary level such as at the Joe Duquette High School
21 or any other school where support services are provided
22 for Aboriginal students to continue their education in
23 the secondary level and perhaps be encouraged to continue

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 their education beyond the secondary level.

2 Currently in the City of North
3 Battleford there are programs proposed for youth clubs,
4 youth oriented programs for Aboriginal students. I guess
5 it is to retain more students at a school by providing
6 more programs that are more relevant or more interesting
7 to the Aboriginal culture, whether language, spirituality,
8 cultural customs or that sort of thing. There is much
9 needed support in that area for funding programs, for
10 hiring resource people, buying resource material and
11 maintaining a program on an annual basis.

12 Support oriented programs need as well
13 a bit of support. I am not too sure by which way they
14 would need support, but definitely on an annual basis we
15 find programs for youth, whether on a local level,
16 provincial level or national level, tend to be decreasing.

17
18 Some of the programs we identified that
19 are delivered by various organizations are Canada World
20 Youth, an exchange program for youth within Canada. It
21 provides a cross-cultural experience and a chance to travel
22 for youth in the country. The World University Student
23 Council definitely needs assistance in the area of

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 providing employment opportunity, as well as opportunity
2 for students at university level to further their education
3 or to further their employment prospects by delivering
4 its programs through the World University Student Council.

5 Student councils and student
6 organizations within universities or within high schools
7 definitely need support because most school boards and
8 most universities do not provide for their students. Fund
9 raising and that sort of thing is not a necessarily a stable
10 funding source. None the less it is desirable to have
11 fund raising efforts to sustain their own student councils.
12 Our concern was to have more support for them.

13 Other support organizations for youth
14 definitely need extra support by way of financial support,
15 whether it is referral or direct assistance. Friendship
16 centres do provide a lot of programs for youth. A lot
17 of the programs delivered by friendship centres tend to
18 be self-funded. The process is usually slow because of
19 fund raising, but none the less I guess there is an adequate
20 level of programs for youth delivered by the friendship
21 centres.

22 Other organizations within the City of
23 North Battleford such as the Boys and Girls Club of North

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 Battleford, the Big Brothers and Sisters Chapter of North
2 Battleford, and Concern for Youth of North Battleford
3 usually provide a lot of programs and activities which
4 are usually utilized by a large native clientele within
5 the City of North Battleford.

6 Within the City of North Battleford and
7 the Town of Battleford there are inter-agency meetings
8 that assist community service agency to utilize programs
9 or services delivered by each organization. The
10 inter-agency meetings in North Battleford usually occur
11 on a monthly basis. This has been in place within the
12 last year or so and has been really successful by way of
13 referring programs and services by other agencies which
14 we as a friendship centre or any other agency can tap into
15 and share resources and program activities.

16 Within the City of North Battleford
17 there have been some initiatives taken by the tribal
18 councils of some the bands to create a more co-ordinated
19 effort to establish similar initiatives such as
20 inter-agency meetings to provide more programs for youth
21 whether they are living on the reserves or living in the
22 urban area.

23 Much of the focus now is to deliver

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 programs much needed by youth in the City of North
2 Battleford. Some of them are in the areas of sports and
3 recreation workshops, in the areas of health and welfare
4 and that sort of thing.

5 Primarily concern in the Battlefords
6 Indian and Métis Friendship Centre is providing more
7 funding for programs specifically geared for youth.

8 That is the length of my presentation.

9 Thank you.

10 **Co-Chairman GEORGES ERASMUS:** Do you
11 have any problem with us asking you some questions?

12 **ARNOLD BLACKSTAR:** I guess as the youth
13 co-ordinator I am concerned that there are a lot of programs
14 on the national level where Aboriginal youth can
15 participate. Some of the things I mentioned today were
16 programs such as Canada World Youth and Forum which is
17 a program that enables students from high schools to
18 participate in a mock parliamentary session in Ottawa.

19 A lot of the Aboriginal youth in the area
20 don't have the financial resources or their parents don't
21 have the financial resources to partake in some of the
22 activities. My concern was: Is there any Aboriginal
23 organization that does co-ordinate financial assistance

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 or programming for Aboriginal people on a national level
2 or a provincial level?

3 I know there is the youth council through
4 the Assembly of First Nations that does provide some
5 information, but the information doesn't necessarily get
6 to all areas or all communities across the country. More
7 or less I guess my concern is: Is there any avenue in which
8 youth co-ordinators or any organization that provides
9 services for youth can tap into to get more information
10 or financial assistance?

11 **Co-Chairman GEORGES ERASMUS:** I guess
12 the youth are still in an organizational stage from what
13 I seem to be observing. Aboriginal university students
14 nationally have been trying to organize for some time.
15 They may have a loose network across the country. Perhaps
16 part of the reason why they don't have a permanent
17 organization is that students are always in a temporary
18 situation.

19 Both the major national organizations
20 seem to be doing something in the youth area but there
21 doesn't seem to be a very strong youth organization that
22 I know of nationally. There may well be in the future.

23 There was a conference in Quebec this

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 year sponsored by the James Bay Cree. They seem to be
2 trying to start a global Aboriginal youth organization.

3 Do you mind if we ask you some questions?

4 **ARNOLD BLACKSTAR:** Go ahead.

5 **Co-Chairman GEORGES ERASMUS:** Allan, do
6 you want to start?

7 **Commissioner ALLAN BLAKENEY:** The
8 essence of your presentation was that there are quite a
9 few organizations on the ground which are providing a level
10 of programs. The Indian and Métis Friendship Centre is
11 one. It is filling a particularly import niche. At least
12 for the Indian and Métis Friendship Centre and for several
13 of the others you could name, they just seem to be tight
14 on money and in effect getting tighter as a school board
15 may cut back on money that might go to a student council
16 or the funding for university might be sufficiently capped
17 so that they are offering less or charging more by way
18 of tuition or the like.

19 The problem in the Friendship Centre is
20 not a desperate problem but it is still a significant
21 program of just funding the programs you think you would
22 like to offer. You asked whether there was anybody we
23 know who is providing money. You particularly asked that

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 with respect to taking advantage of national programs like
2 mock parliaments and the like. Probably the short answer
3 to the latter is: I don't know of any. There are some
4 who are in the field but almost all of them are cutting
5 back as well.

6 If you had an increase of funding of 25
7 per cent for this Friendship Centre for youth programs
8 -- I am not asking about the other programs; this is the
9 area you will know about -- what sort of things would you
10 do with an extra 25 per cent of money?

11 **ARNOLD BLACKSTAR:** Currently most of
12 our programs for youth for the month of October were more
13 or less two nights a week. We have Monday night and
14 Wednesday night dedicated for the youth.

15 I guess with a 25 per cent increase for
16 our programming would certainly help in acquiring more
17 equipment that is needed for the youth in areas such as
18 sports equipment. I guess primarily sports and recreation
19 equipment. I guess we would provide more tuition fees
20 for students or youth who want to partake in activities
21 that are delivered by other agencies in the city such as
22 minor hockey leagues. Any organized sports event is
23 primarily the interest of most of the youth that I have

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 spoken to in the city here.

2 A lot of the youth in the city would like
3 to participate in school activities as well, whether it
4 is organized sports or student organizations. I think
5 the initial concern of the youth is that they don't have
6 the money or the financial resources to pay for such
7 services or activities that are delivered in this city.

8 Currently the Friendship Centre does
9 have thus far a fortunate amount of revenue that maintains
10 the programs that we do have. In fact for the month of
11 November we do plan to expand the youth program to four
12 nights a week, including weekends, as opposed to having
13 it twice a week.

14 But on a month-to-month basis the
15 revenue that we do generate is not guaranteed. So there
16 may be a fluctuation of revenue which can cause a
17 fluctuation of services that can be provided for the youth.

18 At this point in time there are many
19 activities for the youth planned at the Friendship Centre
20 that are more or less done every year. A lot of them is
21 to do with sports and recreation on a weekly basis and
22 special events per month such as in September you have
23 your welcome back activity for the students who are coming

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 back to school. On the month to month you have Halloween
2 and Christmas. I guess our biggest event on annual basis
3 for the youth here is Christmas where we serve or try to
4 provide Christmas presents and a decent supper for youth.

5 This year we are estimating that about
6 275 youth are planning to attend the Christmas party and
7 as of yet we still have to generate the revenue to sustain
8 that program. Usually most of the programs tend to be
9 planned ahead of time so that we could have enough time
10 to do fund raising and co-ordinate our activities to make
11 each event a success and an enjoyable event for youth.
12 We more or less encourage a lot of the agencies and
13 organizations within the City of North Battleford and the
14 Town of Battleford, as well as the parents, to partake
15 in the activities that their children are attending.

16 **Commissioner ALLAN BLAKENEY:** That was
17 a useful answer to me. A basic problem with our society
18 is that we get our governments to provide parks and rinks
19 and school and school gyms and then we put a price tag
20 on being able to use them. You have to buy your own
21 equipment or whatever.

22 By putting a price tag on them we
23 frequently knock out one stratum of people who would like

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 to use them but cannot find a couple of hundred dollars
2 for hockey equipment. That is second-hand hockey
3 equipment at a couple of hundred, but never mind.

4 You help with that. You would do that
5 if you had more money. You would attempt to get a supply
6 of skates and pads or whatever people need. You would
7 be able to make them available.

8 Have I got that right?

9 **ARNOLD BLACKSTAR:** Yes, that is what it
10 is. Currently with the Friendship Centre there are
11 several requests by youth in the city or their parents
12 for assistance in certain areas that the children would
13 like to participate in. Let's say the junior hockey
14 league. Initially the child or the youth would need
15 equipment, to pay fees for entering such a tournament or
16 such a league.

17 Currently with the Friendship Centre we
18 don't usually have the funds to provide that assistance
19 on an ongoing basis or to a large number of youth in the
20 city.

21 What we are doing here is that we try
22 to provide those services. Recently we have acquired some
23 skates for free that were donated by an organization from

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Edmonton and we are building a skating rink on the side.
2 Hopefully, if they can't join a city project or activity,
3 at least there would be something here at the Friendship
4 Centre for them to attend.

5 **Co-Chairman GEORGES ERASMUS:** Are there
6 other things you would like to spend your money on besides
7 sports and recreation?

8 If you had the resources also to allocate
9 funds to other things that youth would want to do, what
10 might they be?

11 **ARNOLD BLACKSTAR:** Some of the things
12 we are planning or proposing in co-operation with other
13 organizations within the city as well as in the surrounding
14 communities are educational workshops. We having an
15 HIV-AIDS awareness workshop for youth or actually the
16 general public.

17 On some of the hard pressing issues,
18 whether it is on a community level or provincial level
19 or national level, we can only try to provide information
20 or workshops that would enlighten them on a situation.
21 Some of them are areas in health and welfare, crime
22 prevention, education and more or less dealing with youth
23 and their existence in a city or their existence as

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 themselves, as individuals, whether to support them
2 through their educational interests, their personal goal
3 interests or their professional growth.

4 For example we are proposing a program
5 in which a youth would be obligated to commit one or two
6 hours a week to do volunteer work at a department in the
7 justice system. We are currently consulting the
8 detachment of the RCMP in North Battleford, the provincial
9 court, the correction system, probation, as well as the
10 young offenders facility, to provide a work experience
11 opportunity for a student whether it is one hour a week
12 or a particular time frame of a month or week in which
13 the youth would go into the institution they desire and
14 actually see how the justice systems works from the inside.

15 I guess the objective of such a program
16 is more or less twofold, one in which it enlightens a youth
17 as to how the justice systems work so that it may deter
18 them from any crime behaviour. As well it would enlighten
19 a youth to further consider a career interest within the
20 justice system or the department of the justice system
21 in which they participate.

22 Currently we are planning the pilot
23 project to begin in January. We were waiting for approval

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 from the different areas that I mentioned before.

2 Those were some of the areas we were
3 concentrating on.

4 **Co-Chairman GEORGES ERASMUS:** I would
5 like to thank you for your presentation. It is very, very
6 useful.

7 **ARNOLD BLACKSTAR:** Thank you.

8 **Co-Chairman GEORGES ERASMUS:** We are
9 going to go with the Saskatchewan Indian Agriculture
10 Program. I think David Whitehead is here. He has
11 provided us with information.

12 David, you could just give us a summary
13 and we could get into some questions perhaps.

14 **DAVID WHITEHEAD, SASKATCHEWAN INDIAN**
15 **AGRICULTURE PROGRAM:** The Saskatchewan Indian Agriculture
16 Program has been working with reserves since 1975. One
17 of the things that has become a concern and has been
18 identified through the evaluations that have been done,
19 usually after or during one of our five-year blocks of
20 funding, has been the issue of land use and land management.

21 We as an organization have stuck to our
22 mandate as educators and extension people. The context
23 in which this is presented is as someone who works for

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 an Indian organization on the reserve. They are some
2 observations about how the adoption of a land management
3 system that could recycle fees paid for the use of land
4 would be beneficial toward internal wealth creation.

5 I think that kind of sums up the intent
6 of the presentation. What I did was provide a bit of an
7 analysis of the situation. I really kind of stuck to my
8 own district too, because this is not to say the situation
9 I have described is occurring everywhere. I analyzed what
10 is and the result of what is. I looked at a solution that
11 would see a productivity based fee being paid on any land
12 that was being used to generate wealth and the proceeds
13 of those fees being recycled into agricultural
14 improvements.

15 My field is agriculture and that is the
16 context in which the presentation is made. You can read
17 it. To read it off to you would be unnecessary.

18 **Co-Chairman GEORGES ERASMUS:** Do you
19 mind if we ask you a few questions?

20 **DAVID WHITEHEAD** No.

21 **Co-Chairman GEORGES ERASMUS:** The
22 primary point you are making is that because fees are not
23 paid to the band when farmland is actually being leased

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 by people, the community is not generated the kind of
2 revenue it would if the ownership which is collective of
3 the land was actually being recognized through the fees
4 going to the community as a whole.

5 Is that the point you are making?

6 **DAVID WHITEHEAD** That is the general
7 point, yes, and the potential for improvements to be made
8 for the community is greater if you have a fair size lump
9 of capital as opposed to having is disbursed among
10 different leaseholders.

11 **Co-Chairman GEORGES ERASMUS:** Is there
12 enough revenue to really be bothering? I mean are we
13 talking about substantial sums of money?

14 **DAVID WHITEHEAD** Not in all cases, no.
15 Every reserve is unique. This is only one person's
16 observations as well.

17 An example would be a reserve in the
18 district here that might have about 20,000 cultivated acres
19 of land and a community pasture. It would probably have
20 the potential to raise somewhere around \$300,000. If that
21 were to be recycle into agricultural improvements and
22 eventually toward the creation of perhaps secondary
23 industry, ag-related secondary industry, I think it points

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 to the fact that even without the other Aboriginal programs
2 including ours there is great potential internally to
3 generate wealth and to turn that into further economic
4 development.

5 Again, I don't speak for any other area
6 than agriculture. That is the part we see and recognize
7 lots of need for infrastructure improvements, things that
8 are very permanent in nature whether it be some of the
9 bush land that is still not developed that could be, if
10 it were appropriate to develop it, if it were high enough
11 quality land underneath the bush, or additional tourism
12 potential, particular eco-tourism.

13 There are lands also that may have been
14 farmed and need to be renovated as it were, because they
15 are marginal, to bring their quality into sync with what
16 they should be used for.

17 We also feel the internal generation
18 would help to attract the kind of matching grants that
19 a lot of the Aboriginal programs would. I think it would
20 help a reserve to source more funding from externally based
21 Aboriginal programs that can do economic development.

22 **Co-Chairman GEORGES ERASMUS:** Allan, do
23 you have any questions?

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Commissioner ALLAN BLAKENEY:** To change
2 the subject a bit if I might, from time to time I have
3 seen on reserves throughout Saskatchewan fairly
4 substantial agricultural operations, by and large cattle
5 operations, livestock operations. I suppose they were
6 essentially feedlot operations although I am not quite
7 sure.

8 I am wondering whether you can make a
9 general comment as to whether those have continued to
10 operate and generally been successful or not. I know
11 people are in and out of the feedlot business, Aboriginal
12 and non-Aboriginal. I was wondering what happened to some
13 of those. You may know some. I could name some but if
14 you are going to tell me they didn't last I just as soon
15 not name them.

16 **DAVID WHITEHEAD** When I think of feedlot
17 I think of finishing cattle to slaughter weight. I don't
18 think that has generally been done reserves. Really the
19 feedlot business tends to be toward either the west of
20 Saskatchewan or the east of Saskatchewan.

21 **Commissioner ALLAN BLAKENEY:** As the
22 big operations, the Brooks operations, are.

23 **DAVID WHITEHEAD** Yes. In terms of the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 style of beef enterprise that goes in Saskatchewan and
2 therefore also goes on in Saskatchewan reserves is mainly
3 the cow and fall calf or cow, fall calf and following spring
4 put the calves on grass again.

5 That style of enterprise has thrived.
6 That is generally the kind of one that will work quite
7 well.

8 I think the average rancher in
9 Saskatchewan -- again I am not saying whether on reserve
10 or off -- would be looking to a specialist to actually
11 do the finishing portion of the work.

12 **Commissioner ALLAN BLAKENEY:** On
13 reserves they run essentially cow\calf operations.

14 **DAVID WHITEHEAD** For the most part, yes.

15 **Commissioner ALLAN BLAKENEY:** That has
16 worked reasonably well.

17 **DAVID WHITEHEAD** In my observation,
18 yes.

19 **Commissioner ALLAN BLAKENEY:** With
20 respect to the more specialized problem you raised in the
21 brief, why wouldn't a band when they first lease the land
22 lease it out at the top market price?

23 **DAVID WHITEHEAD** I think for the most

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 part land is leased at its highest and best. The point
2 that I tried to make there is that if land is going to
3 be leased, if it were possible for a band to either create
4 or recreate a system where the band was the only collector
5 of fees for the lease of the land, the impact of having
6 those fees in one pot, particularly if a system were set
7 up so that it was a by-law or whatever that they were
8 recycled into permanent improvements, it would just have
9 more impact that way.

10 **Commissioner ALLAN BLAKENEY:** There
11 could be some significant amounts of land if the 27 bands
12 get another 1.4--1.5 million acres.

13 **DAVID WHITEHEAD** Yes.

14 **Commissioner ALLAN BLAKENEY:** It won't
15 all be agricultural land but a fair significant amount
16 of it might be. This is not inconsequential--

17 **DAVID WHITEHEAD** Definitely not.

18 **Commissioner ALLAN BLAKENEY:** --if it
19 is worth \$10, \$12, \$15 per acre per year.

20 **DAVID WHITEHEAD** Yes. Many short-term
21 leases are higher than that. What I try to illustrate
22 is kind of use a rock bottom figure as to what I verbally
23 indicated. I didn't say I didn't use any figures in the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 presentation at all.

2 **Commissioner ALLAN BLAKENEY:** I know
3 that. It worked out to about \$15 on a rough calculation
4 as I was doing.

5 **DAVID WHITEHEAD** Yes.

6 **Commissioner ALLAN BLAKENEY:** People
7 are complaining that the banks are asking for 20 to 25
8 at the moment in not exactly brisk grain agricultural
9 times.

10 **DAVID WHITEHEAD** There would have to be
11 productivity analyses done because on some of our reserves
12 there are some highly productive lands and then there are
13 some other lands that are not as productive. If you get
14 down too low in productivity you should be diverting them
15 away from annual crops anyway.

16 There will be a range of fees that would
17 be applicable. Again the market knows what to bid for
18 different kinds of lands.

19 **Co-Chairman GEORGES ERASMUS:** Thank you
20 for your presentation.

21 We have someone from the fire department
22 who wants to make a presentation to us. Jim Swetenham.

23 **JIM SWETENHAM:** This is basically an

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 individual presentation. I appreciate the opportunity
2 of coming before you.

3 I am sorry I do not have a written
4 submission but I will leave with you a copy of a book that
5 I was going to share some information from.

6 I am a member of the fire department.

7 I am here on my own. I am involved in the counselling
8 of youthful fire setters, children who are involved in
9 fire play and match play. I find that a great number of
10 children that we see in counsel are of native ancestry.

11 They are both urban as well as reserve children.

12 I am not sure exactly how we can
13 alleviate the problem of dealing with these children.
14 There seems to be a lack of understanding with respect
15 to the danger of fire, the quickness of its spread and
16 the tremendous toll that it takes on the individual
17 personally and through burn treatment and also on the
18 family members.

19 I have talked with some people involved
20 in tribal councils and they acknowledge the fact that there
21 seems to be a need for fire prevention among native people
22 although it doesn't it seem to have a priority.

23 Statistics show us that a large number

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 of those who are involved in receiving burn care, both
2 in burn units and fire deaths, are aboriginal ancestry.

3 This is one area of considerable concern
4 to me as an individual. The second one has to do with
5 the lack of understanding of the Aboriginal people by white
6 or dominant society. Statistics show us that the average
7 North American is expected to live about 75 years. The
8 typical North American native life span is an average of
9 45 years.

10 In the dominant society with respect to
11 death and dying 80 per cent of deaths are what we consider
12 as anticipated and are as a result of cancer, heart disease,
13 etc., while 20 per cent are considered to be violent deaths
14 whether it be murder, car accident, shootings or these
15 sorts of things.

16 Unfortunately those statistics are
17 reversed when they are applied to the Aboriginal peoples
18 in that 80 per cent face a violent, tragic death while
19 20 per cent look at anticipated deaths.

20 The fact that a large number of people
21 do not understand or know how to deal with their grief
22 leads to a large dependence on alcoholism as a means of
23 sedating the pain of death. There is a book here that

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 I will leave with you. It is entitled "The Grieving
2 Indian". It deals with the problem of alcoholism, the
3 violent tragic death and the grieving process.

4 It seems to be that in dominant society,
5 white society, there is an awful lot of therapy.
6 Professional help is forthcoming in the event of a tragic
7 death. An example was the explosion of the Challenger
8 space craft. Another is, for example, Hurricane Andrew.

9 When the dominant society is faced with
10 these kinds of tragedies there seems to be no end of
11 professional help, therapists, psychologists and these
12 sorts of people who will come in and help explain and help
13 alleviate some of the problems and some of the pain that
14 the community faces.

15 Unfortunately while native or
16 Aboriginal society has the opportunity of seeking out this
17 professional help, this help does not seem to be able work
18 or understand fully native dysfunctional people. This
19 is one area that has to be addressed. There is need for
20 a change in attitude among people with respect to
21 understanding where people have come from and why they
22 are the way they are.

23 We look at the Aboriginal people and it

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 is felt that they reached their peak in the mid-1800s,
2 1860--1870, and then from there started deteriorating
3 because of the influence of alcoholism on the frontier.
4 It has progressed to where it is a major problem in our
5 society today.

6 Those basically sum up the concerns that
7 I have and the comments I was going to share with you.
8 Like I say, I will leave you a copy of the book "The Grieving
9 Indian". It is very good reading. I would recommend "The
10 Grieving Indian" book to everyone here and anyone that
11 has anything to do with native people.

12 **Co-Chairman GEORGES ERASMUS:** Do you
13 mind if we ask you a few questions?

14 **JIM SWETENHAM:** Fine.

15 **Commissioner ALLAN BLAKENEY:** You spoke
16 many of the fire setters and you used that as an
17 all-encompassing term.

18 **JIM SWETENHAM:** Right.

19 **Commissioner ALLAN BLAKENEY:** Many of
20 them are youthful and many of them are Aboriginal youth.
21 Do you use that term to include those who set fire
22 accidentally, as you might say it, but carelessly or almost
23 recklessly and those who set them deliberately?

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Do you wish to make any comment on
2 whether we are talking about unsupervised kids or whether
3 there is a little more to it, that the use of fire has
4 become particularly attractive as you might say?

5 **JIM SWETENHAM:** The term youthful or
6 juvenile fire setter includes the wide gamut of accidental
7 fire setter, a child playing with matches, for example,
8 and the match gets hot and he is drops it on his clothes,
9 or the child who intentionally sets fires as a means of
10 attracting attention. Both are included in the term
11 youthful or juvenile fire setter.

12 I am not sure but the problem seems to
13 be a lack of supervision. It could be a lack of supervision
14 or a problem with supervision. I am aware that Aboriginal
15 people are extremely concerned about their children and
16 have tremendous love for their children.

17 However there seems to be a gap with
18 respect to the provision of certain care. We have had
19 different incidents where we have been involved in the
20 counselling of youngsters. You go into the home and there
21 seems to be nothing in the home. There may be a mattress
22 on the floor on the blanket and that's it. There may be
23 not even the mattress; just the blanket for sleeping

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 accommodation. Yet there appeared to be several bottles
2 of liquor or refreshments sitting on the table.

3 The thing that concerns me -- I am not
4 sure how to put it -- is that money is being placed in
5 the wrong priorities. As a result of that -- I don't want
6 to sound like I am being critical -- I think there is a
7 certain degree of neglect. The children are looking for
8 attention and this is one means of getting it.

9 It is a tragic and an unfortunate method
10 but it does work. People come to the door. The fire
11 department comes to the door and the police come to the
12 door and there is attention there. Unfortunately it is
13 the wrong way to be getting it.

14 **Commissioner ALLAN BLAKENEY:** There is
15 a fair difference in society, not only in Aboriginal but
16 non-Aboriginal society, about the level of permissiveness
17 as you might say that one should use in raising children.

18 **JIM SWETENHAM:** Right.

19 **Commissioner ALLAN BLAKENEY:** I have
20 noticed it in non-Aboriginal society certainly.

21 **JIM SWETENHAM:** Yes.

22 **Commissioner ALLAN BLAKENEY:** It is not
23 confined to any particular society, but I think prevailing

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 views are that Aboriginal parents generally have a more
2 live and let live or permissive approach. Whether right
3 or not, I don't know. You just say that one of the sidebars
4 of that is that there seems to be more trouble with matches
5 and fire generally.

6 **JIM SWETENHAM:** Right.

7 **Commissioner ALLAN BLAKENEY:** Thank you
8 very much.

9 **Co-Chairman GEORGES ERASMUS:** The kinds
10 of fires you are talking about, do they range in size from
11 burning a small outhouse, say, to homes, to apartments?
12 Is there a whole range?

13 **JIM SWETENHAM:** Yes. It covers
14 everything from the grass or the ground cover fire to
15 garbage can, to apartment.

16 **Co-Chairman GEORGES ERASMUS:** Repeat
17 offenses?

18 **JIM SWETENHAM:** We have been fairly
19 successful with the individuals we have counselled that
20 we haven't had repeat offenses. There have been some
21 places where there have been repeats.

22 We are involved in a program called
23 Program Fire Stop through our provincial fire-fighters

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 association. Basically the program involves sitting down
2 and talking to the youngster, interviewing the youngster
3 and a parent or guardian. Based on the findings, if we
4 are able to do the work through educational intervention
5 we do that ourselves. If it requires professional
6 psychiatric help we just refer the case on.

7 We have been relatively successful with
8 respect to not having a number of repeat offenders. The
9 problem with the program is that it is voluntary and there
10 is nothing that says the youngster or family has to go
11 through the program.

12 **Co-Chairman GEORGES ERASMUS:** Very
13 good. I am glad you decided to make a presentation to
14 us.

15 **JIM SWETENHAM:** It was a different
16 issue. Thank you very much. I will give you a copy of
17 the book.

18 **Co-Chairman GEORGES ERASMUS:** It was
19 very useful and thank you for providing the book.

20 We are going to break now for lunch.
21 We will be holding a special consultation at the North
22 Battleford Youth Centre over lunch with the youth there.
23 We will resume our hearings here again at a 1:45. We

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 will start then with the Aboriginal Women's Council of
2 Saskatchewan.

3 ---Luncheon adjournment at 11:45 a.m.

4 --- Upon resuming at 1:50 p.m.

5 **Co-Chairman GEORGES ERASMUS:** We will
6 resume our hearing and we will now hear from the Aboriginal
7 Women's Council of Saskatchewan, Harriet Arcand, Elder.

8 **HARRIET ARCAND, ELDER, ABORIGINAL**

9 **WOMEN'S COUNCIL OF SASKATCHEWAN:** Good afternoon, ladies
10 and gentlemen, young people and honoured guests. I am
11 Mrs. Harriet Arcand from Muskeg Lake Reserve. I was born
12 and raised there. I was going to bring the subject up
13 about youth, these young people.

14 I have been to the Correctional Centre
15 in Prince Albert twice and I am sure a lot of you people
16 know the majority of kids in the place are natives. Twice
17 I have been there and once I saw two little white guys
18 and the rest were natives. And it really hurt my feelings
19 to think that so many people don't care what happens to
20 their children. When they are out of the house, they are
21 on their own. Nobody tries to find out what is going on.

22 They just do as they please and they get into trouble.

23 And who is there to stand by them. They send them out

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 to the correctional centres and when they come out they
2 rebel to these things. They don't think they should be
3 in that place but they are in that place because nobody
4 seems to care what happens to them.

5 It is so sad to know that our young people
6 have lost their culture just about totally. They don't
7 talk Cree. They don't understand Cree. When you talk
8 Cree to them, they look at you in a funny way and look
9 at the other person: "What did she say?" And this is
10 where elders should be involved. Talk to the young people
11 and give them some kind of advice as to how to grow up
12 and be respected citizens.

13 I don't know very much. I raised my
14 family the way I thought I should. I have no regrets but
15 I sure feel sorry for these kids in these correctional
16 centres. It really hurts.

17 Another thing I want to talk about is
18 the Aboriginal native women. I belong to that as an elder.

19 I was talking to our co-ordinator, Deanne Goulet, and
20 she told me to bring this up, funding for the elders at
21 meetings and conferences. It is important to have elders'
22 advice at these meetings and conferences. Can anybody
23 advise me where to request funding? That is from my

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 co-ordinator. We don't have that kind of money, I don't
2 think. She wants to send us out to meetings and she can't
3 afford it because we have no funding at all. So she told
4 me to bring it up. Where do I go for help?

5 **Co-Chairman GEORGES ERASMUS:** She might
6 find that there isn't really any programs. I presume that
7 the native women are seeking funding from Secretary of
8 State. That is the primary source of funding, I believe,
9 for the women's organizations.

10 When they run programs they may seek
11 funding perhaps from different departments depending on
12 the program they are going to run. If they are going to
13 run a justice program, they might apply to the federal
14 Department of Justice. They have some money right now
15 for experimental programs, alternatives in justice, and
16 so forth. But they fund very, very few projects.

17 Yesterday we were being told that the
18 Métis in Saskatchewan wanted to run a number of programs
19 where they had elders involved in kind of an alternative
20 court and they wanted to run that at a number of
21 communities, but they were only funded for one experiment,
22 one pilot project.

23 Maybe the women could get funding there.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Unfortunately, what has been happening
2 is that quite a bit of the funding that the federal
3 government used to have for women and so forth has been
4 cut back lately. So I am not really sure. If they have
5 already tried to get the normal funding, I don't know that
6 you would get more.

7 **HARRIET ARCAND:** They have sent for their
8 core funding. I think they got some of it but there is
9 such a cutback it is pathetic.

10 **Co-Chairman GEORGES ERASMUS:** At the
11 moment until we come out with our report the advice we
12 would give you is to try as many government departments
13 as is possible, and keep us informed on what is happening,
14 what kind of programs you want and why you want those
15 programs.

16 **HARRIET ARCAND:** I don't run the show.
17 It is the co-ordinator that runs the show and she asked
18 me to put this request on for funding to send elders to
19 meetings. That's the best I can do because I don't run
20 the show.

21 **Co-Chairman GEORGES ERASMUS:** With
22 respect to the points you were making about young people,
23 we just went to the youth centre here and I guess the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 situation is very much the same as you were just talking
2 about. It is a youth centre for all youth that get in
3 trouble in this area or the part of the province that they
4 cover. The majority of the people there are Aboriginal,
5 the overwhelming majority are Aboriginal.

6 **HARRIET ARCAND:** Yes, I know.

7 **Co-Chairman GEORGES ERASMUS:** There is
8 a real need for elders going into that centre.

9 **HARRIET ARCAND:** The thing is they don't
10 bother asking us to go to talk with the young people.
11 Nobody has ever mentioned "can you come to the youth centre
12 and talk to the young people".

13 **Co-Chairman GEORGES ERASMUS:** I am sure
14 they haven't.

15 **HARRIET ARCAND:** When I was in P.A.
16 visiting with my son, my daughter-in-law is a youth
17 counsellor and she asked me to go and talk to the young
18 people there. They had an evening with young people from
19 13 up to 16, 17. And 64 kids showed up. And elder was
20 talking to the boys in the other room and I was talking
21 to the girls in one room. And it was a real turnout.
22 I guess they really thought it was something that they
23 could talk and be open with somebody.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Co-Chairman GEORGES ERASMUS:** What they
2 told us was that since the majority of the staff are
3 non-native, they really don't know the native community.

4 So even though they recognize that there should be
5 Aboriginal elders there, they really don't have any links
6 into the community. So they don't really know who to ask.

7 But it certainly looks like there needs
8 to be a program there.

9 In the penitentiaries what is happening
10 is there is a little bit of movement finally. They are
11 bringing in elders there. They have healing circles.

12 They have sweat lodges. What is happening there is there
13 are a lot of adults that are learning things that they
14 never had a chance to learn when they were young people.

15 Virtually every one of those people in that penitentiary
16 has worked their way up. They started in group homes,
17 foster homes, then they went to correctional institutes
18 for minor offences, and then they are in there. And all
19 the way up whenever they had anger, whether they were abused
20 sexually or otherwise, it always just continued to boil.

21 The only time it started to actually come out was when
22 they were involved in the healing circles.

23 So if we are going to break the cycle,

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 these young people in these communities are not getting
2 any kind of ability now to have contact with Aboriginal
3 people that are of any assistance to them.

4 **HARRIET ARCAND:** I would sure be willing
5 to go and have a talk with them if somebody was good enough
6 to ask me, invite me up there some evening or afternoon.

7 I would be willing to go any time if I am not busy with
8 other things. I am always going places. You can't always
9 find me at home.

10 **Co-Chairman GEORGES ERASMUS:** I guess
11 the only one that is actually trying to do anything there
12 is Ben Weenie, it sounds like.

13 **HARRIET ARCAND:** You mean at the
14 correctional youth centre?

15 **Co-Chairman GEORGES ERASMUS:** Yes.

16 **HARRIET ARCAND:** I think there are a lot
17 of folks that are very interested. I don't think it is
18 only Ben Weenie that can do anything. I think there are
19 a lot of people that can help straighten out the mess these
20 kids are in. All they need is loving and guidance and
21 family protection.

22 **Co-Chairman GEORGES ERASMUS:** I agree
23 with you. That's the point I am trying to make, that there

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 are all kinds of people who can help. But it sounds like
2 the only one who is going there at the moment is Ben.

3 What kind of other issues do you see that
4 elders should be working on in relation to young people?

5 What about the ones that are not in the correction
6 institute but are out? It seems like the other problem
7 they have is when they get out there is very little for
8 them to assist in their language and culture.

9 **HARRIET ARCAND:** Well, there is the CTR
10 not far from my place. Maybe that's where they go after
11 they come out of that correctional centre. I don't know
12 how they do that. But there is a CTR right about two blocks
13 from our house.

14 I have never been to this correctional
15 centre, the youth centre. Nobody has ever asked me. I
16 don't invite myself to any place I am not asked.

17 **Co-Chairman GEORGES ERASMUS:** Is there
18 anything else you want to tell us?

19 **HARRIET ARCAND:** There is a lot I can
20 tell. I could sit here all afternoon. But I think what
21 I have said will do. Let it sink in first and we will
22 see what happens.

23 God bless you all. Thank you.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Co-Chairman GEORGES ERASMUS:** Thank
2 you. Our next presentation will be by the Saskatchewan
3 Native Addictions Council Corporation.

4 **MARGARET RUDA, SASKATCHEWAN NATIVE**
5 **ADDICTIONS COUNCIL CORPORATION:** I want to clarify that
6 I am here as a Métis woman and an interested individual
7 in The Battlefords community.

8 First of all, I would like to talk a
9 little bit about the justice system. Law is the law in
10 Canada and it has its good and its bad points. One of
11 the things I have experienced in the past is that we had
12 a court worker program. The government tends to look at
13 problems in our provinces and our communities and tries
14 to come up with solutions to those problems. Personally,
15 I feel that the court worker program was functioning and
16 was starting to make differences with our Aboriginal people
17 in the court system, and that was taken out from under
18 our feet.

19 I personally find it very difficult to
20 go to court and have one person sit behind a desk, a white
21 person, a non-Aboriginal person, and decide what is going
22 to happen to me if I did something wrong in my community
23 and not really looking at what the problem really is that

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 brought me up to the level I am at in front of a courtroom.

2 I would feel much better, instead of being taught to walk
3 in the courtroom and be told the proper courtroom
4 procedures as to say "your Honour" or "my Lord" -- that
5 was a real problem for me. I find if I was to walk in
6 a courtroom and have a judge, regardless if it is a native
7 or non-native person, and maybe one other neutral person
8 sitting there and one other person from my community to
9 decide what should happen to me for the wrongdoing that
10 I did, I think that would be fairer than the way it is
11 set up now.

12 Our jails are over-packed. I feel that
13 sending somebody to jail, that is the law; we can't avoid
14 that. But it does not remedy the problem. What is the
15 problem? I don't really know what happens in jails. I
16 don't know if your problems are being dealt with that got
17 you into those doors -- and a lot of time I think the public
18 are not made aware of what is happening behind those doors.
19 We only hear rumours of what really happens there.

20 When a person is being sentenced to a
21 jail term, that one individual is not the only one that
22 is being punished. It is the whole family and the whole
23 community that suffers from that, and still again nothing

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 is being done about the actual problem.

2 I want to talk a little bit about
3 education and family.

4 Our province, our country, our people
5 tell us that education is important but there are a lot
6 of blocks and obstacles that Aboriginal people go through
7 in order to get an education. There are children having
8 children. Daycare is scarce.

9 People are being sent for addiction
10 treatments before they even recognize or admit that they
11 have a problem. On the other hand, when they are being
12 forced to take some treatment or look at their problem,
13 sometimes a seed is planted and it can grow. But there
14 again it is the individual and not the family that is being
15 worked on.

16 We have treatment centres that work on
17 an individual. Maybe we need treatment centres that will
18 treat the whole family.

19 I think there should be more cultural
20 awareness between a non-native and Aboriginal people.
21 If a judge is going to sit there and decide what is going
22 to happen to me, he doesn't know where I am coming from,
23 what my life has been like, how I have lived. He does

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 not understand my different values.

2 Our justice system sometimes looks like
3 money is more important than a human being's life. Our
4 Legal Aid system, personally if I ever had to go to court
5 I really would like in all fairness, since I live in Canada,
6 to have a choice of who my lawyer is going to be. But
7 just because of my income bracket, I am told who my lawyer
8 would be. To me, that is not being in a free country and
9 not being fair in our justice system.

10 When a person goes to court if they are
11 being charged with theft or assault and they are given
12 a fine or they are sent to jail, that does not take care
13 of the problem. What is the problem? Somehow something
14 has to be set in place that the problem should be looked
15 at because you are not taking care of the problem.

16 I am a little bit nervous. I have a lot
17 of lights and cameras on me, and I think I will stop right
18 there.

19 **Co-Chairman GEORGES ERASMUS:** What is
20 the actual problem?

21 **MARGARET RUDA:** Yes. What is the
22 problem? If you were sitting there and you were judging
23 me for something I did wrong, what is the problem? I guess

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 that is a wide-open question.

2 **Co-Chairman GEORGES ERASMUS:** You have
3 the question but you haven't got the answer.

4 **MARGARET RUDA:** I am just presenting
5 from what I see of things. I don't have all the answers.
6 I don't think I, as a person, have the answer. I think
7 people, together in the community, should have the answers.

8 **Co-Chairman GEORGES ERASMUS:** You are
9 saying that at least in treatment for addictions that just
10 treating the individual is not enough. You should at least
11 be treating the whole family.

12 Is that what you are saying?

13 **MARGARET RUDA:** That's what I am saying.

14 **Co-Chairman GEORGES ERASMUS:** Are you
15 also making a comment on the type of treatment that occurs,
16 going to either AA or going to psychiatrists? Are you
17 making a comment on that?

18 **MARGARET RUDA:** Well, each individual,
19 first of all, is an individual person. But I myself would
20 probably not go to a treatment centre where there are all
21 white people. For that reason, I recognize the NATC, the
22 Native Addiction Treatment Centres. But governments set
23 up these places and then in a matter of years they take

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 them away, just before they are actually proving that they
2 are doing something about problems that people have.

3 **Co-Chairman GEORGES ERASMUS:**

4 Yesterday in Saskatoon we heard a lot about the need for
5 something more than treatment centres. There was a case
6 being made for what was being called healing centres being
7 built in different parts of the province so that Aboriginal
8 people had an opportunity to recover from everything that
9 they have gone through as a people, and that there needed
10 to be traditional healing circles and actual centres being
11 built where people could go for what would be called
12 healing, a wellness program.

13 What do you think of that?

14 **MARGARET RUDA:** I am very much in favour
15 of that. Healing the hurts is not a one-time treatment
16 thing. It is a process, a life-time process. To take
17 it further, I would think that the judges, lawyers, RCMP,
18 anybody in the justice system, are only human beings just
19 like I am and any other Aboriginal person. And they also
20 have hurts that they should be healing. And because they
21 have a certain income bracket doesn't mean that they don't
22 have problems in their life. And maybe sometimes having
23 a healing circle together with these people would open

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 a door so that we don't feel like we are being judged because
2 we are different.

3 **Co-Chairman GEORGES ERASMUS:** In
4 talking about the courts you brought up the court worker
5 program. Whenever we have held hearings in Saskatchewan
6 we have heard about the court worker program and how it
7 was eliminated here. And there seems to be a fairly strong
8 case being made for the court worker program to be brought
9 back. I think we understand that message relatively
10 clearly.

11 In our book one of the questions we are
12 trying to follow through on justice is to find out how
13 much support there is for Aboriginal justice systems,
14 whether they are Métis or First Nations justice systems.
15 Do you have any opinions or any thoughts in that area?

16 **MARGARET RUDA:** I think it is time that
17 the Aboriginal people have an input in it. Working in
18 the justice system is also an education in awareness and
19 I think it would make a difference with our Aboriginal
20 people. It just ties in to what I said that if I was to
21 go into court and have someone that is Métis, seeing that
22 I am Métis, sit there and maybe a neutral person, along
23 with the educated judge, to sit and form an opinion amongst

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 the three of them to decide, I think I would feel much
2 better than to have one person that doesn't know where
3 I a coming from decide what should happen to me.

4 **Co-Chairman GEORGES ERASMUS:** I
5 appreciate that for the present system, the present
6 Canadian system of justice, where eventually we will have
7 enough Métis lawyers and lawyers from all of the Aboriginal
8 people that inevitably they will start the lawyers with
9 enough legal practice and criminal law and will eventually
10 become lawyers that are appointed to become judges, and
11 so forth. And we will probably have Aboriginal justice
12 all across the country.

13 What about the idea that was in the
14 Manitoba Justice Inquiry and the model that is in the United
15 States where Aboriginal people have their own justice
16 system?

17 **MARGARET RUDA:** I guess the only thing
18 I would say on that is has there been an evaluation done
19 on it? Is it working? I have heard of it but I am not
20 familiar with it. If it is proving that it is a good
21 working process, then why not?

22 **Co-Chairman GEORGES ERASMUS:** I am not
23 asking you to venture into areas that you are not sure

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 about. I just wanted to know if you had any opinions in
2 that area.

3 You talked about young people having
4 children. It seems from statistics that there are a lot
5 of single parents and 99.9 per cent of those single parents
6 are young Aboriginal women.

7 Do you have any ideas what to do in that
8 area?

9 **MARGARET RUDA:** Traditionally the
10 Aboriginal people took care of their children. Their
11 children were their most valuable asset. Maybe having
12 Aboriginal people come up with programs or different ways
13 of solving that problem, because it is the cycle that goes
14 on. A child born to a young teenager and not having a
15 father as a role model grows up. And that is part of
16 healing the hurts that we are talking about. I think the
17 government should look at that and be able to work with
18 Aboriginal people to come up with solutions to that.

19 Money is always a problem. Our
20 government can spend X amount of dollars, in my opinion,
21 on a silly vote of "yes" or "no" when we could have used
22 that money for something more beneficial to our people
23 and our community and our country as a whole.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Co-Chairman GEORGES ERASMUS:** You talk
2 about traditionally Aboriginal people took care of their
3 children. In the community I grew up in virtually all
4 the adults had a role in the bringing up of children.
5 If any adult saw a child doing something that their parents
6 would disagree with, the other adults felt it was part
7 of their responsibility to say something, do something.

8 Do you think that has broken down?

9 **MARGARET RUDA:** I think it has broken
10 down in a lot of instances. I too was brought up that
11 way but only for so many years and then it was lost.

12 **Co-Chairman GEORGES ERASMUS:** Do you
13 think it is worthwhile to go back to it?

14 **MARGARET RUDA:** I think so.

15 **Co-Chairman GEORGES ERASMUS:** Allan,
16 you have not been part of the discussion, but she presented
17 on youth, children, addiction. She kept mentioning that
18 locking up offenders was not the solution. Individual
19 treatment of people with addiction problems was not the
20 problem, that the actual problems in the community are
21 not being addressed by simply dealing with the individuals,
22 particularly when you are locking them up. And then she
23 talked about being intimidated by the present court system,

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 particularly because it has primarily non-native people
2 in the courts and that at the very least improvement should
3 occur by having more Aboriginal people involved in the
4 system who would understand Aboriginal people.

5 My first question was what did she mean
6 by the actual problem was not being addressed and she said
7 she herself was not fully understanding of what the problem
8 was. She could not put her finger on it but she was sure
9 that locking up people was not the problem.

10 And then you heard some of the discussion
11 we just had there. So you may or may not have some
12 questions.

13 **MARGARET RUDA:** I guess I wasn't just
14 saying not to lock them up. There are some instances where
15 people have to be removed according to the law, but I am
16 saying that is not the only solution.

17 **Commissioner ALLAN BLAKENEY:** I just
18 want to make a comment in saying that when we talk about
19 an Aboriginal justice system, I think we should understand
20 that we are not only talking about the courtroom, the judge,
21 the lawyers. A justice system starts a lot sooner than
22 that. It starts with police and with crime prevention
23 measures.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 I recall being in Teslin up in the
2 southern Yukon and going around to see how their community
3 was organized. They had someone who was -- they called
4 him a crime prevention officer. He was pretty obviously
5 a person who was a sort of policeman, who went around and
6 if there was a problem with a young person his job was
7 not to find out what he was guilty of and lay a charge;
8 his job was to find out what went wrong, who should he
9 talk to, whether it was a parent, a grandparent, how they
10 were going to straighten out this young person. If there
11 was a problem of family violence, his job was not to go
12 in there and decide what charge should be laid but to gather
13 some people around who knew this couple and say: What
14 can be done?

15 This is the first step in a justice
16 system. And a lot of it happens in the general community
17 and less of it happens in the Aboriginal community because
18 the police and the social workers are cut off from the
19 Aboriginal community. They simply don't know who to call
20 upon. They don't know how to pull the strings to keep
21 this out of the formal justice system.

22 We -- we meaning this Commission
23 -- have to see if we can find out from Aboriginal people

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 how this can be restructured so that there will be people
2 on the ground whose job it is to keep things out of the
3 formal justice system.

4 In the United States -- I am just leaping
5 now -- they have yet another procedure whereby many of
6 them are dealt with by traditional courts, peacemaker
7 courts, so called -- this is on the Navajo Reserve -- where
8 they sit the people down and say: What is going on here?
9 Their families will be behind them. What is going on
10 here? What is with this breaking and entering? The
11 family of the offender have to make this up and they have
12 to undertake to see whether they can straighten out this
13 usually young person. That is the process rather than
14 finding out what charge should be laid and the airplane
15 coming down and landing the judge, all of which is not
16 very -- it may be "justice" but it doesn't do much for
17 the community.

18 If we read it right, these systems do
19 work in the United States on the reserves where they get
20 a good deal of support not only from the formal leadership
21 on the reserve but the great number of people on the reserve
22 who see the futility, except in extreme cases, of locking
23 up young offenders.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Co-Chairman GEORGES ERASMUS:** Thank you
2 for your time.

3 We will now have a presentation from the
4 Mayor of the City of North Battleford, Barrie Conkin.

5 **BARRIE CONKIN, MAYOR, CITY OF NORTH**
6 **BATTLEFORD:** Thank you, Mr. Co-Chairman, Commissioner
7 Blakeney, Members of the Royal Commission on Aboriginal
8 Peoples Hearing that are not present, Member of Parliament,
9 Mr. Len Taylor, our MLA, Doug Anguish, honoured guests,
10 fellow presenters, native elders, ladies and gentlemen,
11 and members of the news media, it is my pleasure to
12 participate in this hearing of the Royal Commission on
13 Aboriginal peoples. On behalf of city council and the
14 citizens of North Battleford I am pleased to welcome you
15 to our city.

16 Having dealt with native people for more
17 than 30 years as a merchant in the retail trade, I am
18 acquainted with a large cross-section of native people
19 in this area. I approach the Commission today from the
20 view of an elected official at the municipal level.

21 With more than 600 Indian bands in Canada
22 native people are emerging in a new expression of
23 self-determination with the advent of treaty land

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 entitlement and the prospect of self-government. While
2 the "no" result of the referendum may change the way these
3 changes will take place, there is no doubt that change
4 will indeed take place. Many promising developments and
5 joint venture industrial projects are being proposed by
6 the Federation of Saskatchewan Indians, tribal councils
7 and Indian bands. These innovative new projects will
8 inject new life into the marketplace, creating jobs and
9 employment for many people in our communities.

10 Since becoming Mayor my door has been
11 open to anyone with bona fide proposals or good ideas for
12 development at all times. I invite the chiefs, band
13 councils and the tribal councils to the city of North
14 Battleford. We will be pleased to assist and co-operate,
15 where possible, in mutually beneficial projects and
16 economic ventures. We have already initiated talks and
17 have invited chiefs to make presentations to city council.

18

19 However, the economic reality that we
20 all fact without strong local economies presents
21 substantial hurdles that will have to be overcome by all
22 peoples. Many communities in Saskatchewan are facing
23 declining populations and a shrinking tax base. At the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 same time, the demand for services and infrastructure is
2 growing. Federal and provincial government funding to
3 municipal government is declining. The basis of our local
4 economy, agriculture, has been devastated in recent years.

5 These demands put the added responsibility for problems,
6 such as child hunger, family violence, cultural
7 activities, crime and policing services, on the local
8 municipal government such as our city council in North
9 Battleford. These are problems we will face together.

10 I do not see the results of the
11 referendum as a repudiation of native people. Their
12 efforts toward self-government and equality are
13 legitimate. I see the results instead as an opportunity
14 for developing real understanding between natives and
15 non-natives about just what inherent self-government means
16 to natives and what changes will be necessary and are
17 possible to accommodate these expectations.

18 Thus far, federal and provincial
19 governments have done all the negotiating of the framework
20 agreements for treaty land entitlements and land claims.

21 Municipal governments have not had input. The federal
22 and provincial governments have made promises the ordinary
23 citizen at the grassroots level does not understand and

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 does not feel part of. This is true, as well, of local
2 government. In other words, the federal and provincial
3 government can put a cheque in the mail but it is at the
4 local level that natives and non-natives will have to
5 implement and live with the actual changes. And profound
6 changes there will be. To avoid the clash of anger and
7 frustration on the native side with fear and uncertainty
8 on the non-native side, it is imperative that people at
9 this level, both native and non-native, be included in
10 the process.

11 With 47 per cent to 67 per cent of
12 Saskatchewan's 59,714 status Indians living in urban
13 communities there are going to be significant implications
14 for municipalities. There are many complex questions of
15 parallel or self-government that we have not begun to
16 address. Some native leaders are determined to
17 introduce native gambling through the establishment of
18 gambling casinos, bingos, off-track and inner-track
19 betting and slot machines. Windfall revenues from these
20 sources, they claim, will enable them to care for all native
21 people: drug and alcohol rehabilitation programs, cultural
22 events, improving facilities on reserves and providing
23 self-sufficiency through jobs and employment.

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 Municipalities must have more information and be brought
2 into the negotiations in order to protect their
3 communities' interests. Many Canadians do not
4 understand Aboriginal self-government and the lands claims
5 process. Municipalities have an essential role to play
6 in land claims and native self-government to ensure that
7 the interests of all citizens are protected.

8 In summary, we extend a warm welcome and
9 invitation to natives to work together in joint ventures
10 and individual enterprise. The city of North Battleford
11 has developed servicing agreements and developing
12 agreements to accommodate urban reserves.

13 In an effort to recognize and preserve
14 the history of native culture, the city of North Battleford
15 has financed the creation and renovation of the Allen Sapp
16 Gallery. Our community recognizes and respects native
17 rights and interests but as Canadians also we expect the
18 same respect and equal rights. A workable form of
19 self-government will require a dedicated effort by natives
20 and non-native Canadians.

21 We are from diverse ancestral
22 backgrounds but we are all Canadians. We must strive to
23 live together in reasonable harmony. I have no doubt we

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October 29, 1992

Royal Commission on
Aboriginal Peoples

1 are equal to the challenge. Thank you.

2 **Co-Chairman GEORGES ERASMUS:** Thank
3 you. Do you mind if we ask you a few questions?

4 **BARRIE CONKIN:** Fine.

5 **Commissioner ALLAN BLAKENEY:** Thank you
6 for your brief, your Worship. Would you care to outline
7 one or two of the more pressing questions which you feel
8 you and your council face with respect to relations between
9 Aboriginal and non-Aboriginal people in the general
10 Battlefords area.

11 I think you are aware that this
12 relationship is a key social issue in Saskatchewan. I
13 have many times been heard to say that I think it is the
14 largest single social issue in Saskatchewan and
15 governments, provincial and municipal, have been wrestling
16 with it for some time. I would be interested in any comment
17 you might like to make on where you think the pressure
18 points are at this time in your area.

19 **BARRIE CONKIN:** I think consultation
20 with the Saskatchewan Urban Municipalities Organization
21 or the Association of Rural Municipalities has not been
22 there with the federal and provincial governments, and
23 I think that these have far-reaching effects on everyone

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 in our communities, as I stated in my address today. And
2 I think to solve the problems we will face there has to
3 be more consultation to know where we are going because
4 we are going into a whole new area of assimilation with
5 native and non-native people. With the federal government
6 designating urban reserves in our communities, it becomes
7 the responsibility of the municipalities and we have to
8 provide services and other forms of policing, or whatever,
9 to those areas.

10 I think there are very crucial questions
11 that have not been answered to the municipalities.

12 **Commissioner ALLAN BLAKENEY:** Thank
13 you. I think you make a good point that while other
14 governments will need to grapple with some of the problems,
15 they are there to anticipate those in the design of the
16 agreement. You also will have to deal with the problems
17 but you are not there in the design of the agreement, not
18 directly or not through SUMA or SAM. That is a legitimate
19 point.

20 There are many communities within Canada
21 which have urban reserves as you might say, particularly
22 in B.C. Do you see any particular problems? I can
23 anticipate some but you people have been thinking about

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 that. Can you think of any particular problems arising
2 with respect to reserves which are immediately adjacent
3 to or within the boundaries of the city or the town?

4 **BARRIE CONKIN:** I think we are fortunate
5 in the city of North Battleford because we have numerous
6 reserves all around us, in the periphery, and the people
7 have been here for a long time dealing here, and they are
8 integrated into our community to some degree. With 60,000
9 native people, status Indians, living in urban centres
10 in Saskatchewan I think that process has already begun
11 for some time.

12 But I think the public has not had input
13 or to understand the self-government issues, which has
14 not been fully explained because the federal and provincial
15 governments have designed these framework agreements but
16 there is no picture in the middle of the frame for the
17 general public. That is what happened on referendum day
18 -- my observation.

19 **Commissioner ALLAN BLAKENEY:** I think
20 it is fair to say that there is no picture there because
21 nobody has the picture to put there. It is a step-by-step
22 process. So far we have the frame.

23 **Co-Chairman GEORGES ERASMUS:** What kind

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 of involvement do you feel that the municipalities should
2 actually have in either a land claim, a treaty entitlement
3 process or the self-government process? You talk about
4 consultation. Is that what you are talking about, being
5 kept informed?

6 **BARRIE CONKIN:** I believe so. To
7 understand the land claims and some of the ramifications
8 of those land claims, if the federal government in
9 designating urban reserves within our community boundaries
10 or in RMs and with regard to treaty land entitlement, a
11 lot of people have not received that information. I think
12 the Saskatchewan Urban Municipalities Association has
13 talked with the provincial government but we have not had
14 much direct input as far as any of the framework agreement
15 processes and the land claims that have been carried on
16 in Saskatchewan, as far as I know.

17 I think it is important that the
18 municipalities be consulted because we are at the
19 grassroots level and we have to deal with these things
20 when these urban reserves are put into our communities.

21 We are accountable, as elected representatives, to the
22 people, the taxpayer in our communities, and it affects
23 every ordinary citizen. I don't think that that

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 consultation has taken place.

2 **Co-Chairman GEORGES ERASMUS:** Are you
3 also talking about the larger public being kept informed
4 through public meetings or distribution of information?

5 **BARRIE CONKIN:** I think it applies to
6 the general public and I think that that has to be brought
7 forth to the communities, because they don't know what
8 they are getting into. They want us to have urban
9 reserves. Fine. But we have to supply services to those
10 communities. There are many unanswered questions.

11 But we treat the creation of an urban
12 reserve, I would like to say, on the same basis as any
13 other development or a person approaching city council.
14 We are open to negotiation with those people and to offer
15 them, on an equal basis, the same rights and the same
16 opportunities for development and so on, which the native
17 people will have, according to the treaty land entitlement
18 and land claims.

19 **Co-Chairman GEORGES ERASMUS:** Are you
20 more interested in the developments that will have an
21 impact directly on the municipalities as opposed to
22 development that is beyond the boundary of the
23 municipalities?

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **BARRIE CONKIN:** The municipalities is
2 the direct jurisdiction, as far as I am concerned. But
3 I think naturally we are interested in having those
4 developments within our city limits. What the RMs do I
5 can't tell you offhand but I am sure there will be
6 developments there, whether they are commercial ventures
7 or social and cultural, or whatever, so that we can live
8 in harmony. But whatever deals are done have to be good
9 for both sides or for everyone. That is the key point.
10 And it is a very simple procedure. How you make it happen
11 is another story, of course. It has to be good for both
12 sides in the negotiating or bargaining of the people that
13 are involved, whether they are the citizens of North
14 Battleford and the native and non-native people.

15 **Co-Chairman GEORGES ERASMUS:** Could you
16 tell me about the kinds of services that the municipality
17 has to perhaps accommodate Aboriginal people in the
18 municipality of North Battleford?

19 **BARRIE CONKIN:** We have services that
20 will come to an urban reserve or to any development, I
21 think, in supplying the essential services, the water,
22 sewer, roads and land to those people for whatever type
23 -- if it is a commercial venture or an Indian and Métis

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Friendship Centre. There are considerations to be made.
2 Or in the education field or in the health care field.
3 These things have been carried through in some areas
4 already, through federal and provincial areas of
5 responsibility. But it is my understanding that those
6 things may change with the advent of self-government.

7 **Co-Chairman GEORGES ERASMUS:** Some
8 municipalities have race relations offices and so forth,
9 where they are trying to have some outreach to their people
10 out there. They are trying to make sure that if there
11 is any racism out there that they are dealing with it.

12 Do you have any kind of committee like
13 that?

14 **BARRIE CONKIN:** We do not have a
15 committee per se but our council is very interested. They
16 have expressed to me their concern, that they want to
17 welcome the native people here, and they have instructed
18 me specifically to invite the chiefs and the bands and
19 the tribal councils to come to city council, as I mentioned
20 in my address, and discuss any type of good idea or bona
21 fide proposals that they might have. We are willing to
22 entertain those proposals.

23 **Co-Chairman GEORGES ERASMUS:** Do you

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 have any affirmative action program to hire Aboriginal
2 people through any of the departments within the
3 municipality?

4 **BARRIE CONKIN:** I can't comment on that
5 at the present time because I don't know. I will check
6 that out. We are not doing a lot of hiring at the moment,
7 but that is not an excuse per se. I am sure we would adhere
8 to a policy of equal opportunities in employment -- put
9 it that way -- as far as the city of North Battleford is
10 concerned.

11 **Co-Chairman GEORGES ERASMUS:** Do you
12 have any views on Aboriginal people evolving a type of
13 self-government within an urban area?

14 **BARRIE CONKIN:** I have personal views
15 on that. But because self-government has not been defined
16 to us adequately, in my opinion, I think I really don't
17 have any ideas other than that the cost alone right now
18 that the Saskatchewan municipalities and cities are facing
19 is very prohibitive. It is not an excuse but it is a fact
20 of life that we have to cope with. The Saskatchewan
21 government I am sure is very cognisant of that fact in
22 the economic reality of the way things are.

23 To have different forms of government,

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 if that is the agreement that the natives do with the
2 federal government and the provincial government and
3 municipalities, I think we have to live with it. And that
4 will come.

5 **Co-Chairman GEORGES ERASMUS:** We are
6 looking at a number of different models and we will be
7 in a much better situation, perhaps, in half a year or
8 so to start looking at models. But from what we are seeing
9 in different parts of Canada at the moment, one model might
10 be things like school boards, hospitals, treatment
11 centres, that are Aboriginal controlled, managed by
12 Aboriginal people. They are not the full-scale
13 self-government but it would give people more control over
14 their lives.

15 What are your views on those kinds of
16 possibilities?

17 **BARRIE CONKIN:** I think the authorities
18 concerned -- school boards, hospitals and treatment
19 centres -- those are their areas. But I would comment
20 that if the Aboriginal people have that authority to
21 establish those things and funds, there is no reason why
22 they can't. That is their freedom in this country. We
23 have those rights providing they don't violate somebody

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 else's rights, and they are fair on the basis of fair.
2 And the public has to perceive them as such.

3 **Co-Chairman GEORGES ERASMUS:** I think
4 I have run out of questions to ask you. If you can think
5 of anything else that you might want to leave with us,
6 any last comments, please go ahead.

7 **BARRIE CONKIN:** Not offhand. I
8 appreciate the opportunity to address you. There was a
9 young fellow who used to go to high school with my son
10 and he asked me to come and speak to you because he knew
11 me from my business place at one time. That is one of
12 the reasons I am here today and also on behalf of the city
13 of North Battleford. It is my pleasure to have been here
14 and to have met with you Commissioners.

15 **Co-Chairman GEORGES ERASMUS:** We
16 certainly appreciate you coming forth.

17 We are going to hear now from the
18 Canadian Catholic Organization for Development and Peace.

19 **JEFF BALDWIN, CANADIAN CATHOLIC**
20 **ORGANIZATION FOR DEVELOPMENT AND PEACE:** Honourable
21 Members of the Commission, my name is Jeff Baldwin. I
22 am the elected representative for Saskatchewan on the
23 National Council of the Canadian Catholic Organization

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 for Development and Peace, which means that I am a volunteer
2 who attends a lot of meetings.

3 Development and Peace was launched in
4 1967 by the Catholic Bishops of Canada to support social
5 and economic development programs for Third World people
6 and also to promote solidarity with the poor through
7 education in Canada by making people more aware of the
8 global causes of underdevelopment.

9 I have submitted for your consideration
10 a copy of our organization's national policy concerning
11 the Aboriginal peoples. I would like to take this
12 opportunity to make a few brief comments concerning our
13 position.

14 For the past 500 years colonialism,
15 imperialism and capitalism have one after the other
16 subjugated native populations and ravaged the environment
17 in favour of a mode of development which profits a minority.

18 Today, as in the past, the law of the strongest imposes
19 its vision of the world. As Canadians and as Christians,
20 we must humbly acknowledge that we are an integral part
21 of a society and a church whose attitudes have contributed
22 to destroying the culture and the very identity of this
23 continent's first inhabitants.

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 Although we do not promote a denial of
2 the past nor a revisionist view of history, it is important
3 to focus on the present and the future. We must look to
4 solutions to build a solid relationship between Aboriginal
5 and non-Aboriginal peoples. I understand that this is
6 this Commission's concern on this second round of
7 consultation.

8 Cultural oppression and economic
9 dependence promote alienation and poverty. Dispossessed
10 of their lands and way of life the First Nations have been
11 marginalized from the political and cultural life of this
12 country. Their aspirations and their vision of a world
13 which respects the harmony of creation have been
14 disregarded. Development and Peace wishes to make its
15 contribution to correcting these injustices.

16 The situation of Aboriginal people in
17 Canada meets our definition of under-development.

18 Development is not easy to define, but
19 we would suggest that it is not simply economic growth.

20 Development should aim at allowing human beings to live
21 together harmoniously and seeks to reach them in all
22 dimensions, whether it be economic, social, political and
23 cultural. Development also directs us to examine the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 institutional structures which have been created and which
2 may be responsible for our people's condition.

3 It is in this context that we support
4 the demands of the Aboriginal peoples for the following:

5 (1) the enshrining of a definition of
6 Aboriginal rights in the Canadian constitution, especially
7 the right to self-government;

8 (2) a just solution to land claims; and

9 (3) negotiations on a nation-to-nation
10 basis.

11 It is clear that Development and Peace
12 has had limited contact with Canada's Aboriginal people.

13 However, we can speak from our experience acquired in
14 living our mandate of support for the peoples of the Third
15 World. From the Mapuches to the Mayas, from the Kulinas
16 to the Quechuas, each native group has particularities
17 and riches which distinguish it from others. Projects
18 which we support internationally speak to this diversity
19 and creativity.

20 However, all indigenous communities are
21 united in facing living conditions which rank them among
22 the poorest of the poor.

23 We have supported projects which further

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 the value of participation and have contributed to the
2 organization of indigenous communities and native
3 populations south of the Rio Grande. In this fashion we
4 have accompanied the indigenous people's struggle for a
5 society which is respectful of their cultural and historic
6 roots.

7 Our international solidarity work
8 informs our judgment and lends perspective to the painful
9 realities facing the Aboriginal people of Canada. Despite
10 their diversity, the Cree of Saskatchewan, the
11 Wet'Suwet'en of British Columbia are all struggling to
12 keep their lands and a way of life which is threatened
13 by the expansion of the broader society.

14 It is clear to us that the suffering and
15 the injustices against which they struggle have the same
16 roots.

17 We respectfully submit that there can
18 be no genuine development without responsible
19 participation of people in the determination of their own
20 destiny. It is with this principle in mind that we support
21 the Aboriginal peoples' demands for self-government,
22 settlement of land claims and negotiations on a
23 nation-to-nation basis.

StenoTran

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Our solidarity with aboriginal peoples
2 of the south calls on us to be more effective in our
3 solidarity with the struggles here in Canada. This
4 reflection is but a first step as we move from words to
5 action.

6 It has been our experience within the
7 Diocese of Prince Albert, which includes The Battlefords,
8 that there is a poor understanding and a misunderstanding
9 of history and awareness of Aboriginal societies and
10 further a lack of communication between Aboriginal and
11 non-Aboriginal people. This only fosters distrust. It
12 is all too easy for non-Aboriginals to make quick judgments
13 based upon our limited encounters with Aboriginal peoples.
14 We can see this quite easily as primarily a problem for
15 the non-Aboriginal society. Aboriginal people are
16 compelled to encounter our society and our culture. We
17 are not. It is this lack of understanding that we hope
18 to overcome in the Diocese of Prince Albert.

19 We are beginning to work on the
20 development of an exposure that will allow non-Aboriginal
21 people to come to an understanding of the history and
22 reality of Aboriginal peoples in The Battlefords through
23 direct contact. It is difficult, if not impossible, to

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 legislate change in attitudinal behaviour. However, we
2 can provide opportunities that might facilitate a change
3 in attitudes.

4 From my experience in exposure programs
5 in Mexico and Saskatchewan, I can say that they have been
6 instrumental in modifying my attitudes.

7 Until people understand and communicate
8 with each other, there will be no trust. And without trust
9 it is unlikely that we will ever be able to assist each
10 other in attaining genuine development.

11 On this 500th anniversary of the arrival
12 of European society in the Americas it is an opportune
13 moment for us to make some positive gains, particularly
14 while there is a window of opportunity, while public
15 opinion and political support appear as willing. The
16 Aboriginal people can make significant gains in their
17 demands if the non-Aboriginal public is sensitive to their
18 needs and concerns. It is with this in mind that we feel
19 it is of the utmost importance to begin introducing the
20 non-Aboriginal community to their neighbours. This is
21 perhaps even more important with the defeat of the
22 Aboriginal package in the Charlottetown Accord.

23 Before any substantial change can occur

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 there must be trust between Aboriginal and non-Aboriginal
2 communities. This can only come about through contact.

3 May we be so bold as to suggest that mechanisms be found
4 to promote contact and build these relationships between
5 ordinary citizens. Here in North Battleford we are
6 working on an exposure program.

7 Those are my formal comments. I wish
8 you success in developing your recommendations which we
9 view as an ongoing process toward the liberation of the
10 both the Aboriginal and the non-Aboriginal people.

11 **Co-Chairman GEORGES ERASMUS:** Thank
12 you. Do you mind if we ask you a few questions?

13 **JEFF BALDWIN:** Please do.

14 **Commissioner ALLAN BLAKENEY:** Thank you
15 very much, Mr. Baldwin. We have been engaged in hearings
16 for some months now and a recurring theme from Aboriginal
17 people, one which I suspect you would agree with judging
18 from your remarks, is that in order that Aboriginal people
19 take their rightful place in North American society,
20 Canadian society, it will be necessary for Aboriginal
21 people to preserve and strengthen their culture. We have
22 heard this theme over and over again. There cannot be
23 any appropriate relationship between Aboriginal and

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 non-Aboriginal cultures until Aboriginal people feel that
2 their culture is not under constant attack, at least formal
3 attack, and that they have some opportunity to preserve
4 and possibly strengthen their culture. From there
5 it is argued that this probably means some additional
6 emphasis on Aboriginal language and almost certainly
7 involves some additional emphasis on traditional
8 spirituality. And they tell us that they regard the
9 history of the last 500 years as a history of non-Aboriginal
10 governments and the Christian church pursuing a policy
11 of cultural oppression -- other oppression but cultural
12 oppression as well.

13 I make this comment not aimed at the
14 Roman Catholic Church specifically but generally at the
15 Christian church.

16 Is it possible for people who call
17 ourselves Christian to support Aboriginal spirituality?
18 Can we make room in our approach to religion which
19 indicates that we think we have the answer, the single
20 answer? I think we are being a little less vigorous at
21 that assertion, but it is still there.

22 Can we make room for Aboriginal
23 spirituality so that these people may pursue what they

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 believe is crucial to their survival, both individually
2 and as a people; that is, the preservation of their culture
3 which to most of them includes some element of their
4 spirituality?

5 **JEFF BALDWIN:** Yes, I believe there is
6 ample room for a relationship between the different faiths,
7 the spiritual beliefs, to find common ground.

8 Your earlier comment that the Christian
9 church has been responsible for cultural oppression
10 certainly holds some merit and it is clear that it occurred.

11 I think, however, there were many members working within
12 the church that were also working actively to protect the
13 native peoples and doing the best they could under the
14 circumstances that the times had presented them to assist
15 the native peoples in opposing the oppression that was
16 occurring and trying to defend them in whatever manner
17 was available. I am thinking particularly about one of
18 the most famous persons, Bartholomic Delacassis who has
19 written extensively -- and fortunately we still have his
20 writings -- as to the amount of oppression that was
21 occurring initially when Columbus arrived in the Americas.

22 If you look at Latin America I think
23 there has been a substantial amount of integration between

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 native spirituality and Christian beliefs. My
2 experience, of course, is particular to the Roman Catholic
3 church but I think there has been extensive integration
4 and mixing of beliefs. In fact, in some parts of Latin
5 America it is very difficult to recognize the church as
6 a Roman Catholic church due to the different practices
7 and the different beliefs and procedures of the people.

8 I think back to some stories. I recall
9 reading about the Aztec people when they were conquered
10 and some of them were put into slavery to build churches,
11 crosses, monuments, and so on, and it was very common for
12 them to hide and implant some of their gods and some of
13 their symbols of beliefs within the structures,
14 particularly within the crosses. And I think that is
15 somewhat symbolic of the integration and the mixing that
16 has occurred in many parts of Latin America.

17 So in response to your question, I think
18 there is ample room for accommodation. I don't think
19 particularly in this day and age the church can see itself
20 any longer as being in a position of imposing belief on
21 people. I think we are looking for people to come freely
22 to whatever God moves them to.

23 **Commissioner ALLAN BLAKENEY:** We are

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 the heirs of a particularly ethnocentric culture. We so
2 rarely consider the possibility that we may be wrong that
3 we tend frequently to be very unfair to people without
4 in any way meaning to be. And this is not in any way
5 confined to the church. Governments have been vigorous
6 at that and some of the very well meaning governments.

7 I recall 30 years ago when I was Minister
8 of Education we were busy, by and large with the approval
9 of Indian leaders, integrating schools so that the Indian
10 students came off the reserves and went to the local town
11 schools, and we thought this was the way to go. And we
12 genuinely thought that. In retrospect we think that
13 perhaps was not a great idea. Thirty years from now we
14 may change our mind.

15 The point I make is that we should be
16 a little more humble about prescribing ways to solve
17 problems and to be very much more willing to work with
18 Aboriginal people. They also are not of a common mind
19 any more than we are to do this. Humbleness is not a
20 quality that comes easily to governments and I suggest
21 to churches, although all of us are getting more humble,
22 I hope.

23 I was glad to hear you state that you

StenoTran

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 feel that there is a different relationship so that the
2 Roman Catholic church -- and I am quoting you with that
3 -- is now in a better position to appreciate the merits
4 of Aboriginal spirituality and what it has to contribute
5 to the lives of Aboriginal people, and that this is able
6 to be encompassed in a new relationship that we hope to
7 construct between the Aboriginal and non-Aboriginal
8 communities in Canada.

9 Do you see any particular barriers that
10 still need to be overcome other than the massive barrier
11 of lack of knowledge and information on both sides? Do
12 you see any particular barriers that you see need to be
13 overcome to achieve the relationship which I am sure you
14 and I share and which would be partly reflected by a
15 recognition of Aboriginal self-governments, the just
16 settlement of land claims and working out of the modalities
17 of self-government?

18 **JEFF BALDWIN:** If I might briefly
19 comment to your previous question, I think it is so easy
20 for us to see church as hierarchy, as structure, and I
21 think there is a strong movement, particularly within the
22 mainstream protestant churches and the Roman Catholic
23 church to see church more as people. I think that the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Roman Catholic church has also been people, including
2 Aboriginal people, virtually from 1492 on. And I think
3 that people have often taken control of their church,
4 regardless of what the hierarchical church is telling them
5 to do or to believe.

6 So I think that native spirituality has
7 always had an influence and a role within the Roman Catholic
8 church and has always been important to greater or lesser
9 degrees. And I think perhaps now more than ever it may
10 have its greatest influence.

11 But I am certainly no expert in that
12 field.

13 In response to your question on specific
14 barriers, perhaps the most difficult barrier to overcome
15 is the barrier between people themselves on an
16 interpersonal level, the mistrust, the conclusions, the
17 discrimination, the racism that builds from lack of
18 knowledge and that grows from lack of knowledge.

19 It often amazes me how little knowledge
20 non-Aboriginal people here in The Battlefords have as far
21 as awareness of Aboriginal people, and I am certainly one
22 of them. I am lacking in my knowledge as well and my eyes
23 are being opened all the time, usually in a very positive

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 way. I think that that may be one of the biggest barriers
2 to overcome.

3 It is easy for politicians to make
4 agreements but those agreements are going to live and die
5 depending upon how the people respond to the laws that
6 will come out of those agreements. If there is a lack
7 of trust and a lack of understanding, it is going to be
8 very difficult for those agreements to work the way the
9 leaders might intend them to work.

10 I see that as a barrier and I am hoping
11 that we might find ways to come together to meet, whether
12 it is simply saying "hello" in the grocery store or whether
13 it is doing something structural and formal. We are trying
14 that here in The Battlefords. We are starting to develop
15 an exposure program where we can take non-Aboriginal people
16 out to reserves to meet with Aboriginals rather than simply
17 seeing them on the downtown streets just passing by.

18 We see the lack of knowledge and
19 education as primarily one for the non-Aboriginal
20 community. The Aboriginals know us very well, I think.

21 I think we are the ones that need to come to know them.

22 I think that is one substantial barrier.

23 Other barriers, of course, are

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 institutional. I think our support for the native demands
2 of self-government, negotiations on a nation-to-nation
3 basis, and settlement of land claims address many of the
4 major institutional barriers that exist. Perhaps one of
5 the biggest institutional barriers is the Indian Act
6 itself.

7 I don't know if it is true or not but
8 I was told recently that when South Africa was considering
9 the development of its apartheid policy they sent
10 representatives to Canada to see what we were doing with
11 the native problem. I think that tells a lot about our
12 institution, our legal mechanisms that exist.

13 I have had some familiarity as a lawyer
14 with the Indian Act and I can see that it would be a very
15 limiting and imprisoning document for the native people.

16 I remember Chief Blain Favel mentioned at the
17 Charlottetown Accord presentation night that we had in
18 The Battlefords recently that he is pretty much limited
19 to dealing with dog licence type problems on his reserve.

20 Although that may be simplifying it, I think that clearly
21 shows that the Indian Act in and of itself is a
22 discriminatory document that is preventing the native
23 peoples from achieving development and I think also

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 limiting non-Aboriginals as well.

2 **Co-Chairman GEORGES ERASMUS:** There
3 were a couple of things I was thinking of that if the church
4 were prepared to do might go a long ways to actually
5 starting to heal some of the problems.

6 Part of what happened with the
7 residential schools was a real imposition on Aboriginal
8 people in relation to their language and their culture.

9 It was impossible to go through a residential school and
10 feel good about your language or your culture. You were
11 made to feel that it was a useless tool and that it was
12 inferior. And a lot of people walked away from those
13 institutions with a lot of personal problems.

14 I don't think the churches have ever
15 officially come forth and said: "It is good for the world,
16 it is good for humanity that there are Aboriginal
17 languages, and that it is good for the world that there
18 are peoples that have their own culture, that are
19 Aboriginal, and that people should feel good about it."

20 There has been a very aggressive campaign by churches
21 to remove the culture and the language. I suspect it all
22 came from good intentions, feeling that they were doing
23 something wonderful. But even today I don't think the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 church has ever come forth and said to people: "It is
2 okay. Speak your language. Exercise and practise your
3 culture. It can benefit." That has never occurred.

4 The other thing is in relation to
5 Aboriginal spirituality, while you just said that in Latin
6 America there has been a coming together, the church there,
7 if I remember correctly, with the Conquistadors and the
8 Spanish were very, very brutal. There was no possibility
9 of the Aboriginal people not being part of the Catholic
10 church, so they had to find a way internally to accommodate.

11

12 I am not interested in getting into a
13 discussion on that. I will withdraw that.

14 Here what has happened in Canada has been
15 a very strong imposition on Aboriginal people in relation
16 to their spirituality. We now have Aboriginal Christians
17 that feel it is very, very wrong for them to participate
18 in Aboriginal activities like sweat lodges, traditional
19 healing. They have been convinced by being connected with
20 either the Catholic church or another church of the
21 Christian faith that it is either devil worship, activities
22 that border on the black arts. It really would not
23 hurt for a positive statement to be made on Aboriginal

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 spirituality by the church officially. I don't think it
2 is enough as an individual for you to tell us that there
3 can be some accommodation. I really think it is time for
4 the church to come out of the closet on that if the church
5 is ever really going to say that Aboriginal spirituality
6 does not hurt humanity. In fact, the spirituality that
7 says all life exists everywhere, everything is important,
8 whether it is the trees, the rocks, whatever, that kind
9 of world view had it been adopted when the European peoples
10 came to North America, we wouldn't be having the kind of
11 pollution problems we are having here now.

12 So it really would not hurt.

13 And on residential schools I think that
14 there really needs to be some kind of serious statement
15 by the churches on those schools, because there is a
16 tremendous amount of damage that has occurred. There has
17 not been a hearing that we have held where we haven't heard
18 about the problems that have been passed down generation
19 after generation. It is enormous, the problems that there
20 are.

21 Perhaps not all of the problems that
22 people think have come from residential schools come from
23 there, but it is obvious with so many people having this

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 view from one end of the country to the other, including
2 the United States, that there has to be a large degree
3 of truth in what they are saying.

4 I really think that if there is going
5 to be a healing between the church and Aboriginal people
6 there has to be some rectification, some remedy, in
7 relation to what has occurred in the past. It really is
8 not good enough for people just to say: "That happened
9 in the past. We are not doing that any more." It really
10 is not good enough.

11 Communities where the church came in and
12 they burned their drums is really a problem. Those people
13 have lost their songs. They feel now that if they go back
14 and pick up a drum, they are committing a sin. How can
15 that be? Those kinds of things have not been corrected
16 yet. And why should it be a problem when people know enough
17 about herbs that they can go into the forest and they can
18 find natural medicines to heal people with?

19 The modern world is talking about the
20 burning of the Brazil tropical forests being a problem
21 because all kinds of medicines that Aboriginal people know
22 that are there are disappearing.

23 I don't want you to be personally

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 accepting this as if I am making a statement to you. But
2 you are speaking in this case for the church, and for
3 yourself as part of the church.

4 I really think it would be very useful
5 for the church to seriously consider those things. Some
6 of them may not cost a lot outside of a lot of internal
7 exploration. It would be not necessarily a statement to
8 the world. It would be a statement internally to
9 Aboriginal people. It would really help the internal
10 healing that needs to occur between Aboriginal people.

11 What is happening now is if you are a
12 firmly and totally committed Christian and if you are a
13 firmly and totally committed Aboriginal traditional
14 person, it means sometimes that there are some things you
15 cannot share with each other. There are a lot of people
16 who are involved in the Christian faith that are not so
17 caught up in it that they are not looking to the traditional
18 side as necessarily a negative thing, but there are those
19 who believe that they have heard the message from the church
20 as saying that their past and their culture is something
21 that they have to leave behind.

22 It would be useful if that was addressed.

23 If you want to make a short statement

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 on it, I certainly did not expect you to answer that now.

2 You can savour that for some other time.

3 And if the church wants to make those
4 statements to us at some point in the next year, we would
5 love to hear it.

6 **JEFF BALDWIN:** As you correctly stated,
7 I can't speak for the church. I am willing to stick out
8 my neck a certain distance but perhaps not quite that far
9 at this time.

10 What I can do is I can speak for the
11 organization that I am involved in, and certainly
12 internationally 10 per cent of our international
13 development projects in Latin America are working with
14 indigenous peoples. And many of those projects that I
15 am personally familiar with do promote culture and language
16 of Aboriginal peoples within Latin America.

17 I can also look to the experience -- and
18 perhaps it is a recent experience -- here in The Battlefords
19 with the Roman Catholic Native Ministry team where they
20 are, I think from what I have seen, not shy to take part
21 in sweat lodges, not shy to work with native people wherever
22 they may be coming from and wherever they may be going
23 to.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 If you simply look at the hierarchical
2 church, you might come to the conclusion that there has
3 been a lack of reconciliation, a lack of ownership of some
4 of the things that have happened. However, there have
5 been positive signs. Recently, Pope John Paul II has
6 indicated the importance of culture within the church,
7 the importance of local culture. I don't believe he was
8 specifically talking about Aboriginal peoples.

9 But I think there is some recognition
10 and perhaps there has not been the ownership that I think
11 you are looking for. Reconciliation is important. It
12 is one of the fundamental principles of Christian churches.

13 And I would agree with many of your comments. I think
14 that we in the church have much to learn from Aboriginal
15 people in all areas.

16 **Co-Chairman GEORGES ERASMUS:** Is there
17 anything else you want to add?

18 **JEFF BALDWIN:** Thank you very much for
19 listening to me.

20 **Co-Chairman GEORGES ERASMUS:** We have
21 a Member of the Legislature going to make an individual
22 presentation, Doug Anguish.

23 **DOUG ANGUISH, MEMBER OF THE LEGISLATURE:**

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 Thank you very much. I would like to welcome you, Allan
2 Blakeney, and you, Georges Erasmus, to The Battlefords.

3 I would like to also express my personal confidence in
4 both of you and my pleasure that you are appointed as
5 commissioners to the Royal Commission on Aboriginal
6 Peoples. I respect the integrity and the intellect and
7 the abilities of both of you. I know that many people
8 have fairly high expectations of the final report and I
9 personally as well look forward to the final report.

10 The presentation that I make today is
11 my own and I will take full responsibility for it. It
12 has not been researched and it is not statistical. It
13 is based on my experience as an individual growing up in
14 the northern half of the province, as a Member of Parliament
15 representing the northwest corner of the province, and
16 my experience in my current role as a Member of the
17 Legislative Assembly for the constituency of The
18 Battlefords.

19 I don't particularly like the word
20 "Aboriginal" but I will try and use that throughout my
21 presentation. I have a desire that the Royal Commission
22 would have had a breakdown of Aboriginal people into Inuit,
23 Métis and Indian instead of being all lumped together.

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 In my mind, each are distinctly different and I will attempt
2 to make my presentation within the mandate that you have.

3 I know that your mandate states Aboriginal people and
4 therefore I respect that and understand that it is not
5 in your position to change it.

6 One of the first things I want to address
7 is the Indian Act itself. The Indian Act, as I view it,
8 is a non-Aboriginal government tool to clarify and simplify
9 the administration over Indian people. And over the years
10 since the Indian Act has come into place it has been a
11 detriment to Indian people. It has maybe been helpful
12 to governments in their administration but it certainly
13 has not been helpful to Indian people.

14 I recall an experience at one point in
15 my life when I was working for an organization called the
16 Shellbrooke Agency Cree Council. The Cree Council was
17 made up of the Ahtahkakoop Band, Whitefish, Pelican and
18 Witchehan. I recall one day reading a letter that had
19 been sent from one of the band members to the Department
20 of Indian Affairs and the individual was talking about
21 his experiences of many years living on the Ahtahkakoop
22 Reserve. He said in his letter: "Because of problems
23 they cause for Indian people, mind altering substances

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 such as drugs, chemicals, alcohol and the Indian Act should
2 be banned from Indian reserves." I think that that says
3 a lot. I agree with the sentiment of what this elder said
4 in his letter because of the detrimental effect that the
5 Indian Act has had on Indian people, that he would see
6 fit to put in a piece of white man's government legislation
7 with chemicals and drugs and alcohol.

8 I would very much recommend that
9 governments and the Canadian society work on some type
10 of protocol agreements or some other tool to delete the
11 Indian Act completely. In addition to that, I believe
12 there is some emphasis by government -- and I am not sure
13 it is happening with enough emphasis -- to phase out the
14 Department of Indian and Northern Affairs. While I
15 recognize that many good and well-meaning people have
16 worked within that department, I believe that the progress
17 toward self-government is very important and I look forward
18 to the day when the department and the Indian Act are both
19 a part of the history of Canada and not something that
20 currently dictates the lives of Indian people.

21 Another topic that I want to talk on
22 specifically is that of Aboriginal youth.

23 The Battlefords have what they call The

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Battleford Street Workers Program, and I believe that
2 Marcella Ross or one of the people from the program will
3 be giving you a presentation this afternoon. I support
4 the Street Workers Program but it is a reaction to a
5 situation and only deals with symptoms of a bigger problem
6 that exists.

7 I know that in my early days growing up
8 in the Meadow Lake area my first exposure to Indian and
9 Métis people was through sports and recreation. Quite
10 often Indian and Métis people, especially in a day and
11 age where costs are rising and your middle class white
12 family are making tough decisions as to whether or not
13 they can afford to put their children in hockey or ballet
14 or swimming lessons, or whatever, Indian and Métis kids
15 are often in the poverty cycle so deep that they don't
16 have the opportunity to participate in the sports and
17 recreation that all young people should in fact be entitled
18 to and have a chance to participate in.

19 I think we should be striving for harmony
20 with the youth. I think there has to be a great emphasis
21 put on promoting self image and I think we have to
22 concentrate on breaking the poverty cycle that exists
23 within many Indian and Métis families that I know. I know

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 some Indian and Métis families who have done quite well
2 for themselves but I also know many, many more Indian and
3 Métis people who get caught in the poverty cycle and it
4 does not allow their children to compete in society to
5 keep the self respect that they have within society as
6 a whole. Although within their own community of Indian
7 or Métis they may have that self respect, when they are
8 thrown out into society at large that self respect is quite
9 often beaten back by powers that they seem to have little
10 or no influence over.

11 Another topic specific to your mandate,
12 Mr. Erasmus and Mr. Blakeney, is that of education.

13 I don't want to talk so much about how
14 Indian and Métis people receive their education as I do
15 for the need in the general educational system that we
16 have where I feel there is a need for curriculum development
17 for a school system so that young people who are
18 non-Aboriginal may better understand today's situation
19 with Aboriginal people and how it may be understood in
20 the historical perspective as to what has happened over
21 the years. I think many children who are non-Aboriginal
22 who attend school are inflicted by more biases than they
23 are about the situation we find ourselves in today having

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 the general society in relationship with Indian and Métis
2 people.

3 It has been a long road. I remember my
4 wife and myself lived on the Sakimay Band in the late 1960s
5 and I believe 1970. And while we lived there it was the
6 first time ever an Indian girl had graduated from the school
7 in the village of Loon Lake, and she had graduated with
8 an average in the 90s. She went on to university, entered
9 the College of Law, did not complete her law degree but
10 at some point during her university education decided she
11 wanted to become a member of the Royal Canadian Mounted
12 Police. She in fact did that and today is still a regular
13 member of the Royal Canadian Mounted Police and has done
14 very well for herself.

15 Something I don't understand and I think
16 many non-Aboriginal people don't understand is that she
17 was shunned by her home community at that time. I am not
18 sure that it is that prevalent today. I think we have
19 to have a better understanding of why that would happen.

20 I remember when she would come home from university many
21 people in the band would refer to her as an apple; that
22 she was red on the outside but she was white in the inside.

23 I think there has to be something that

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 maybe cannot be done by the non-Aboriginal society, that
2 must be done within the Aboriginal society to understand
3 and accommodate people who want to make great strides with
4 their life that may not be in the standard of the
5 traditional ways that Indian and Métis people have known.

6 The final point I want to touch on that
7 is within your mandate is that of justice issues. I will
8 not consume a lot of time of the Commission on this topic
9 other than to say that I give my full support to The
10 Battlefords diversion project, and I believe that a
11 presentation will be made of the project later today by
12 Judge David Arnot, who I believe is the one making the
13 presentation.

14 The justice system, in my experience
15 over the years, has been unjust for Aboriginal people and
16 has caused many injustices with Aboriginal people. And
17 I can't say strongly enough how I feel that the justice
18 system has not served Indian and Métis people in the area
19 that I have been experienced with, and that is the province
20 of Saskatchewan. There have been attempts made over the
21 years, such as the native court worker program. I believe
22 it was a good program. It was taken out maybe for the
23 wrong reasons. Maybe it was economic; maybe it was because

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 the government of the day did not feel the need for it.

2 I think we really need to look at the
3 justice system and The Battlefords diversion project goes
4 a long way to promoting a better justice system that will
5 serve not only Aboriginal people but will also serve
6 society in general.

7 I have been frustrated over the years
8 with some of the things that have happened to facilities
9 such as we have here today in which the Royal Commission
10 is holding its hearings. The Friendship Centre has had
11 a long history of turbulent times and also of good times.

12 There have been many programs sponsored through the
13 Friendship Centre that have worked well. I think that
14 the Friendship Centre in an urban setting should be a focal
15 point for Aboriginal people in this urban setting.

16 However, it seems quite often when there
17 is a political problem, whether it be within the Métis
18 community or whether it be within the Indian community,
19 or whether it be between those two communities, that
20 governments all too often use that as an excuse to cut
21 back on programming to such facilities as the Friendship
22 Centre.

23 I believe that if we are going to have

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 better harmony within the Aboriginal community and my
2 community of The Battlefords, we need to enhance the
3 Friendship Centre and the programs that can be delivered
4 through facilities such as this. Although there have been
5 conflicts from time to time with the people who are
6 responsible for the centre, I truly believe that it has
7 always been their desire to make sure that the Friendship
8 Centre operated in the best interests of all people. I
9 do not condemn any of those who have run into conflict
10 in the past with the Friendship Centre. I want to work
11 with others in complimenting the functioning of this fine
12 facility.

13 On a different topic, I believe that
14 harmony within the Aboriginal community will not really
15 occur until we address social problems and imbalances and
16 inequities that exist. I think we need to look at a very
17 much grassroots level: topics such as economic
18 development, unemployment, poverty cycle, cultural
19 differences. These all need to be addressed before we
20 get on to having broad support for self-government and
21 a framework for some kind of harmony and progress for the
22 long term.

23 When I look at the referendum vote I saw

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 some things that disturbed me deeply. Much of the
2 leadership in Canada preached doom and gloom if we were
3 to not pass the Charlottetown Agreement. I think that
4 the general public rebelled to some extent at that and
5 some never went on to actually read the agreement and what
6 it meant. It was a reaction.

7 The point I want to make is that that
8 was not exclusive to the white community. That also
9 occurred, I believe, within the Aboriginal community.
10 I regret the words of the leader of the Native Council
11 of Canada, Ron George, on the night of the referendum.
12 I feel that he tried to lay blame on a number of people,
13 and I can understand his emotion and frustration. But
14 I hope that people like Mr. George will have some time
15 to reflect and look at what happened throughout Canada
16 when people went to the polls to vote.

17 I took the opportunity this morning to
18 look through some of the results of the referendum and
19 I notice although the constitutional agreement in my mind
20 would have been a step forward for Indian and Métis people,
21 it was not reflected in the vote of Indian people certainly
22 at the reserve level in the constituency of The
23 Battlefords-Meadow Lake. I looked at the largest band

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 in the constituency: 36 people voted yes, 73 people voted
2 no.

3 I see two problems there. I see a lack
4 of communication between leadership and those who live
5 at the reserve and I see an extremely small turnout. I
6 guess the point I want to make is that we have to find
7 ways of dealing with the problems that affect people in
8 a very real way. I don't think, whether it is in the white
9 community or the Aboriginal community, that people thought
10 very deeply about the constitutional referendum when they
11 were more worried about their housing or their welfare
12 or their unemployment, or their job that was ending, or
13 whether or not they would have food at the end of next
14 week.

15 If we were to address those problems with
16 the dedication that we seem to address the larger problems
17 -- and recognizing that they are both important -- we would
18 come a lot closer a lot earlier to harmony within the
19 Aboriginal community and the Aboriginal community in
20 relationship with the rest of Canadian society.

21 I believe it was the baseball player Yogi
22 Berra that once said "if you don't know where you are going
23 you may get somewhere else". I hope that the Royal

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Commission will be able to develop a starting point for
2 a framework that we can all have a better picture to know
3 where we are going and eventually that frame with no picture
4 in it -- and Mr. Blakeney said that there wasn't a picture
5 to put in -- I hope that we can very soon develop that
6 picture and some day be able to take a photograph to put
7 within that frame so that Aboriginal peoples and Canadian
8 society know where we are going so we won't get somewhere
9 else. We will get to the place we know we want to arrive
10 at.

11 With that, I don't want to take any more
12 of your time, sirs. I wish the Royal Commission very well.
13 You have a difficult job. There are high expectations
14 of the final report that you will present and I look forward
15 to it with great anticipation.

16 **Co-Chairman GEORGES ERASMUS:** Do you
17 mind if we ask a few questions?

18 **DOUG ANGUISH:** No.

19 **Commissioner ALLAN BLAKENEY:** One
20 comment prior to asking a question and this is a general
21 comment to everybody.

22 With respect to the expectations which
23 might be flowing from the work of the Royal Commission

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 on Aboriginal Peoples, we will be able to go about the
2 country and detail the problems. That has been done
3 before. We hope to propound recommendations which will
4 include solutions. That has not been as often done before.
5 We will not do it effectively unless we are drawing those
6 solutions from Aboriginal people. The one thing we are
7 sure of is that we cannot sit in Ottawa and use the great
8 wisdom of which we undoubtedly possess to propound
9 solutions for Aboriginal problems. We will really have
10 to hear from Aboriginal people. We are hearing from
11 Aboriginal people. But our plea is keep telling us what
12 you think is the best way to address the issues. We say
13 that so as to moderate any high expectations that there
14 may be.

15 With respect to some of the issues raised
16 by Mr. Anguish's presentation, we will hear a little more
17 about the street worker's program and we will hear a little
18 more about the diversion project.

19 Are you aware of any other interesting
20 and in some ways novel ideas in dealing with the
21 relationship between Aboriginal and non-Aboriginal people
22 which are operating in this general area of northwest
23 Saskatchewan? There are a lot of Aboriginal people here

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 and some different approaches have been used from time
2 to time. Some of them work; some of them don't. Can you
3 recall any which may be operating or have operated
4 relatively recently other than the street workers and the
5 diversion project?

6 **DOUG ANGUISH:** Not specifically as a
7 program. But I would look at some of the operations of
8 various tribal councils throughout the province. It seems
9 to me that there is a form of self-government emerging
10 there, whether or not it is condoned or stimulated by
11 governments or other forces. It seems to me that where
12 the success happens is when there is involvement of the
13 elders, whether it be from the Métis community or from
14 the Indian community.

15 But I can't answer your question in terms
16 of specific programs that I think would be novel to the
17 Royal Commission. I am sorry.

18 **Commissioner ALLAN BLAKENEY:** It has
19 seemed to me -- and I may be wrong in this -- that some
20 of the more interesting economic development projects that
21 are operating in Saskatchewan have come not from individual
22 bands but from tribal councils. There are some individual
23 bands as well. I think of La Ronge band and there are

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 lots of others. That one just popped to mind. But there
2 are some tribal council initiatives and this is something
3 which has been going on in the last 10, 15 years.

4 If you have knowledge of any of those,
5 could you give us a thought or two on how some of those
6 are working?

7 It is unfair to put you on the spot but
8 you are particularly well informed in many of these areas.

9 **DOUG ANGUISH:** I will use an example
10 outside of my own constituency just for the safety of
11 political ramifications. I would use my home area. The
12 Meadow Lake Tribal Council, I think, has worked well for
13 a number of years. One of the ventures that they were
14 able to enter into that they would not have been able to
15 enter into as an individual band is that of NorSask.
16 NorSask is a forestry company. They have a forestry
17 management lease agreement with the provincial government.
18 NorSask is composed of the employees, which own 40 per
19 cent of the company. It is composed of the Meadow Lake
20 Tribal Council which owns 40 per cent. And then when
21 Miller West Pulp Mill came on the scene, they own 20 per
22 cent of NorSask. And NorSask, as I said, is the holder
23 of the forestry management lease agreement.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 In co-operation with the private sector
2 and the non-Aboriginal community they are running a
3 profitable business at NorSask. I think they have some
4 learning experience that they are going through right now,
5 however, because you will be aware, as will most people
6 in Saskatchewan and outside of Saskatchewan, that there
7 is a blockade on one of the forestry roads. The blockade
8 was put up by people who are treaty Indian and Métis people
9 of the north, of that particular area.

10 I think it is part of an evolving process
11 whereby -- I don't want to bring any discredit to the Meadow
12 Lake Tribal Council; I want to give them credit -- I don't
13 think they foresaw some of the problems that they might
14 experience with other Aboriginal people, with Indian and
15 Métis people.

16 There is now a process that has been
17 entered into and I don't know whether it will resolve the
18 forestry blockade because there are many issues involved
19 with the blockade. But they have set up what I think has
20 the potential of being a model forestry company any place
21 in North America where they will have co-management
22 committees that will operate within fir blocks. The
23 northern part of the province where they have the forestry

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 management lease agreement is divided into fir blocks,
2 and eventually what is being worked toward is that each
3 fir block will have their co-management committee. And
4 before cutting takes place or before harvesting the
5 resources takes place within a particular fir block, the
6 forestry company NorSask will have to have the co-operation
7 of the committee within that particular fir block.

8 That is an experience that I think is
9 on the leading edge of development so that Aboriginal
10 people can achieve their aspirations but at the same time
11 there are growing pains that are taking place there. And
12 I have every confidence that the people at the blockade
13 and the forestry company will overcome those issues that
14 are here and will go on to being a model for other Aboriginal
15 peoples not only in this part of the province but throughout
16 the province and throughout Canada.

17 **Commissioner ALLAN BLAKENEY:** Thank
18 you. Yesterday we heard an interesting presentation
19 saying that the Commission was in effect on the wrong course
20 if they were going to attempt to devise recommendations
21 which would work for all Aboriginal people.

22 **DOUG ANGUISH:** It will never.

23 **Commissioner ALLAN BLAKENEY:** And I

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 don't even mean all Aboriginal people in Canada or all
2 Aboriginal people in northwest Saskatchewan or, for the
3 most part, perhaps not all the Aboriginal people on an
4 individual reserve, because Aboriginal society was
5 following two paths. A fair number of Indian and Métis
6 people wished to pursue a traditional way of life, holding
7 on to traditional values and traditional ways of earning
8 their living, and another group of Aboriginal people
9 wished, while retaining their culture, to enter the larger
10 economy and to equip themselves to operate in that larger
11 economy. And there would inevitably be stresses between
12 those two groups.

13 I suggest we are seeing one in northwest
14 Saskatchewan now, stress between those two groups. It
15 is regretted that it arose, but the fact that it is there
16 I think its origins are clear and the need to find ways
17 to accommodate both a traditional lifestyle and an entering
18 by Aboriginal people into the normal wage economy, if I
19 may call it that, must be found. There are significant
20 blocks of people who wish to pursue each route.

21 You are suggesting that there is work
22 being done on that with respect to co-management. Would
23 you care to make any further comment? This is an area

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 which is relatively new to our thinking of how to mitigate
2 that inevitable conflict. It occurs in other societies
3 as well but it occurs in Aboriginal societies particularly
4 because of the number of people there who believe they
5 can operate outside the wage economy by the traditional
6 ways of pursuing a livelihood and a life.

7 **DOUG ANGUISH:** Using the example of the
8 company NorSask and the Tribal Council having ownership
9 of the company, or being a major shareholder, and then
10 the Indian and Métis people who are not part of the
11 ownership but choose to have created a confrontation, I
12 think there is room to accommodate both in that the
13 traditional would have their input certainly through the
14 co-management committees and those that want to move to
15 -- I use the word integrated but I am not sure it is the
16 proper term -- those that want to move to an integrated
17 type of system can get logging contracts from Mystic
18 Management who are the operating arm of NorSask. They
19 can seek employment within the mill.

20 So I think there is room there to
21 accommodate both.

22 When I said my expectations were high
23 of the Royal Commission, I don't want you to think that

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 I am of the view that you will come up with one plan that
2 will suit all Aboriginal people. If you are going to do
3 that, you can pack up your books now and go back and change
4 the name of the Indian Act to the Aboriginal Act and just
5 forget about all of it, because I don't think it is possible
6 to find one pat answer.

7 What I would hope would happen out of
8 the Royal Commission is that there will be some type of
9 a framework developed for a process that as many people
10 as possible have confidence that the process will work
11 for them; that they feel some type of ownership and
12 involvement and franchisement in that they are part of
13 the process and part of the system and they will not be
14 forgotten, whether it be a traditional lifestyle they want
15 to lead or whether it is an integrated type of lifestyle
16 they want to lead, or a third or a fourth or a fifth avenue
17 that they wish to pursue.

18 **Commissioner ALLAN BLAKENEY:** Thank
19 you.

20 **Co-Chairman GEORGES ERASMUS:** I do not
21 have any questions so I will just thank you for your
22 presentation.

23 We are going to take a very short coffee

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 break and when we come back we will hear from the
2 Battlefords' Comprehensive High School Native Studies
3 Students.

4 --- Short recess at 3:55 p.m.

5 --- Upon resuming at 4:15 p.m.

6 **Co-Chairman GEORGES ERASMUS:** Our next
7 presenters are the North Battlefords Comprehensive High
8 School native studies students. Proceed whenever you are
9 ready.

10 **DAWN CAMPBELL, NORTH BATTLEFORDS**

11 **COMPREHENSIVE HIGH SCHOOL:** Mr. Erasmus, Mr. Blakeney,
12 Mr. Taylor, Mr. Anguish, Mr. Conkin, ladies and gentlemen,
13 fellow students, this presentation which reflects the
14 experiences, attitudes and beliefs of Aboriginal youth
15 in the Battlefords region is the result of undertaking
16 in a native studies class at North Battlefords
17 Comprehensive High School. It is the product of two weeks
18 of intense discussion and debate.

19 The process of putting this information
20 together has been stimulating and reflects the principles
21 of traditional Aboriginal decision making.

22 One of the problems we found was racism.

23 A personal experience from one of our students was:

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 "Being a native I found a lot of experience with racism
2 so only a person who is different
3 would know how it feels. All
4 people should try to see it from
5 a yellow, black or red person's
6 eyes and see how it feels when other
7 people make fun of your religion,
8 colour or race".

9 All students in this class have had an
10 experience with racism in their community. Businesses,
11 community service, school and legal system, work
12 situations, sporting teams, even peer groups, all our
13 society institutions have been guilty of discrimination
14 against native youth.

15 Our proposals are:

16 (1) The youth in this community should
17 organize a youth group with the express goal of combating
18 racism. The group could be called Kids Against Racial
19 Discrimination and should work with a number of community
20 organizations to develop programs to make people feel
21 welcome, not excluded, and to educate all people in the
22 community on the need for equality of support and of
23 treatment.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 (2) Schools must include programs
2 against racism in curricula at all levels. Schools must
3 provide opportunities for all students to learn about the
4 values and beliefs of other people. The study of native
5 culture, for example, should be compulsory to
6 non-Aboriginal students also.

7 If students see more about native
8 spirituality, beliefs and values they might understand
9 the Aboriginal way of life and this might cut down racism.
10 Everyone must insist on the respect that they are entitled
11 to as a unique individual while realizing that everyone
12 is a part of the same wholeness.

13 **KAREN SCOUT:** The next issue is alcohol
14 and drug abuse.

15 The problem: in our native studies
16 group we feel that alcohol and drug abuse is a major
17 contributing factor to all other problems. For example,
18 it changes people's behaviour and actions. For Aboriginal
19 people alcohol and drug abuse make bodies unclean and
20 prevent them from connecting with their culture.

21 Many students turn to alcohol to
22 compensate for missing psychological and social needs.
23 Poverty and boredom are contributing factors. Few of

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 these students hold any illusion as to the negative, often
2 tragic effects of their substance abuse proposals.

3 Since such alcohol and drug abuse arise
4 from conditions of poverty, society must work to improve
5 the living conditions of and create employment
6 opportunities for native people.

7 The law should provide for tougher
8 penalties for drug dealers and bootleggers to discourage
9 their exploitation of younger kids. Communities and
10 schools should develop pro-active programs that will help
11 native youth develop positive skills and social
12 relationships.

13 Positive role models who do not abuse
14 drugs or alcohol should be presented regularly.
15 Educational programs on the impact of drug abuse should
16 be presented in schools. Communities should offer free
17 recreational programs that would provide teens would an
18 opportunity to interact with drug-free friends.

19 Treatment and counselling services such
20 as AA, Alateen and rehab centres should be promoted.
21 Aboriginal teens should be encouraged to seek answers to
22 their problems through their own culture and spirituality
23 under the guidance of community elders.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Our generation has a responsibility to
2 teach younger kids about the consequences of drugs and
3 alcohol use.

4 **DAWN CAMPBELL:** Another problem alcohol
5 relates to is suicide. Suicide is a major problem among
6 Aboriginal youth. Racism, loss of culture, physical and
7 mental abuse, family discord, feelings of boredom,
8 loneliness and powerlessness all contribute to the
9 personal pain that leads these young people to choose
10 suicide.

11 Drug and alcohol abuse tends to
12 exaggerate the problem. "Suicide relieves the pain", as
13 one student said. Another: "Suicide has crossed
14 everyone's mind once or twice".

15 Our communities must take suicide more
16 seriously. Information must be made available to increase
17 public awareness of the issue. Pro-active services must
18 be established to prevent suicides. Some don't take
19 suicide seriously. The result is death.

20 A return to traditional spiritual values
21 and communication with elders is again suggested to help
22 teens cope with pressures of living in a troubled world.

23 **KAREN SCOUT:** The next issue is teenage

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 pregnancy.

2 Teenage pregnancy is a common occurrence
3 in our area. Many teens who are sexually active are not
4 using birth control. Some claim this is due to the lack
5 of availability. Others claim this is due to lack of
6 information. Some just don't know the facts of life.
7 Some mothers don't want to talk about it because it is
8 not proper.

9 Teenage mothers are faced with many
10 problems, problems of coming to terms with their pregnancy,
11 problems of reconciling family members, problems of
12 carrying on with life after the baby arrives, and problems
13 of coping with change in economic and social circumstances.

14 Proposals: Parents must be encouraged
15 to talk to their kids about the facts of life. It would
16 save them a lot of trouble. Contraception must be made
17 available to sexually active teens. Teens must receive
18 training in the proper use of contraceptives.

19 Special counselling should be made
20 available to pregnant teens through the high schools or
21 medical clinics.

22 **DAWN CAMPBELL:** Boredom and lack of
23 motivation.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 The problem: Boredom stemming from
2 lack of recreational, cultural and social programs and
3 facilities is identified as a major factor in leading youth
4 into trouble. The only thing that keeps kids off the
5 streets is school but what happens after school.

6 Communities should establish programs
7 geared specifically to teenagers. Recreational
8 activities, crafts and informational seminars could be
9 offered.

10 Communities should make an effort to
11 supply to facilities at low cost to enable adolescents
12 to participate.

13 Opportunities must be made available for
14 native youth to spend time with elders, learning more about
15 their cultural traditions and history.

16 Larger communities should make
17 facilities available for the establishment of youth
18 centres which would be run by the youth for the youth.
19 These centres could become a focal point for our cultural
20 reawakening, youth job training, as well as social and
21 recreational activities.

22 Community organizations should develop
23 a plan for creating jobs for Aboriginal youth.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **KAREN SCOUT:** Loss of culture. Some
2 Aboriginal youth don't know or speak their language and
3 don't know their rituals. They don't think they need to
4 know them.

5 Many students in this class lament the
6 loss of their cultures. Many Aboriginal teens have no
7 facility with their native languages. The tradition or
8 central role of spirituality in the everyday lives of
9 native people has been weakened among the young. Fewer
10 people are giving thanks to their creator. Fewer youth
11 are showing respect to their elders and fewer knowledgeable
12 participants are taking part in sacred rituals and
13 ceremonies such as sweats and sundances.

14 Cultural rootlessness robs them of their
15 identity and the theft hurts. Discovering one's culture
16 can be a positive effect.

17 Proposals: More opportunities must be
18 arranged for Aboriginal youth to have positive contacts
19 with native elders. One example of this would be for
20 schools with a significant native student population to
21 establish an elder-in-residence program.

22 Opportunities must be made available for
23 Aboriginal youth to learn to speak, read and write their

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 heritage languages.

2 Aboriginal communities must arrange
3 occasions to introduce the young to their sacred dances,
4 rituals and ceremonies and to instil in them pride in their
5 heritage.

6 **DAWN CAMPBELL:** Another concern of the
7 class was violence, crime and family abuse.

8 The problem: It is the general feeling
9 of our group that violence and crime in our community are
10 increasing. Break and enters, thefts, assaults, stolen
11 vehicles, vandalism, family violence and street fights
12 between rival gangs are becoming all too common.

13 Many attribute these problems to poor
14 parenting skills, especially among young Aboriginal
15 parents.

16 The relationship between substance
17 abuse and violent crime was a predominant theme of our
18 discussions. Other factors identified as causes for
19 violence and crime are peer pressure, including members
20 of street gangs, poverty, boredom arising from lack of
21 positive recreational activities, and racial tensions.

22 Although many students were not wanting
23 to talk of personal experiences with family violence and

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 abuse, many targetted it as a common problem. "The abuse
2 I lived through from my family hurt me physically but almost
3 killed me mentally. To know that you can't rely on the
4 people you grew up loving kills you", one student said.

5 The consequences of violence and crime are evident to
6 these young people.

7 Proposals: Communities should provide
8 training and parenting skills for young teenage parents.

9 Traditional native principles of justice which emphasize
10 healing over punishment should be used to deal with
11 aboriginal young offenders. Aboriginal youth should be
12 encouraged to learn the values and traditions of their
13 culture with elders to guide them to the right path.

14 Programs in life skills and marriage
15 counselling should be made available. Organizations such
16 as Alcoholics Anonymous and rehab treatment centres should
17 be supported in their work.

18 Teenagers who break the law should be
19 required to discuss their crimes with the victims to gain
20 understanding of the full consequences of their actions.

21 Job opportunities and better jobs would
22 help reduce crime. Violent crime should bring harsher
23 penalties. Educational and community counselling

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 programs should help young people set their goals in life.

2 **KAREN SCOUT:** Education and job
3 training: Dropout rates among Aboriginal youth are too
4 high. These students recognize the advantages of good
5 education but seem pessimistic that much advantage can
6 really apply to them.

7 Difficulties in school arising from
8 underdeveloped skill levels, inefficient study habits,
9 poor attendance patterns, cultural inappropriate
10 curricula and often alienation create frustrations that
11 cause native youngsters to turn off and drop out.

12 Teenage mothers find it hard to stay in
13 school. Many girls have kids of their own and have to
14 quit school to look after them. There is a general feeling
15 that high school programs should focus more on the
16 development of job related skills that should make
17 graduates more readily employable.

18 Many would like programs that combine
19 school course work with a practical job experience. One
20 student offers a positive job training experience that
21 he had while working at Jackfish Lodge, a business owned
22 and operated by native entrepreneurs. He liked the work,
23 found satisfaction, enjoyed working with people and earned

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 a good wage.

2 Proposals: Teenage mothers would be
3 encouraged to stay in school if day care facilities were
4 available in schools to take care of their children.
5 Counselling and tutoring services should be available to
6 help students upgrade their skills, develop more effective
7 study habits and adjust to a social environment at larger
8 schools.

9 Aboriginal students in senior grades
10 should assume a responsibility to advise and encourage
11 younger students to stay in school. Efforts should be
12 made to make students new to a school feel welcome. Native
13 graduates should be invited back to school to talk to
14 Aboriginal students about their success.

15 Achievements should be recognized as
16 such and honoured. Curricula should be revised to make
17 them relevant to students with the native cultural
18 background.

19 Courses should be more practical and
20 develop specific skills which our students can use to
21 obtain employment. Programs which introduce Aboriginal
22 students to actual work experience in their communities
23 would be most beneficial.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 We as representatives of Aboriginal
2 youth in the Battlefords respectfully share these ideas
3 with you, members of the Royal Commission on Aboriginal
4 Peoples, in the hope that you will better understand our
5 situations and that you will work with us to make better
6 lives for ourselves and for those generations to follow.
7 Thank you.

8 **Co-Chairman GEORGES ERASMUS:** That was
9 a wonderful presentation. It really shows that you did
10 a lot of work. It was excellent.

11 One of the things we were really hoping
12 would occur this time around was that we would get more
13 presentations from young people. This was really
14 excellent.

15 Do you mind if we ask you a few questions?

16 **Commissioner ALLAN BLAKENEY:** You
17 raised many subjects and I won't cover all the ground,
18 but one of the themes that keeps coming up is the need
19 or the desirability of having role models. You spoke of
20 that early on in the presentation and then later on you
21 said it in another way, that graduates should come back
22 to the school and talk about their success. That is one
23 kind of a role model.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 You suggested or I thought you suggested
2 that there also should be role models in sport,
3 recreational and cultural activities and if this was going
4 to happen there had to be some things done to make sports
5 programs accessible to young aboriginal people who may
6 come from disadvantaged homes and not have very much money.
7 The same for cultural programs, for plays or whatever.

8 Do you have any ideas as to how more
9 Aboriginal students could be playing on the hockey teams
10 and the ball teams and taking part in the other activities
11 of a high school where they may attend and where they may
12 be in a minority?

13 **DAWN CAMPBELL:** I think for someone to
14 participate in the school they have to feel welcome. A
15 lot of our Aboriginal youth don't really feel welcome in
16 their school because of the racism we have in the
17 Comprehensive.

18 **Commissioner ALLAN BLAKENEY:** But do
19 you think there is any way to crack that other than for
20 some people to get on the team? They may not feel welcome
21 for the first day but after they score a couple of goals
22 they get more welcome.

23 Do you have any ways of how we could sort

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 of break that barrier which many Aboriginal students feel
2 when they are a minority in a big high school?

3 **DAWN CAMPBELL:** I think the main thing
4 is that I still say they more or less have to feel welcome
5 and know more about the culture to understand the people,
6 not look at their skin colour but look at the person who
7 is underneath for them to feel welcome, for Aboriginals
8 to feel welcome in the sports.

9 Our soccer team has Aboriginal youth on
10 it. It is mostly Aboriginal youth, actually. That goes
11 good. But our other teams like volley ball, there isn't
12 very many people who participate in them.

13 **Commissioner ALLAN BLAKENEY:** Do they
14 feel less welcome than the soccer people?

15 **KAREN SCOUT:** I don't think so. I don't
16 know.

17 **DAWN CAMPBELL:** A lot of people just
18 don't feel welcome. The Aboriginal youth that I talked
19 to don't feel welcome. No one comes up to them and says
20 okay, let's go and try out now. A lot of non-Aboriginal
21 people do getting people coming up and saying: "Okay, you
22 can try out. Let's go. Come with me". A lot of the
23 students don't get that because we don't really associate.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 It is not really mixed.

2 Some people do but a lot of them aren't
3 associating with each other, the two races.

4 **Commissioner ALLAN BLAKENEY:** I hear
5 what you are saying, but you are really suggesting that
6 non-Aboriginal people change first by being more welcome.

7 Do you think that is very realistic?
8 It is a long process to change the thinking of
9 non-Aboriginal people. Is there anything that Aboriginal
10 people, students, can do to speed up that process?

11 **DAWN CAMPBELL:** I can't really think of
12 anything right now to answer your question.

13 **Commissioner ALLAN BLAKENEY:** Fair
14 enough. There is no magic answer. I just thought you
15 might have some thoughts.

16 **KAREN SCOUT:** I think that natives are
17 really talented but it is up to the coach or the person
18 who is putting up the team to see that talent and let them
19 play on the team. Just because they are native does not
20 mean they should not be on the team.

21 **Commissioner ALLAN BLAKENEY:** Let me
22 ask a question. Do you think that the coach went to the
23 non-native people on the team, or did some of them come

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 forward and say I want to play?

2 **DAWN CAMPBELL:** Some of the non-native
3 people would have come forward by themselves, but with
4 a lot that I know who came out for these teams their friends
5 convinced them to go. It was not just on their own.

6 **Commissioner ALLAN BLAKENEY:** It is not
7 a simple problem, but we were talking earlier with the
8 people down here at the Friendship Centre. They said they
9 hoped to get some moneys so they could provide sports
10 equipment for people who want to participate and may be
11 not be able to afford hockey equipment which costs several
12 hundred dollars.

13 There may be a little bit of that
14 problem, but you think there is another sort of barrier
15 there. Besides money there is another barrier that you
16 were quite properly calling racism.

17 **DAWN CAMPBELL:** Yes. I think the two
18 main barriers are that there is not enough funding and
19 they are not feeling welcome because of the people who
20 are racist against Aboriginal people.

21 **Commissioner ALLAN BLAKENEY:** One other
22 question. You talked about teenage pregnancy. That is
23 a problem in Aboriginal and non-Aboriginal society alike.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 You were suggesting two approaches to that. One was day
2 care or child care in high school so that a new mom could
3 continue her education. The other was more education
4 about sex and sexuality and possibly the availability of
5 condoms and the like.

6 Do you have any comment on what should
7 be done in Saskatchewan high schools on either of those
8 counts?

9 **DAWN CAMPBELL:** I think prevention is
10 the first thing. If we prevent more we won't have as many
11 young teenage mothers whom we have to deal with.

12 I think day care centres in high schools
13 in one way is a good idea, because then young Aboriginal
14 teenagers can pursue their education.

15 **Co-Chairman GEORGES ERASMUS:** I want to
16 start by introducing a Métis senator Lawrence Martel who
17 has joined us to be a Commissioner of the Day. He was
18 detained earlier on. He had another commitment so he did
19 not make it till now.

20 I really find a gold mine of ideas in
21 your proposal. We are going to benefit from a lot of it.

22 Do you believe that racism is the first major problem?

23 **DAWN CAMPBELL:** Personally I do think

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 that racism is the first problem. If we can help more
2 people get over racism then everyone will feel more welcome
3 and we will be able to communicate more in our schools.

4 **Co-Chairman GEORGES ERASMUS:** I really
5 like your idea of taking matters into your own hands and
6 organizing something that the youth themselves can do.
7 It certainly will be a wonderful example.

8 The biggest problem with racism is that
9 most people don't think that there is a problem or there
10 is a need for any kind of activity.

11 The kinds of programs that you are
12 talking about to be included in the schools, in curricula
13 and so forth are wonderful ideas. Have these ideas begun
14 to be discussed with either your teachers or anybody in
15 your school?

16 **DAWN CAMPBELL:** We haven't really
17 started discussing a program like that, but we have a native
18 culture club in our school right now and we have
19 non-Aboriginal people on that right now.

20 You just discover more things. Like
21 non-Aboriginal people can discover a lot from taking native
22 studies like I am right now. I find a lot of stuff
23 interesting.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 It is something new and if we can get
2 more students to do that then they will understand
3 Aboriginal way of life and not be so racist against other
4 people.

5 **Co-Chairman GEORGES ERASMUS:** I commend
6 you on your idea and you should be encouraged to continue
7 on and certainly do what you plan.

8 On the item of teenage pregnancy that
9 Allan Blakeney was just asking you about, are their
10 machines with contraceptives in the schools now?

11 **DAWN CAMPBELL:** No.

12 **Co-Chairman GEORGES ERASMUS:** Is there
13 any kind of sex education?

14 **KAREN SCOUT:** No.

15 **Co-Chairman GEORGES ERASMUS:** It is
16 still the same as when I went to school then. You couldn't
17 talk about it to anybody. You would still discover it
18 somehow somewhere.

19 I really commend you for actually
20 bringing this out in the open. Even fully grown adults
21 find it very difficult to discuss this issue. To make
22 the recommendations you are making I think is quite good.

23 The day care idea is an innovation that

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 would probably work. It would assist young mothers.

2 On suicide you say suicide has crossed
3 everyone's mind once or twice. Was that a fact?

4 Virtually everybody who was involved had at one time or
5 another thought about it; whether seriously or otherwise
6 they had thought about it?

7 **DAWN CAMPBELL:** In our native studies
8 class when we were talking about suicide everyone admitted
9 that it did cross their minds, at the very least once or
10 twice. A few people once, a few people twice, but not
11 really seriously; a few others more seriously than the
12 others. It has crossed most people's minds maybe just
13 as a thought and not necessarily seriously.

14 **Co-Chairman GEORGES ERASMUS:** Were you
15 telling us that young people don't understand the
16 seriousness of suicide? Was that one of your messages?

17 **DAWN CAMPBELL:** In the one sentence I
18 said that some don't take suicide seriously and the result
19 is death. That is aiming at both older people and the
20 young. A lot of teenagers who do commit suicide probably
21 do not think about what the real consequences are. The
22 parents may think they might commit suicide but won't
23 really take it seriously. They just brush it off as

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 nothing.

2 **Co-Chairman GEORGES ERASMUS:** Is
3 suicide a cry for help? Is it a way to get attention or
4 is it a decision that well, I have had enough; I don't
5 want any more?

6 **KAREN SCOUT:** I think mainly it is to
7 get attention, just to get attention.

8 **DAWN CAMPBELL:** Especially among
9 Aboriginal youth because they have the loneliness. A lot
10 of people do. If they are not really into their
11 spirituality, their heritage and stuff they might feel
12 alone. A lot of people of powerless and need attention.

13 **Co-Chairman GEORGES ERASMUS:** The
14 resident elder idea was a very good idea. I am quite
15 serious. This is a really good document. We have been
16 looking for information like this. Thank you very much.

17 Do you think that schools, whether they
18 are Aboriginally run or if it is the public school system
19 where there is a large student body of Aboriginal people,
20 should have things like a sweat lodge and elders as part
21 of the program?

22 **KAREN SCOUT:** I think it should just be
23 one of the curricular things like all the sports or the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 intramural things that go on. This school, Comprehensive
2 High School, has a lot of native students and they should
3 have sweat lodges and stuff like that.

4 **Co-Chairman GEORGES ERASMUS:** What
5 about Aboriginal history?

6 **KAREN SCOUT:** In our class we were
7 talking about how native studies should be a mandatory
8 subject like all other subjects. It should be a mandatory
9 subject. Before a teacher enters into a school to get
10 a job they should have training.

11 **Co-Chairman GEORGES ERASMUS:**
12 Training, cross-cultural training.

13 **KAREN SCOUT:** Yes.

14 **Co-Chairman GEORGES ERASMUS:** You say
15 on language that Aboriginal people should have the ability
16 to speak, to learn to read and write.

17 How early do you think they should start
18 that? Should that be in the early grades? Should that
19 be later or where do you think that would be most important?

20 **KAREN SCOUT:** In the early grades.

21 **DAWN CAMPBELL:** Early grades.

22 **Co-Chairman GEORGES ERASMUS:** When you
23 were saying on training for employment, education and job

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 training that there should be more actual experience on
2 the job, were you saying that because there was a feeling
3 that the present education system was just too removed
4 from the real world, was a little bit too academic, and
5 if there was actual hands-on experience there would be
6 more learning?

7 **DAWN CAMPBELL:** I think there should be
8 more hands-on experience because it is kind of away from
9 what is really happening out there.

10 Once you go through high school you go
11 to college or university, and when you get out there it
12 is going to be a lot different than you think. There should
13 be more hands-on stuff so that you understand what is out
14 there before you are on your own.

15 **Co-Chairman GEORGES ERASMUS:** The role
16 models that are mentioned here I think are also a good
17 idea. How were you thinking that role models might be
18 introduced? Did you see them on career night or did you
19 see them as playing a role in after school activities or
20 as speakers in the school? How did you see Aboriginal
21 adults who are now out of school could be role models,
22 playing a role?

23 **DAWN CAMPBELL:** Possibly as speakers in

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 classrooms like our native studies. We could have an elder
2 in or someone who has graduated to show the students that
3 even though you are Aboriginal you can make it through
4 school, because we have had so many dropouts.

5 **Co-Chairman GEORGES ERASMUS:** Are you
6 thinking of role models being more from the area who would
7 be recognized by people or role models nationally such
8 as somebody like Elijah Harper or both?

9 **KAREN SCOUT:** Anybody as long as you
10 know they are recognized. It would help me a lot to have
11 an Indian talk about how they succeeded in life and how
12 they so recognized and everything. I think it would really
13 do a lot good for other native students.

14 **Co-Chairman GEORGES ERASMUS:** I
15 understand you are talking about people who have succeeded
16 in school and so forth and have gone forth. I think that
17 is useful.

18 Are you also talking about traditional
19 people who have never gone to formal school but are perhaps
20 elders in a traditional way? Are you talking both types
21 of role models?

22 **KAREN SCOUT:** Yes. The younger native
23 students who have lost their culture and everything would

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 get to know their culture more and everything by having
2 all these elders in to talk about it.

3 Like I said at first in the part on loss
4 of culture, some Aboriginal youth don't know or speak their
5 languages and some don't know the rituals. They don't
6 think they need it. That is not true. You really do need
7 to know your own culture. It is something to be proud
8 of.

9 **Co-Chairman GEORGES ERASMUS:** There is
10 a discussion or a debate in Canada about the role of prayer
11 in class. What do you feel about Aboriginal spirituality
12 being brought in, like sweetgrass or sage or smudging and
13 so forth in the classroom? Do you think that is something
14 that should be done somewhere else, or do you see that
15 as part of an environment that would be conducive to either
16 good learning or strong cultural reinforcement?

17 **DAWN CAMPBELL:** I think it belongs in
18 the school. At the Comp we sweetgrass every morning before
19 school. I think it belongs in the school as well as
20 anything else can be in school.

21 **Co-Chairman GEORGES ERASMUS:** I am
22 certainly satisfied with those questions. Is there
23 anything you wanted to ask them or say to them?

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Commissioner LAWRENCE MARTEL:** I would
2 like to make a comment. You were talking about sports.
3 I think we should have more coaches to teach the people
4 whatever they want to learn.

5 There is a lot of potential in the
6 Aboriginal people even for the Olympics. We had some
7 before, but I think there should be more coaching in school.
8 You know people who are really into it. I think we have
9 that around the reserves, schools and that. I think we
10 should get some coaches. I am into that, sports.

11 **DAWN CAMPBELL:** Personally I think on
12 the reserves there should be more funding for hockey.
13 There are a lot of Aboriginal hockey players out there
14 who are really good but can't make the NHL because they
15 don't have the money for their equipment and they just
16 don't have the money to do it. There is a lot of potential
17 in Aboriginal hockey and there should be more funding and
18 coaches out there for people who are serious about hockey
19 or any other sport.

20 **Commissioner LAWRENCE MARTEL:** All we
21 need is the money then. I don't know how we are going
22 to go about that. If I had the money I would give it to
23 you.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Co-Chairman GEORGES ERASMUS:** Is there
2 anything either one of you wants to add to what you have
3 told us?

4 **KAREN SCOUT:** I would just like to thank
5 you for letting us speak.

6 **DAWN CAMPBELL:** Yes.

7 **Co-Chairman GEORGES ERASMUS:** Thank
8 you. Our next presenter is Kewatin Communications, Gary
9 LaPlante.

10 **GARY LaPLANTE, KEWATIN COMMUNICATIONS:**
11 First of all I would like to thank you for giving me an
12 opportunity to speak.

13 My name is Gary LaPlante. I am of
14 Cree-Métis descent from the North Battleford region. I
15 was born at the North Battleford Indian Hospital and I
16 was raised just north of North Battleford.

17 I want to bring a concern to the
18 attention of the Royal Commission, specifically from three
19 spiritual elders from this area, the Treaty 6 area. I
20 know their concern is widely shared within their circles.

21 As I state their concern I would like
22 to make it known that as a younger person I was torn inside
23 about their concern and how I feel about the Aboriginal

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 people and self-government.

2 I am not here to speak against it, but these are just
3 concerns that they have.

4 These people look at self-government
5 with suspicion because of the fact that it was said long
6 before I was born by people who were somewhat prophetic
7 in their words that the day the Indian people or Aboriginal
8 people tax their own people would be the last day of the
9 Indian people as they knew it.

10 When I went to Vancouver at the Assembly
11 of First Nations gathering on the Constitution just about
12 two or three weeks ago, I asked about that. I was
13 specifically told to ask if that was in fact a part of
14 it, if this was the way Aboriginal self-government was
15 going to go. I was told by some leaders that it looked
16 like it but that was the price they were prepared to pay
17 to achieve self-determination.

18 As a younger Aboriginal person I
19 strongly advocate self-government in the sense that we
20 do need to be self-determining peoples.

21 Another concern is in respect of
22 treaties and the Department of Indian Affairs and the way
23 things are evolving toward self-government. We have

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 chiefs across the country calling for the abolishment of
2 the Indian Act and even the Department of Indian Affairs.

3 What is really happening, I think
4 everybody knows of course, is that we are right in the
5 middle of the devolution process. This again is looked
6 upon with a lot of suspicion. Basically they were told
7 that eventually this would happen and from there be
8 prepared, the worst times are yet to come.

9 I tried to understand what they mean.
10 One of the things they fear happening with self-government
11 is the Indian people who think more like white people can
12 get along in the system and understand the system are going
13 to get richer and the people who want to hold on basically
14 to the Indian way and operate in their First Nations
15 languages and cultures are the ones who are going to get
16 poorer.

17 I really do not have anything specific
18 to say in respect to if I strongly believe it one way or
19 the other, but the recommendation that I would like to
20 make here is that there should be some kind of an
21 institution set up within First Nations and Aboriginal
22 peoples governments in respect to addressing and liaising
23 between the people who still think in a very traditional

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 manner and the ones who are more progressive minded and
2 are prepared to set up the necessary institutions like
3 taxation institutions to make self-government work.

4 In respect to race relations I like
5 probably everybody, all Aboriginal peoples, wasn't immune
6 to racism. I experienced in North Battleford some very
7 negative treatment. I am not here to dwell on that but
8 I was angry for a lot of years inside about it. I felt
9 my family was subjected to what I went through.

10 When I went into a courtroom I was
11 sentenced to a correctional centre. I was in high school
12 and just my father and I were there. I still say today
13 that I was telling the truth about what happened.
14 Regardless, I got sentenced in front of my father and he
15 didn't know what was going on.

16 I felt angry about that for a long time,
17 but I think it was my uncles and my aunties and my parents,
18 because of who they are and what they were, that I was
19 able to forgive, to bury that and to take it as a learning
20 experience on how to get by and how to avoid situations
21 like that.

22 My point here is that race relations is
23 a two-way street. While we make all kinds of comments

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 about what the non-Aboriginal community should do or that
2 the non-Aboriginal government should set up certain
3 institutions on how to deal with racism, I think we have
4 to do with it as well. I am prepared to say it because
5 in the past I have had to deal with my own racism. I know
6 other Aboriginal people who are racist and I hear negative
7 comments toward non-Aboriginal people.

8 There has to be some real effort if there
9 are to be self-governing institutions. I don't know if
10 it is going to be in the curriculum development of
11 educational institutions but we have to look at it and
12 we have to deal with it. Sometimes I think that is coming
13 along with, as some Aboriginal people term it, the healing
14 process. We are starting to deal with it in that way.

15 As far as race relations between
16 Aboriginal and non-Aboriginal peoples are concerned, in
17 Saskatoon they have a race relations officer. It is nice
18 to see that because it shows an attempt by society to deal
19 with race relations and racism. A lot of Aboriginal people
20 and non-Aboriginal people alike look at that office with
21 some scepticism, like it is a tokenism kind of office and
22 is not really effective. It is looked upon with suspicion
23 by some. They don't look at it as watch-dog police but

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 as some kind of an arbitrator between Aboriginal and
2 non-Aboriginal.

3 What might be more effective is some kind
4 of body or institution to try to monitor race relations,
5 not necessarily as an arbitrator of any sort but just to
6 see how race relations are actually developing. It would
7 be some way to evaluate all the efforts that are made by
8 governments: First Nations Aboriginal governments and the
9 governments of Canada.

10 I say this thinking about the elderly
11 people. We want to make it absolutely clear that we want
12 to coexist in a peaceful way with non-Aboriginal people.

13 We are willing to do our part to see that happened. Thank
14 you.

15 **Co-Chairman GEORGES ERASMUS:** Do you
16 mind if we ask you a few questions.

17 **Commissioner ALLAN BLAKENEY:** You
18 earlier raised a pretty fundamental question about the
19 fact that some Aboriginal people wish to carry on with
20 the way of life they have lived for the last 100 years
21 and in many cases much longer than that. Some are nervous,
22 probably justifiably nervous about the possibility of
23 change.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Clearly before contact, before the
2 Indian Act and before contact, before treaty, let's put
3 it that way, somehow these aboriginal communities ran
4 themselves. Somehow they provided some central services.
5 They did things together so they must have taxed in a
6 way. Somebody must have put some of his into the pot,
7 his fish. Perhaps there wasn't any "his fish", but at
8 least they shared and out of that pot provided something
9 for elderly people who couldn't hunt. Somehow they taxed
10 before. They didn't call it tax because they weren't
11 money, but that doesn't make it any less a tax.

12 From what do you think their
13 apprehension grows about the idea of an Indian government
14 sharing taxing but taking the money that they tax to look
15 after let's say elderly people who cannot look after
16 themselves or peacemakers or whatever: the normal things
17 that we use tax month? Why do you think they are
18 apprehensive about that?

19 **GARY LaPLANTE:** Maybe some of the
20 apprehension is that in the concept you have provided the
21 people who couldn't provide for themselves were taken care
22 of. The taxation concept that they understand is: even
23 if you are poor you have to put a certain portion of your

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 resources, financial resources, back into the government.
2 That is the difference.

3 In the traditional concept that you have
4 provided, they wouldn't have been asked to do that. They
5 would have been provided for. This is the basic concern
6 I think they have, that eventually even the poor people
7 are going to have to pay.

8 When they think of government they look
9 at provincial and federal governments and the growing
10 deficits with any government. I think who pays. We get
11 a lot of news. They listen to news and stuff like that
12 and the poor people are saying we are tired of taxes; you
13 are taxing us to death kind of thing. They see that as
14 a carryover to Aboriginal self-government. I think that
15 has to be looked at. Their concerns have to be addressed.

16 **Commissioner ALLAN BLAKENEY:** I take it
17 that means they really don't have confidence they could
18 put together an Aboriginal government which would be fair
19 with respect to the money they took in and the money they
20 paid out.

21 Not to be surprised. Obviously many
22 people in non-Aboriginal society don't think it is fair
23 because they are always complaining that they are paying

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 too much in taxes. I am asking you about their view of
2 what Aboriginal self-government might provide.

3 The next question I am going to ask is:

4 Do I take it from that they want to carry on with the
5 existing system?

6 **GARY LaPLANTE:** The only response I
7 would like to make to that is that maybe it is a concern
8 with the term of government. That is a non-Aboriginal
9 term and when they think government they think of the
10 example that I used.

11 What was the second one? I am sorry.

12 **Commissioner ALLAN BLAKENEY:** The
13 second one was: If they don't like the idea of Aboriginal
14 self-government do they want to carry on with the present
15 system as it is now?

16 **GARY LaPLANTE:** From what I understand
17 and the example I would like to use is that they feel like
18 the Indians are being herded into something like the
19 buffalo were herded into a buffalo jump.

20 I know Aboriginal self-government is a
21 concept that has been talked about for a long time, but
22 when they look at the concept of time they do not look
23 at a decade or a few years. In the traditional sense I

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 think they look at it over generations and they think they
2 just want to jump into this without knowing exactly what
3 they are getting into.

4 The one thing they don't argue about is
5 the need for self-determination. The people you and I
6 are speaking about would grow to support self-government
7 but they have some serious fundamental concerns about it.

8 On keeping the status quo, keeping
9 things as they are, I referred to the Indian Act, the
10 Department of Indian Affairs and so on. They understand
11 there are a lot of things in the past, and maybe in the
12 present, about the Indian Act. They would rather see the
13 content of the Indian Act changed. To them it is something
14 symbolic that derives from the treaties as far as they
15 are concerned and if you get rid of these things it is
16 like taking away from the treaties.

17 These are some of the things they think:
18 make changes but why do you have to get rid of the whole
19 thing and let the people off the hook? You are taking
20 away from the treaties.

21 **Commissioner ALLAN BLAKENEY:** I am
22 really very interested in this because I and maybe some
23 of the other members of the Royal Commission have felt

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 the one thing we could be pretty clear on was that
2 Aboriginal people wanted the inherent right of Aboriginal
3 self-government and that we move from there. Once that
4 was in place we then could use that tool, if I may call
5 it that, to deal with some of the other questions which
6 were raised about the quality of schooling and all the
7 rest.

8 After I looked at the referendum and the
9 referendum results maybe I am on the wrong track here.
10 Maybe there is a fair number of Aboriginal people who do
11 not see this concept of Aboriginal self-government as we
12 are using it in quite so favourable a light. They may
13 have many more apprehensions about that than I had thought.
14 That is why I am trying to probe what you are hearing.

15
16 I was perhaps not surprised -- I was but
17 not all that surprised -- that some non-Aboriginal people
18 weren't all that enthused about the idea of Aboriginal
19 self-government. They just don't understand it yet, but
20 to think that Aboriginal people were having apprehensions
21 that causes me to have to think about how we move forward
22 to deal with the identified problems.

23 You are indicating that some of this

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 movement has been going on with a little too much speed
2 or that people haven't been carried along or they are
3 apprehensive the changes haven't been thought through or
4 the consequences haven't been fully appreciated. That
5 is fair enough.

6 Do you feel a lot of Aboriginal people
7 feel that way or a relatively small group? I know that
8 is an impossible question to ask but your opinion is
9 probably as good as anyone else's I will get.

10 **GARY LaPLANTE:** I would venture to say
11 that it is a smaller group. The only other thing I would
12 say is that there were apprehensions on the part of
13 Aboriginal peoples in respect to self-government. I
14 wouldn't speculate. Like other regions across Canada
15 might not have had some concerns. I mean they are the
16 ones who would have to address their concerns. But in
17 this case these are some of the concerns.

18 **Commissioner ALLAN BLAKENEY:** Thank
19 you.

20 **Co-Chairman GEORGES ERASMUS:** I could
21 ask you a lot of questions but I think I am just going
22 to thank you for all the information you have provided.
23 It has been very useful. Thank you for staying and making

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 a presentation.

2 Do you have any comments or questions,
3 elder?

4 **Commissioner LAWRENCE MARTEL:** All I
5 want to do is make a comment on the justice system. You
6 have been through it and I have been through it. How would
7 you want to handle that?

8 **GARY LaPLANTE:** For one thing I really
9 think we have to have more of our people in the justice
10 system, to begin with.

11 **Co-Chairman GEORGES ERASMUS:** Thank
12 you. Our next presenter is Judge David Arnot, a provincial
13 court judge.

14 **DAVID ARNOT, BATTLEFORDS JUSTICE**
15 **ADVISORY COUNCIL:** Commissioners, there is something I
16 would like to clear up. I am representing the Battlefords
17 Justice Advisory Council today. It is a twofold
18 presentation. The first part of it will be on the
19 Katapamisuk project which is informational. As well the
20 presentation will be equally succinct on the Battlefords'
21 Diversion Project. I just wanted to make that clear from
22 the outset.

23 I would like to thank the commissioners

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 for allowing us to have the opportunity to address them
2 today. Work has been accomplished to date as outlined
3 in discussion paper No. 1 in respect of the issues that
4 have been framed. It is very clear there has been a lot
5 of work accomplished, particularly on the justice issue.

6
7 We would like to make a representation
8 for the purpose of letting you know our views on that issue
9 and to provide you with information as to what is ongoing
10 on the justice issue in this community.

11 The Battlefords Justice Advisory
12 Council is a group chaired by Judge Lloyd Deshaye. I have
13 been asked today to represent that group. The principal
14 spokespersons on that group are Keith Bell, a probation
15 officer here in the Battlefords and Chief Blaine Favel
16 from the Poundmaker reserve. Those individuals are unable
17 to be present today and they asked me to be the spokesperson
18 for this person. It is on that narrow basis that I am
19 speaking to you.

20 My name is David Arnot. I am a
21 provincial court judge in North Battleford. Rita Chisholm
22 is with me today. She is a probation officer in the
23 Battlefords Department of Justice. As well, as

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 indicated, the second part of the presentation will be
2 from Mr. Tony Murdoch, the director of the Battlefords
3 Adult Diversion Project, and Staff Sergeant Con Graham
4 from the RCMP detachment in the Battlefords.

5 Other members of the delegation here
6 today, just so the record will show it, is Superintendent
7 Vern Baugh from the North Battleford subdivision of the
8 RCMP, Inspector Bev Busson from the North Battleford
9 subdivision of the RCMP and Inspector Bernie Meisner from
10 the Battlefords detachment, the officer commanding.

11 The Battlefords Justice Advisory
12 Council is a holistic group of individuals involved in
13 the delivery of justice in the Battlefords community and
14 this area. Members of the committee include the
15 representation from the First Nations leadership, the
16 Royal Canadian Mounted Police, the Crown Prosecutor's
17 Office, the Legal Aid Office, Adult Probation, Adult
18 Corrections, Youth Probation, Youth Corrections, the
19 Provincial Court Judges, as well as other concerned
20 citizens.

21 This vehicle promotes ongoing dialogue
22 between the various components in the delivery of justice
23 in our area. That dialogue fosters and promotes

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 collective action. The organization has been in existence
2 since 1975.

3 To give you an idea about the work of
4 this group, members of the group have been instrumental
5 in establishing the Battlefords Community Correctional
6 Centre, the Battlefords Sexual Assault Centre, the
7 Battlefords Interval House. Some members of the group
8 still play a very active role in maintaining these
9 organizations.

10 Most recently members of this group have
11 been involved in establishing and maintaining the concern
12 for youth program in the Battlefords, the street worker
13 program, the Battlefords Adult Diversion Project and the
14 Katapamisuk Society. It is the Katapamisuk Society I
15 want to address you about today.

16 The society came into existence
17 recently, principally through work done on an educational
18 basis through the Western Judicial Education Centre where
19 the judges in western Canada were exposed to various issues
20 of concern to Aboriginal people.

21 It was determined in August 1981 that
22 the Battlefords Justice Advisory Council should make an
23 outreach to the Aboriginal community in this area. The

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 underlying premise in the outreach was that justice was
2 designed to serve the whole community and a certain
3 significant segment of the community, Aboriginal people,
4 were not being served or indicating that the justice system
5 didn't serve them well.

6 It was therefore considered that it
7 behoves those who deliver justice in the community to
8 consider the validity of that observation to see what can
9 be done to address the concerns.

10 In order to do that we hoped to open a
11 door for dialogue. We have opened that door with the
12 Aboriginal community in our area. We have met with
13 representatives from the 10 Indian bands in our area and
14 the 2 tribal councils. We have given them a clear message
15 that we are ready to listen to their concerns.

16 We recognize issues such as Aboriginal
17 self-government and a separate justice system inside
18 Aboriginal self-government are currently before the
19 Canadian public. Those things may well come to pass.
20 It requires a political decision made by politicians, but
21 in the meantime we have an obligation to do something about
22 the current system.

23 We have made it specifically clear that

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 we are working inside the current context with the Criminal
2 Code as it is now administered. We believe that the
3 criminal justice system is in fact liberal and flexible
4 and fluid enough to accommodate the concerns of Aboriginal
5 people. We recognize that the criminal justice system
6 may have to focus more particularly on the Aboriginal
7 perspective in order to be more meaningful to Aboriginal
8 people.

9 We have initiated the Katapamisuaq
10 Society. This was a Cree word which was proffered to us
11 by a leader in the Cree First Nations community. It
12 translates in English, we understand, to mean to control
13 oneself. It is the consensus that this word most
14 accurately reflects the spirit and the theme of the
15 project. It was adopted for that reason.

16 This project encompasses a partnership
17 between the Battlefords Justice Advisory Council, the
18 Battlefords Tribal Council and the Confederation of Tribal
19 Nations.

20 We hope to explore the concept of
21 community responsibility for the delivery of justice and
22 the working of the justice system. We operate on the
23 premise that the project can only work when there is an

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 equal partnership between the various interested
2 constituencies. This group hopes to take management
3 responsibility for operating the project.

4 It is certainly designed to improve the
5 delivery of the justice system to Aboriginal people in
6 northwestern Saskatchewan, particularly the Battlefords.

7 We have made an application to the federal Department
8 of Justice for funding of this project. We hope to bridge
9 a dialogue between the non-Indian community, the
10 non-Aboriginal community, and the Aboriginal community,
11 particularly at all levels of the delivery of justice.

12 The central premise on which the project
13 is founded is that there needs to be a respect for and
14 a mutual understanding of professional and cultural
15 objectives. Clearly in our opinion it can only occur with
16 a meaningful dialogue. We think we have fostered a
17 co-operative spirit to work toward that end.

18 We have had four major meetings in this
19 area: one in September 1991 where in Judge Douglas Campbell
20 put forward of model that is working in B.C. and we hope
21 to emulate a model of that nature.

22 In November 1991 Eric Tootoosis from the
23 Poundmaker Band made a presentation discussing the

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 contribution of Aboriginal people to the non-Aboriginal
2 society.

3 In January 1992 we had Chief Tom Samson
4 from the South Vancouver Island Project to the Battlefords
5 to discuss the workings of that project.

6 In June 1992 we attended the Poundmaker
7 reserve for a full day of what we call cultural immersion.

8 We hope to have 10 cross-cultural meetings in the course
9 of the next 18 months. These meetings are designed to
10 be cultural immersion in the true sense of the word. We
11 hope that these will be designed by the Cree community.

12 The Cree community has indicated to us that they are quite
13 willing to assist us in that area. Cross-cultural
14 training is obviously a need which has been identified
15 by the Linn Commission in this province and one which we
16 hope to foster. I think it is time to put theory into
17 practice in issues of this nature.

18 We as well hope to open this door for
19 dialogue between these two communities on the basis that
20 we will develop a relationship of trust and together there
21 will be a common medium to address the issues.

22 We realize we have a lot to absorb and
23 a lot to learn but we feel the members of our group, the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Battlefords Justice Advisory Council are quite willing
2 to do that.

3 We feel that this type of project has
4 a significant potential to make a contribution to properly
5 address Aboriginal justice issues. We hope that we will
6 be able to develop a relationship of trust between the
7 non-Indian community and the Indian community such that
8 together, in concert, we can work to determine a proper
9 course of action to appropriately address these issues
10 in the Battlefords.

11 We realize the Royal Commission has a
12 broad mandate to find solutions to issues facing Aboriginal
13 people. We provide this information to you primarily to
14 show that there is ongoing work in this particular area
15 of Saskatchewan for this type of work. We believe this
16 project is of the nature that it can be said it is a step
17 in the correct direction.

18 We would appreciate any support that
19 this Commission could give to work of that nature in this
20 community and certainly in other communities in Canada.

21 We feel that a simple model of dialogue and a relationship
22 of trust in addressing a common goal will be a proper
23 approach.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 To this end I have with me a copy of
2 background to this project which outlines it in much
3 greater detail. We would like it to form part of your
4 record and we will leave that with the secretary for that
5 purpose later today.

6 With that I would like to thank you for
7 your consideration of these remarks.

8 **Co-Chairman GEORGES ERASMUS:** Did you
9 say that there was to be a second part to your presentation?

10 **DAVID ARNOT:** Yes, there is. The
11 second part is from the Battlefords Diversion Project,
12 an adjunct of the Battlefords Justice Advisory Council,
13 which I hope will address some of the issues that you will
14 be facing in dealing with justice issues in your mandate.

15 **Co-Chairman GEORGES ERASMUS:** Do you
16 mind if we ask you a few questions?

17 **DAVID ARNOT:** No.

18 **Commissioner ALLAN BLAKENEY:** As I
19 understood it, you were operating on the basis that the
20 existing justice system would be tailored to become more
21 sensitive and to serve the Aboriginal citizens better than
22 it now does, rather than a radically different justice
23 system. That is one of the issues we are dealing with.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 As you perhaps know, the Commission is
2 having in about three to four weeks a justice round table
3 at Ottawa in which we are pursuing ways of structuring
4 aboriginal justice systems.

5 The first issue will be: Are you
6 talking about a separate system, a revised existing system,
7 or are we talking about both? Any way it is sliced I think
8 we are going to talk about a revised existing system.
9 Even if we are talking about separate justice systems,
10 it is going to be exceedingly difficult to make them work
11 in major urban centres where there are many aboriginal
12 people but there are many non-aboriginal people as well
13 and they are interacting.

14 Confining my remarks therefore to the
15 issue of how to change the existing justice system to make
16 it more serviceable for Aboriginal and non-Aboriginal
17 alike, what do you see as the major impediment to moving
18 forward in this direction? I am wondering whether they
19 are legal, bureaucratic, structural, whether they are
20 attitudinal on both sides of the fence, or what they may
21 be.

22 **DAVID ARNOT:** I don't think there is any
23 impediment that can't be overcome to have the current

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 system work better from the perspective of Aboriginal
2 people.

3 Education is obviously one. I am
4 thinking of the current people inside the justice system.
5 I think there has to be a better understanding of Aboriginal
6 culture, Aboriginal cultural values. That can come
7 exactly through this type of work that we are proposing
8 here in the Battlefords.

9 There are attitudinal problems but again
10 those can be overcome by education and understanding.
11 It is clear to me, working in the area of racism as we
12 have in the last year in the Saskatchewan Provincial Court,
13 the only thing that presents an impediment is the lack
14 of real motive to go ahead and try to make the thing work
15 much better.

16 I don't see major hurdles that cannot
17 be overcome. I don't think the justice system -- this
18 is personal -- intends to do some of the things it does.

19 It is just that the perspective of Aboriginal people is
20 just not understood by some of the people who operate in
21 the justice system now.

22 **Commissioner ALLAN BLAKENEY:** One
23 further question. Does the project involve the justice

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 system defined as prosecutor and judge, that justice
2 system, or does it include policing and the way we police,
3 prosecutors, judges, just up the line, and laterally now:
4 probation, parole and then corrections, right through the
5 piece?

6 I would be interested in this because
7 we have heard, as you might guess, many rather trenchant
8 criticisms of the justice system as it now operates. By
9 justice system do we mean the whole continuum from the
10 beginning to corrections and after care? With which of
11 those components is your project concerned?

12 **DAVID ARNOT:** As I mentioned earlier,
13 the Justice Advisory Council is a holistic group so it
14 includes all of the people. As well our approach to this
15 issue is holistic, so it includes all those components.
16 We recognize that it is compartmentalized.

17 In discussing this project with members
18 of the Battlefords Justice Advisory Council I think it
19 is quite clear that the first-line players who will be
20 making this project work will be the police officers and
21 the probation officers because they are the ones who come
22 into contact with a lot of the issues we would eventually
23 have to address in the manner in which they would be

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 addressed first. It is that group of individuals that
2 will first come into play.

3 We have to approach this issue on a
4 holistic basis because we can't have some groups, some
5 compartments in the justice system, in a position where
6 the don't understand what the other parts are doing.

7 I don't know if that answers your
8 questions, but the current system is very
9 compartmentalized. We are trying to address it on a
10 holistic basis as we do. That is the premise from which
11 the Justice Advisory Council has worked in the past and
12 that is why I think it has had so many successes so far.

13 **Commissioner ALLAN BLAKENEY:** I have a
14 friend in Toronto who insists that judges are not first
15 order judges but they are a remote court of appeal. The
16 first judge is the policeman who decides whether to charge.
17 The second one is the prosecutor who decides whether to
18 go forward and so. Eventually it gets into a courtroom
19 but by this time it is an appeal from an appeal.

20 That is highly relevant from the point
21 of view of the way the potential offender sees the justice
22 system. Judges are pretty remote. There are a lot of
23 hoops he or she has to deal with before that.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 The Battlefords Justice Advisory
2 Council is looking at the whole continuum. I will just
3 confirm that as you now view it there does not need to
4 be changes in the provisions of the Criminal Code or any
5 of the provincial legislation with respect to the
6 administration of justice. I am not suggesting they
7 wouldn't be desirable but they are not imperative in order
8 to make it work.

9 **DAVID ARNOT:** No, I don't think they are
10 imperative and I don't think there are impediments. Just
11 so that I can amplify that a little bit, it seems to me
12 a lot of what can be done, for instance post determination
13 of guilt or innocence, would be done by probation officers.
14 These people would work inside the current system but just
15 provide a better method of painting a picture of the
16 situation so that a better or an enhanced quality of justice
17 could be delivered by the judge.

18 Prior to charge or determination of
19 guilt again community policing and being sensitive to the
20 issues in the community is a method or concept of policing
21 which would serve well the community. It is my impression
22 from speaking with members of the RCMP that I deal with
23 that the RCMP is quite willing to promote that type of

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 work.

2 **Co-Chairman GEORGES ERASMUS:** Who is
3 going to attend the 10 cross-cultural immersion meetings?

4 **DAVID ARNOT:** In the current design we
5 are hoping that it will be people in the justice system,
6 but I can say this as well. We think this type of training
7 has to be expanded and we have to make it available to
8 others, for instance in the health care and education
9 systems. We concede that because we are a small
10 community we can easily organize this and we can easily
11 make this work. Cross-cultural training under this rubric
12 of course, since it is justice, would necessarily involve
13 the various players in the delivery of justice which I
14 have spoken about. We are hopeful that if it works well,
15 and there is no reason to expect that it wouldn't, we could
16 involve other people who need this kind of training.

17 It is quite obvious to us that in order
18 to deal with these issues again we don't want to
19 compartmentalize this with just the justice system but
20 all people. The non-Aboriginal community should be
21 exposed to this so that they have a better understanding
22 of how to deal with aboriginal people and how to properly
23 understand the Aboriginal perspective on life.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Co-Chairman GEORGES ERASMUS:** Very
2 good. Do you have any comments or questions?

3 **Commissioner LAWRENCE MARTEL:** I want
4 to ask about the ethnic people. How many are incarcerated,
5 the percentage? Do you think the whole structure can be
6 turned around so that there will not be too many Aboriginal
7 people in jail?

8 **RITA CHISHOLM:** With this kind of
9 project that is certainly one of the things we are trying
10 to change. We are looking at different alternatives to
11 jailing Aboriginal people. By involving the Aboriginal
12 community and people within the community to explore other
13 alternatives then jail won't necessarily have to be the
14 alternative.

15 **Co-Chairman GEORGES ERASMUS:** Thank you
16 very much.

17 **TONY MURDOCH, THE BATTLEFORDS ADULT**
18 **DIVERSION PROJECT:** My name is Tony Murdoch and I represent
19 the Battlefords Adult Diversion Project. With me is Staff
20 Sergeant Con Graham who is a board member. I report to
21 a board of directors, a board of overseers.

22 As a bit of background to the project
23 I would just like to say that the original proposal for

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 this project was set forth about February 1991.
2 Organizations that were invited to participate on the
3 planning committee were the RCMP, Legal Aid, North
4 Battleford Tribal Council as it then existed, Social
5 Services, Battlefords Indian and Métis Friendship Centre
6 and the Battlefords Bar Association, in addition to
7 Saskatchewan justice members.

8 I was contracted by Saskatchewan justice
9 to establish and implement the program which on a one-year
10 trial basis was to service only the area currently policed
11 by the Battlefords detachment of the RCMP. The area
12 includes the City of North Battleford, the Town of
13 Battleford, the Reserves of Moosomin, Saulteaux, Red
14 Pheasant, Mosquito and Sweetgrass, and the nine
15 surrounding rural municipalities.

16 As a bit of an overview, the objective
17 of the program was to direct specific criminal offenders
18 who have already admitted their guilt away from the court
19 system and into a community based less formal meeting
20 between offender and victim to assist them in
21 reconciliation. In most cases the diversion would occur
22 before the charge is laid. Offenders who had not yet been
23 charged and who successful complete the diversion program

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 are never charged for the offence. For those offenses
2 where a charge has been laid before the diversion,
3 successful completion of this program results in the
4 dismissal of the charge by the court.

5 No criminal record for the particular
6 offence results if the diversion process is successfully
7 completed. An adult of course is a person who is 18 years
8 of age or more.

9 A wide range of offenses is eligible for
10 diversion with the exception of the following offenses
11 which cannot be handled through this program. They are
12 the use of firearms in threats against other persons,
13 sexual assault causing bodily harm, child sexual abuse,
14 serious against person offenses, all Criminal Code driving
15 offenses, perjury, and trafficking under the Narcotics
16 Control Act and Food and Drug Act. There are many offenses
17 left over where we can work with people.

18 The program further would allow victims
19 a chance to voice their concerns and obtain a satisfactory
20 solution for damages inflicted on them by offenders
21 involved in criminal behaviour. The victim would feel
22 a part of the justice process in resolving the incident.

23 Through a voluntary face-to-face

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 mediated meeting with the victim, the offender would feel
2 a greater sense of the loss and damage he has caused the
3 victim. When a satisfactory verbal agreement is reached
4 at a mediated meeting, a legal document is signed by the
5 offender, victim and mediator. This arrangement gives
6 the offender a means to right his wrong, satisfy victim
7 concerns and at the same time feel a more positive attitude
8 toward the justice system.

9 Such agreements currently contain one
10 or more of the following conditions. The victim can repair
11 or replace the damage to the satisfaction of the victim,
12 pay for the loss or damage to the satisfaction of the
13 victim, work for the victim, work for the community or
14 native cultural activities where appropriate, and other
15 treatment that would be appropriate including treatment
16 for alcohol and drug dependencies.

17 In short the diversion program would
18 allow greater flexibility to address criminal justice
19 issues in a background of diverse and varying cultural
20 values.

21 I have also brought with me a number of
22 statistics that were recently provided to the management
23 committee. Since February first of this year the number

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 of cases referred to me were 51. The number of cases
2 successfully diverted to date have been 41. On offence
3 types we had 29 theft under \$1,000 charges which were
4 diverted, 6 assault, 4 mischief, 3 false pretence and other
5 minor offenses such as breach of probation and cruelty
6 to animals.

7 The mix has been about 23 males to 28
8 females. I found that 27 non-native offenders and 24
9 native offenders were referred to me. There were 10 orders
10 of restitution requested amounting to about \$1,600. The
11 amount of community service work was 418 hours and
12 donations to charity of \$505.

13 **Co-Chairman GEORGES ERASMUS:** I am a
14 little surprised. When you go to the prisons you find
15 more native. How did you get more non-native being
16 diverted than native?

17 **TONY MURDOCH:** I am not sure, but it is
18 very close to half and half with 24 and 27.

19 **Co-Chairman GEORGES ERASMUS:** Do you
20 have any questions?

21 **Commissioner ALLAN BLAKENEY:** From Mr.
22 Erasmus' last question, is there any inference to be drawn
23 that the program is a little more open to non-Aboriginal

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 than to Aboriginal offenders?

2 **TONY MURDOCH:** None whatsoever. Not
3 according to my mandate, no.

4 **Commissioner ALLAN BLAKENEY:** They are
5 diverted to you rather than by you. Is that fair?

6 **TONY MURDOCH:** That is correct.

7 **Commissioner ALLAN BLAKENEY:** Who does
8 the diverting to you?

9 **TONY MURDOCH:** Generally direct from
10 police detachment. Some referrals come from the Crown
11 Prosecutor's Office.

12 **Commissioner ALLAN BLAKENEY:** If I may
13 direct a question to the staff sergeant, is there any
14 inference to be drawn that it is easier for a non-Aboriginal
15 offender to be diverted to the program and out of the
16 regular justice system than it is for an Aboriginal
17 accused? No longer accused; I guess an Aboriginal
18 wrongdoer if he or she has admitted his guilt.

19 **CON GRAHAM:** The adult diversion
20 program is for any person. There are certain criteria
21 required. The individual must admit his or her
22 participation in the wrongful act. The presence of a
23 criminal record of a recent similar offence would preclude

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 that person for inclusion in the program.

2 To say that it is easier for one person
3 to get into the program than another, I would say no, it
4 is available to all provided that they fit the criteria.

5 If there is a problem for individuals it would be the
6 fact that they don't fit the criteria because of their
7 possibly not wanting to admit to their involvement or the
8 fact that they have a recent previous record for a similar
9 offence.

10 **Commissioner ALLAN BLAKENEY:** Do you
11 think the criteria are (a) fair as between Aboriginal and
12 non-Aboriginal and (b) fairly applied as between
13 Aboriginal and non-Aboriginal?

14 **CON GRAHAM:** I do.

15 **Commissioner ALLAN BLAKENEY:** I have no
16 reason to believe otherwise. It is just that the pretty
17 persistent point of view which is put forward is that
18 somehow there is an unfairness in the justice system as
19 it now exists, so I directed the question to you.

20 Do you know in very, very round figures
21 during this period since February how many charges would
22 have been laid? Thus does this diversion represent 5 per
23 cent of the potential or 25 per cent of the potential

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 charges? Very round.

2 **CON GRAHAM:** I wouldn't want to mislead
3 you. I just don't have that information. I am sorry.

4 **Commissioner ALLAN BLAKENEY:** Is it a
5 significant portion?

6 **CON GRAHAM:** With these numbers here,
7 in view of the fact that it is just getting off the ground,
8 I see it as a successful program so far. Legal Aid is
9 aware of the existence of the program as are other law
10 firms within the city. I think we will see more use of
11 it.

12 Whether or not more native people are
13 going to be represented by these counsel or non-native
14 would depend on the individual. If you can call this
15 successful, the fact that people are getting into trouble,
16 I see the way we are diverting them as being a positive
17 program within the community.

18 I expect that next year we are going to
19 see larger numbers. Whether or not there is going to be
20 a greater increase in non-native people or native people,
21 right now they are 50/50. To say that it is going to
22 increase ethnic-wise or race-wise, that is up to conditions
23 at the time.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Commissioner ALLAN BLAKENEY:** May I ask
2 a rather practical question? Who drafts the agreements?
3 It is suggested that there is a diversion, there is a
4 meeting, some sort of deal is struck, and then this is
5 committed to paper. Do you do that?

6 **TONY MURDOCH:** I do that, yes. When the
7 verbal agreement is reached, if there is a verbal
8 agreement, then it is a five-minute job to fill in a
9 paragraph explaining to both parties what is required.

10 **Commissioner ALLAN BLAKENEY:** This does
11 not involve Legal Aid in a lot of work or any work
12 necessarily.

13 **TONY MURDOCH:** No. At times people are
14 coming from Legal Aid saying: "There is a diversion
15 program and they advise me to take it".

16 **Commissioner ALLAN BLAKENEY:** Anything
17 that will offload some work from Legal Aid I think will
18 get their full attention. That sounds encouraging because
19 they have a positive incentive if they think it is an
20 appropriate case to move it over to your shop, if I may
21 put it that.

22 **TONY MURDOCH:** Definitely.

23 **Commissioner ALLAN BLAKENEY:** The

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 police would similarly have a positive incentive because
2 it means they don't have to make the court appearance
3 although there is probably going to be a guilty plea anyway.

4 I am just trying to figure out who are
5 the people here who will have a stake, aside from yourself,
6 in seeing that this thing moves along. I see you might
7 be wanting to make a comment on my random comments here.

8 **CON GRAHAM:** I agree with your comment
9 that the police definitely do have a stake in it.

10 Most of these instances are diverted in
11 the initial contact with the offender. If I may run a
12 scenario past you, in a shop-lifting matter where the
13 person comes to the attention of the police, the person
14 will be brought back to the office. A brief check of the
15 person's name through our computer system would indicate
16 whether or not he or she would fit the criteria.

17 If they fit the criteria they would be
18 offered the opportunity to go through the diversion process
19 at that particular time. If they agree to it, it is a
20 matter of completing a form and a copy of the form is then
21 sent to Mr. Murdoch.

22 Being an adult, there are certain
23 requirements placed on an adult through diversion that

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 are not placed on a young offender. The adult is required
2 to take some responsibility to initiate further his
3 diversion by contacting Mr. Murdoch, whereas in the young
4 offender program the co-ordinator contacts the young
5 offender and arranges for meetings. The role is reversed.

6 If the persons admit to their
7 participation in the offence and sign a diversion process,
8 that is the end of it as far as the police are concerned.

9 Mr. Murdoch takes over from that point, arranges for the
10 diversion, the mediation, and if it is successful we get
11 notification that it is complete. In most cases the charge
12 is within and the individual does not have a criminal
13 record.

14 The courts also benefit from this by not
15 having to deal with these individuals even for guilty
16 pleas.

17 **Commissioner ALLAN BLAKENEY:** May I ask
18 an almost rude question? Does this take your full time?

19 **TONY MURDOCH:** No, it doesn't, Mr.
20 Commissioner. I do it on a contract, part-time basis.

21 **Commissioner ALLAN BLAKENEY:** In
22 looking at the relative cost to the system, and there are
23 always people standing back looking at the relative cost,

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 this is not the case of a full-time, well qualified employee
2 dealing with 40 diversions in that number of months.

3 **TONY MURDOCH:** No. It is a fee per case
4 basis.

5 **Commissioner ALLAN BLAKENEY:** There are
6 many incentives to make this work, quite apart from the
7 major incentive of it being socially, in the broad sense
8 of socially, a more desirable way to deal with a societal
9 problem.

10 I will ask one last question. Do you
11 see any basis for widening the criteria? I take it you
12 expect that more will probably come through the system
13 as it becomes better known and working. Is there a basis
14 for widening the criteria with respect to second offenses
15 or anything of that nature?

16 **CON GRAHAM:** There isn't anything which
17 would restrict a person who, let's say hypothetically,
18 was charged 10 years ago in his young years at 19 or 20
19 for minor theft and now at 35 he writes a bad cheque or
20 else is possibly involved in another theft. The fact that
21 he has a previous conviction for a related charge some
22 years back would not preclude him for inclusion in the
23 program or in the process.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 The main area where we did create
2 non-touchable offenses are serious offenses or offenses
3 where the judges are required by law to order prohibitions,
4 whether it be for driving purposes like impaired driving
5 charges or dangerous driving or things of that nature,
6 or serious assault where there would be a prohibition
7 against the possession of firearms, explosives and
8 ammunition and that sort of thing. We didn't want to
9 become involved in taking that away from the judges.

10 As popular as it might be in the case
11 of a person up first time for impaired driving not to be
12 walking for three months or six months, we thought that
13 should be left with the provincial court judges.

14 **Commissioner ALLAN BLAKENEY:** I noted
15 in the list that it is almost a list of offenses in respect
16 of which society perhaps has changed its view on the
17 seriousness with which it views them and wishes to make
18 it very clear that society is not condoning sexual assaults
19 or driving while impaired. There is no doubt society is
20 saying this is inappropriate conduct not only with respect
21 to a particular victim but with respect to society in
22 general.

23 Fair enough, I follow the thinking. I

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 am not suggesting that they should be removed from the
2 no list.

3 **Co-Chairman GEORGES ERASMUS:** What does
4 recent mean?

5 **CON GRAHAM:** There isn't a definition
6 that we have applied to the term recent. What I as a peace
7 officer would look at as a definition for recent would
8 be six months to a year.

9 If a person as a young offender has a
10 record for a fairly serious theft, we will say, and he
11 turns 18 six months later and does it again, I would be
12 concerned that he didn't learn from the first instance,
13 the first dealing with the courts.

14 However, if it were a year and he or she
15 had made attempts to change behaviour and for whatever
16 reason got in with a bad group and got tied up in something
17 and as a result got charged, that would taken into
18 consideration.

19 **Co-Chairman GEORGES ERASMUS:** For this
20 program, if you are a young offender and you have committed
21 an offence under the Young Offenders Act and have served
22 time, it is actually considered as a record.

23 **CON GRAHAM:** Yes.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Co-Chairman GEORGES ERASMUS:** Would it
2 be possibly because Aboriginal people may have had former
3 offenses? I am still very curious.

4 **CON GRAHAM:** You are talking of this
5 27/24?

6 **Co-Chairman GEORGES ERASMUS:** Yes.

7 **CON GRAHAM:** I would have to think that
8 would be possibly the reason why there would be less, fewer
9 of those numbers.

10 **Co-Chairman GEORGES ERASMUS:** It
11 certainly seems like it is a very good start. Are you
12 in a pilot project situation or is this going to be a
13 permanent program? What is the status of the project?

14 **TONY MURDOCH:** It was to run for one year
15 from February first until the end of January, at that time
16 to be assessed. It is anybody's guess what will happen
17 after that time.

18 **Co-Chairman GEORGES ERASMUS:** You are
19 in the middle.

20 **TONY MURDOCH:** Basically.

21 **CON GRAHAM:** If I may make a comment,
22 with the circulation of our procedural manual throughout
23 the province I expect that this has received some support

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 from the provincial justice department. I think we can
2 expect to see it carried on, because the manual has been
3 circulated into other judicial centres. I expect they
4 are going to use this manual as the basis for programs
5 in other areas.

6 **Co-Chairman GEORGES ERASMUS:** Good.
7 Do you have any comments or questions?

8 **Commissioner LAWRENCE MARTEL:** I want
9 to find out if you can have more court workers to interview
10 the people who are being charged to find out how serious
11 their crimes are so that they can get a Legal Aid, a lawyer
12 or whatever.

13 **CON GRAHAM:** I understand that the
14 provincial justice department is presently reviewing the
15 possibility of re-establishing the native court worker
16 program. However, I don't know where that is at, at the
17 present time.

18 **Co-Chairman GEORGES ERASMUS:** Thank
19 you.

20 **TONY MURDOCH:** Just in closing I want
21 to thank you for giving us the opportunity to make this
22 presentation. I did bring along with me a copy of our
23 procedures manual which I would be pleased to leave with

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 you, if you would direct me to with whom I could leave
2 it.

3 **Co-Chairman GEORGES ERASMUS:** Our next
4 presenters are the Confederation of Tribal Nations.

5 Please proceed whenever you are ready.

6 **RODNEY GOLD, TRIBAL CHIEF,**

7 **CONFEDERATION OF TRIBAL NATIONS:** Thank you, Mr. Co-Chair.
8 Good afternoon, panel.

9 When I first heard about the Commission
10 my initial feeling was are we going to study this thing
11 to death again. But nevertheless I would like to commend
12 the Commission members for this opportunity that they have
13 given us.

14 My name is Rodney Gold. I am the tribal
15 Chief for the Confederation of Tribal Nations. To my right
16 is the executive director, Eric Burt. There are two parts
17 to our presentation.

18 Commissioners, Elders, Respected
19 Guests, I want to address the panel today as an Aboriginal
20 citizen and leader. I would like to focus my short
21 presentation on the issue of self-government and
22 self-determination, power and responsibility. I believe
23 these issues are inextricably linked and that citizenship

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 and leadership are similarly tied to the issue of
2 self-government and responsibility.

3 I want to remind the panel and my own
4 Indian community that self-government, no matter where
5 it finds its source, either in the constitution or in
6 treaty, finds its legitimacy solely in the expression of
7 the collective will of its First Nations citizens. Our
8 collective identity has preserved our culture and
9 traditions during the 500 years since the first contract
10 and will preserve it for the 500 years to come. Our people
11 are not just the source of our strength but their will
12 and their voice are to be our guiding influence in the
13 future.

14 Despite the recent constitutional
15 setbacks, Indian people cannot lose sight of the fact that
16 our inherent right to self-government continues to exist.

17 The right is tied to our time immemorial occupation of
18 these lands to our recognizable systems of government and
19 to the various inter-tribal alliance, confederation and
20 economic partnership that we forged between ourselves as
21 First Nations and sovereign powers.

22 Contemporary expression of this
23 sovereignty can be found in two main sources: the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 post-confederation treaties signed by Western First
2 Nations and the Federal Crown, and section 35 of the federal
3 Constitution Act, 1982.

4 My ancestors signed the 1876 Fort
5 Carlton and Fort Pitt Treaty, number six of the numbered
6 treaties. We have always asserted that in both the treaty
7 text and the representation made during the negotiations,
8 which by law have been held to form part of the treaty,
9 we were treated as sovereign entities and were held to
10 be both capable of, and responsible for, self-government
11 in many areas.

12 I turn to the text of Treaty Six to
13 illustrate my point. Governor Morris in his account of
14 the treaty negotiations, writes:

15 "Eventually the Commissioners made them an offer. They
16 asked this to be reduced to
17 writing, which was done, and they
18 asked time to consider it, which
19 we of course granted. When the
20 conference resumed, they presented
21 a written counterproposal. This
22 the Commissioners considered, and
23 gave full and definite answers of

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 acceptance or refusal to each
2 demand, which replies were
3 carefully interpreted."

4 Further, in the actual text of the treaty
5 there were provisions that clearly showed that the federal
6 government had expectations of the Indian governments.
7 These provisions touched on matters of maintaining the
8 peace and on matters related to First Nations' continued
9 regulation of their internal affairs.

10 The treaty is clear:

11 I do not want to interfere with your hunting and fishing.

12 I want you to pursue it through
13 the country, as you have heretofore
14 done; but I would like your
15 children to be able to find food
16 for themselves and their children
17 that comes after them.

18 The treaty also expressed the intention
19 of the Crown that the chiefs would have roles in
20 peacekeeping:

21 "The Queen expects Indians and whites to obey her laws;
22 she expects them to live at peace
23 with other Indians and with white

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 men; the Chiefs and Councillors
2 should teach their people so... The
3 Chiefs and Headmen are not to be
4 lightly put aside...they are to try
5 and keep order amongst their
6 people."

7 Clearly the Crown had expectations of
8 First Nations as sovereign entities; the words of the
9 treaty show this. As well, the treaties were made between
10 sovereign heads of state with the Crown. Governor Morris,
11 who was the key negotiator of the prairie treaties, took
12 great pains to establish contact with each recognized
13 leader in the treaty area. He knew that the way we
14 conducted ourselves in government as sovereign peoples
15 would require nothing less.

16 I want to make one final point in
17 connection with the treaty.

18 Our inherent right to govern ourselves
19 is expressed in both the text and the negotiations process,
20 but the method by which we exercise that inherent right
21 is less often referred to historically. However, I think
22 the method of self-government at work during the treaty
23 making period must be made clear.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 This method is best expressed by Big
2 Bear:
3 I find it difficult to express myself, because some of
4 the bands are not represented. I
5 have come off to speak for the
6 different bands that are out on the
7 plains. It is no small matter we
8 were to consult about.

9 Consultation by the chiefs with their
10 people was of central concern then, as it is today. A
11 chief today can no more embark upon any self-government
12 initiative whatever its form without the approval of the
13 electorate than Chief Big Bear could sign the treaty and
14 without consultation and approval of his people.

15 There is growing support for the
16 argument that under section 35 of the Constitution Act,
17 1982, First Nations' sovereignty has not been
18 extinguished. Judith Osborne, Associate Director of the
19 School of Criminology at Simon Fraser University writes
20 that even though sovereignty may have been ignored or even
21 denied in the past, it has not been extinguished. She
22 points to both the words of section 35 and the scholarly
23 interpretation of it to support her argument.

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October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 Quoting Flanagan, she writes:
2 "[a] sovereign nation retains right of self-determination
3 even when it is under external
4 domination. Acceptance of this
5 position involves a redefinition of
6 established views. Thus, for example,
7 Venne offers the following
8 re-evaluation of the powers and
9 functions of band councils:

10 Bands and band councils are often described as "creatures
11 of statue", created as federal
12 municipalities and exercising
13 delegated powers. Indian Chiefs
14 and Councils have rejected this
15 analysis and are asserting a
16 contrary proposition: Indian
17 governments have extensive powers
18 of self-government including
19 taxation, which are not delegated
20 from the federal government. The
21 source of Indian government
22 jurisdiction is not the Indian Act,
23 but rather a pre-existing or

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 "aboriginal" right of
2 self-government that has not been
3 extinguished.

4 There is a growing body of literature
5 which examines the historical roots and legal status of
6 these claims. To some extent, their existence, at least
7 on a symbolic level, is now beyond dispute with the
8 enactment of section 35 of the Constitution Act, 1982,
9 which recognizes and affirms the "existing Aboriginal and
10 Treaty rights of the Aboriginal peoples of Canada."

11 Under section 35 then First nations are
12 recognized as self-governing entities as a third level
13 of government, not as a third rate government. Of course
14 the issue would have been much easier to dispose of if
15 the constitutional amendment would have passed on October
16 26th. However, First Nations will continue to take the
17 position that the inherent right remains unchanged; only
18 the method of its invocation has been altered. That is,
19 we will assert the inherent right on a piecemeal or ad
20 hoc basis. Every area in which a band membership feels
21 confident to legislate will become a potential
22 jurisdiction for that First Nations government.

23 Of course this approach will be somewhat

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 problematic. I see two main concerns important enough
2 to bring to bear on these discussions here today. They
3 are the issue of financing arrangements to establish and
4 maintain self-government initiatives, and the avoidance
5 of delegated authority. I will deal with the money
6 considerations first.

7 From what I have been able to ascertain
8 from the comments of Canadian people following the October
9 26th referendum, two things seem clear. First, there
10 seems to have been general support for the changes to the
11 Constitution that allowed for recognition of the right
12 to Aboriginal self-government. However, the support was
13 somewhat restrained because of a general consensus among
14 both Natives and non-natives that the agreement itself
15 was unclear in its detail. Some Canadians worried about
16 the form self-government would take under the amendment.
17 Still others were concerned about the time frame. All
18 Canadians seemed worried about the cost.

19 I want to address that concern now
20 because I believe it is based on a misapprehension of the
21 facts.

22 Once First Nations are recognized as
23 being self-governing, our rights will emerge from two

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 sources: the treaties and the powers we hold in our
2 sovereign jurisdictions. The rights guaranteed under
3 treaty are sacred in nature and represent a permanent and
4 binding fiduciary relationship between the federal Crown
5 and Indian nations that will endure so long as the rivers
6 run and the grasses grow. The perpetual nature of our
7 treaty rights, coupled with the Crown's fiduciary
8 obligations to our people, ensures that treaty rights will
9 be guaranteed to us forever. The obligation of the Crown
10 to honour its treaty promises will remain constant no
11 matter what the nature of self-government turns out to
12 be. The treaty rights will be unaffected and their
13 delivery will remain the responsibility of the Crown.

14 However, under self-government, when
15 First Nations begin to assert control in any given
16 jurisdiction the funding of such initiatives will change.

17 We wish, at all costs, to avoid transitions in
18 self-government to be viewed as delegation of federal
19 authority to a "quasi-municipality". Equally as
20 important to us is the avoidance of our being "Indian Act
21 Indians".

22 These two considerations mean that when
23 self-government arrangements are struck, they must be

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 funded by specific funding arrangements, much like the
2 federal transfer payments are made to provinces when they
3 undertake delivery of services in certain areas.

4 For example, when First Nations engage
5 in the delivery of social and community services, this
6 becomes an area in which the federal government no longer
7 has to provide services. As such, the federal government
8 will have vacated the field. It will have disposed of
9 its liabilities and responsibilities in this area. As
10 with provincial funding arrangements with Ottawa, transfer
11 payments based on such recognition necessarily allow for
12 the free flow of program and services dollars to the new
13 level of government providing the service. The key is
14 that the flow of moneys must be unfettered. That is, there
15 can be no delegation where the federal government maintains
16 control over the structure and content of programs and
17 services despite the fact that they have released
18 themselves from all liability on the very programs they
19 control. With funding arrangements must come a
20 commensurate transfer of control over content of the
21 services and programs.

22 Finally, the money issue aside -- and
23 I recognize that I did not touch on the important area

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 of First Nations' taxing powers -- I want to address my
2 final point. And that is the issue of delegation.

3 It would be of great disservice to us
4 as First Peoples if anyone here today was left with the
5 impression that the inherent right to self-government
6 could be achieved through any of the existing by-law making
7 powers of band councils noted in the Indian Act, or through
8 any vague recognition of First Nations as
9 quasi-municipalities. I have referred to these concepts
10 earlier and now I will elaborate on why First Nations people
11 find the concepts of Indian Act government and
12 quasi-municipalities so inflammatory.

13 We have always rejected the notion that
14 our inherent right to be self-governing has any basis in
15 the Indian Act which is a patriarchal document enacted
16 without the knowledge or consent of Indian peoples. To
17 allow mere by-law making powers to usurp our inherent right
18 is completely unacceptable. We believe that existing
19 funding arrangements under the Indian Act will lead to
20 this inevitable result. For this reason, both the
21 authority and the funding must pass with new
22 self-government arrangements.

23 Equally as unacceptable is the prospect

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 of quasi-municipality status, which I believe would result
2 if the federal government persists in a program of
3 delegated authority to band governments to regulate
4 certain activities, without a transfer of control over
5 the content, nature and scope of the activities.

6 I hope I have made myself clear. I am
7 not here today to speak only as an Aboriginal leader but
8 I speak as part of the greater First Nations collective
9 from whom all ultimate authority for self-government
10 enactments will flow. Today, when I do speak as a leader,
11 I assert that our inherent right to self-government
12 prevails and exists as a sovereign third level of
13 government in the Canadian Constitutional framework. But
14 as a member of the First Nations electorate, I remind the
15 Chiefs that it is our collective will that governs your
16 expression of our sovereignty. It is a responsibility
17 and a sacred trust.

18 **ERIC BURT:** Commissioners, respected
19 guests, I want to deal further with what we have identified
20 in the last round of constitutional amendment talks on
21 the third order of government by way of just backing up
22 a step in the context of the Royal Commission hearings.

23 In September, 1991 the Canadian

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 government announced a series of multilateral inquiries,
2 often known as the Canada Round talks, into the present
3 constitutional arrangements and divisions of power
4 affecting national and regional levels of government and
5 key interest groups across Canada but aimed at the renewal
6 of intergovernmental relations within the Canadian state
7 of federalism. A number of commissions and inquiries on
8 the state of national unity followed that canvassed
9 national and regional sentiment on a broad range of issues.

10 These issues included the role and nature of central
11 institutions of the Canadian state, social and economic
12 union within Canada, the division of powers within standing
13 and soon-to-be created levels of government, the status
14 of Quebec as a distinct society and the conditions and
15 rights of Aboriginal peoples and self-government.

16 The Royal Commission on Aboriginal
17 Peoples has been one part of this national strategy of
18 renewal on these questions of national unity. This
19 Commission and the Charlottetown Accord have addressed
20 the current social and economic conditions facing native
21 peoples but also the proposed formal constitutional
22 recognition of Aboriginal peoples in the governance of
23 their own nations within the Canadian federal state.

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 The Commission itself was activated in
2 the spring of 1992 and addresses a series of comprehensive
3 questions.

4 I am going to pass over part of this
5 because it is clear. Everyone knows this.

6 It is timely that the Commission meets
7 today in North Battleford soon after the national
8 referendum on the Charlottetown political accord on
9 constitutional amendments. The fact that a slim majority
10 of the Canadian electorate indicated a "no" response on
11 the work of the federal, provincial and Aboriginal leaders
12 suggests that there is not yet sufficient and binding
13 consensus within our national, regional and Aboriginal
14 communities to securely implement this agreement within
15 our constitutional relations with one another. This "no"
16 response should be seen not as a setback for the formal
17 recognition of Aboriginal rights and sovereignty nor for
18 the implementation of these rights but instead as an
19 indication that Aboriginal nations, regional governments
20 and the Canadian population as a whole require more time
21 for reflection and detailed examination of these and other
22 questions concerning divisions of power, the role of
23 central institutions within the confederation, and the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 treaty relations between Canada and its internal sovereign
2 nations that have a direct bearing on issues to do with
3 social and economic justice, educational and linguistic
4 rights, land, resources and economies, and participation
5 in these Aboriginal, regional and national societies and
6 economies.

7 What we go on to suggest is that some
8 considerations about how the idea of the third order of
9 government comes to be, from whence it springs, in other
10 words, its base. We make a number of points dealing with
11 that.

12 (1) the recent round of national
13 constitutional discussions resulting in the August 1992
14 Charlottetown Accord is not definitive for First Nations
15 national goals and aspirations;

16 (2) the formal notion of inherent right
17 to self-government for Aboriginal nations has not
18 diminished or stalled by the results of the national
19 referendum; indeed, the right has already received
20 recognition within section 35 of the Constitution Act of
21 1982;

22 (3) the formal recognition of the right
23 to self-government is an internationally-recognized right

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 of all Aboriginal peoples in Canada, in solidarity with
2 global Aboriginal peoples;

3 (4) The treaty First Nations within the
4 Canadian state are nations who hold a clearly defined and
5 constituted international relationship as sovereign
6 Nations within the Canadian federal state;

7 (5) the treaty First Nations, such as
8 those who are signatories to Treaty No. 6 of 1876 and who
9 include all of the member First Nations of the
10 Confederation of Tribal Nations have distinct and
11 inalienable rights as sovereign nations in treaty to
12 Canada;

13 (6) the history and recognition of these
14 inalienable and inherent rights has been a history of
15 vigilance and struggle for First Nations peoples for 120
16 years to ensure that treaty promises and obligations made
17 on behalf of Canada are fully and sufficiently honoured
18 and implemented in the context of nation-to-nation
19 relations in the late 20th century;

20 (7) the emergence of what we call a third
21 order of government, as called for in the recent
22 Charlottetown Accord, is an inherent right already and
23 indisputably given by virtue of the signing of the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 treaties;

2 (8) this third order of government is
3 an inherent right by virtue of the sovereign and autonomous
4 status of all Aboriginal and treaty peoples;

5 (9) this third order of government is
6 a natural extension and expression of treaty nations'
7 political, economic, social and cultural sovereignty;

8 (10) the concrete embodiment of this
9 third order of government, as reflected through First
10 Nations sovereign institutions, will occur through
11 declaration and implementation of self-governing
12 institutions by treaty First Nations peoples as an act
13 of sovereign political will but mindful of the treaty
14 obligations of the Canadian state.

15 We go on from there to bring up some
16 considerations involved in the implementation of this
17 third order of government. They are not exhaustive, they
18 are not complete but there are a number of considerations.

19 Clearly, there are more than sufficient
20 grounds for Aboriginal First Nations within Canada to feel
21 secure and comfortable in the re-declaration and the
22 reassertion of their historical and political destinies
23 as autonomous nations. As I have alluded to, this

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 authority springs from a number of sources that include:

2 (i) the collective will of their First Nations members

3 as distinct social, cultural and

4 political entities;

5 (ii) the international recognition that Aboriginal peoples

6 are distinct self-determining entities;

7 (iii) the enshrinement in the Canadian constitution (1982)

8 that Canada's Aboriginal peoples of the

9 recognition of the "existing Aboriginal

10 and treaty rights of the Aboriginal

11 peoples of Canada";

12 And as we emphasize for treaty and First

13 Nations in particular:

14 (iv) the fact that each First Nation is signatory to an

15 international treaty with Canada that

16 recognizes a treaty relationship

17 between sovereign nations with specific

18 sets of obligations on behalf of the

19 Crown with respect to land, economy,

20 health, education and social wellbeing

21 depending upon the particular treaty in

22 question.

23 From the points of view of our First

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 Nations members these historical facts and relationships
2 provide the necessary and sufficient base for their
3 reassertion and re-implementation of their rights as
4 self-governing entities. This being so, it is more
5 appropriate to adopt a perspective within our First Nations
6 and from within the Canadian federal state, or Crown, as
7 to the practical means by which our First Nations will
8 begin the rebuilding of our full institutional lives.

9 In the light of the not so certain
10 rejection of the recent Charlottetown political accord
11 it is clear that the institution-building agenda for our
12 First Nations is imminent and will begin in the very near
13 future.

14 May I suggest that the following
15 concrete tasks await our member First Nations within the
16 Confederation of Tribal Nations within the next 12 months.

17 (1) continued deployment of
18 consultative mechanisms within each of our First Nations
19 as to establish deep consensus amongst our membership of
20 the meaning of the reassertion of self-governing
21 institutions and of its likely impact upon everyday life,
22 and hence the renewed mandate to implement the goals of
23 each nation's membership;

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October 29, 1992

Royal Commission on
Aboriginal Peoples

1 (2) the identification of developmental
2 pathways with respect to the resources, programs and
3 services that will be assumed and controlled in the next
4 24 to 36 months by each First Nation;

5 (3) development of the desired national
6 or tribal groupings that each of our member First Nations
7 prefers with respect to political and government
8 organizations, whether as singular First Nations
9 governments, tribal confederations, treaty nation
10 confederations or forms of regional or central Aboriginal
11 government;

12 (4) development of a negotiating
13 protocol with the Canadian government and the Treasury
14 Board to begin the negotiation of a comprehensive transfer
15 of jurisdiction and control over all programs and resources
16 currently administered on behalf of our First Nations by
17 Canada to our member First Nations;

18 (5) development of fiscal transfer
19 arrangements similar to provincial transfer agreements
20 with Canada that provides long-term financing and control
21 of all programs and services identified as essential or
22 that would fall under the exclusive jurisdiction of each
23 First Nation or confederate grouping of our First Nations;

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 (6) the implementation of a plausible
2 timeline for the First Nation and Canada in which to develop
3 and implement these transfer agreements over control of
4 resources, land, health, education, taxation and fiscal
5 powers; that is, 24 to 36 months from the end of year one
6 or when a full mandate has been received from each First
7 Nation's membership to do so;

8 (7) the enforcement or justiciability
9 of the pace, timing and implementation of these
10 negotiations concerning resource and fiscal transfer
11 within the Supreme Court of Canada if unreasonable or
12 unjustifiable delays occur on the part of the Canadian
13 federal government;

14 (8) the use of national and
15 international will, sentiment and influence and legal
16 proceedings to support the pace and the honour of the
17 Crown's commitment to redress treaty obligations to each
18 First Nation;

19 (9) the symbolic and substantive
20 implementation of a full third order of Aboriginal
21 government within 36 months from the date of first
22 receiving formal First Nations membership mandate in year
23 one of this process.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 The success attained in re-asserting the
2 practice of self-determination and full institutional
3 self-government in any one of our First Nations or in
4 tribal, treaty or confederate groupings of our First
5 nations will redress rights and aspirations that have never
6 been extinguished for any Aboriginal peoples living within
7 the Canadian state today.

8 The re-implementation of sovereignty
9 and its full institutional and fiscal embodiment by one
10 First Nation is also an achievement that will represent
11 the collective will and destiny of every First Nation in
12 Canada, an achievement of collective will and expression
13 that will be seen in our lifetime and for this generation
14 of First Nations' children. Let us take great care that
15 we honour and steward these journeys, already long under
16 way, for each of our peoples. Thank you.

17 **Co-Chairman GEORGES ERASMUS:** Thank
18 you. If you don't mind we would like to ask you a few
19 questions.

20 **Commissioner ALLAN BLAKENEY:** I would
21 like to make a brief statement and then ask two types of
22 questions. One has to do with the nature of the inherent
23 right to self-government.

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 Heretofore the Royal Commission on
2 Aboriginal Peoples has not used the term self-government
3 to mean the exercise of power delegated by the federal
4 government or the exercise of power pursuant to any of
5 the provisions of the Indian Act which create what you
6 have called quasi-municipal status and which I think is
7 a reasonable description of it. We are not talking about
8 CSALT or however desirable or undesirable that may be.
9 We are not using the terms self-government or Aboriginal
10 self-government to describe that type of organization.

11 In our paper on the inherent right to
12 self-government we talked about it as a right which was
13 inherent, i.e., was not delegated from anybody. An
14 alternative basis is treaty. A further alternative basis
15 might be inherent in the sense of coming from international
16 law. We are not excluding any of those. We are saying
17 that the term does not mean a delegated power pursuant
18 to section 91(24) of the Indian Act or section 91(24) of
19 the Constitution or any other provision of the Indian Act.

20 That is just a little statement. You
21 are right in raising this. I have heard the Federal
22 Minister of Justice and others use the term self-government
23 to describe those processes which were going on of

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 delegating the rights to administer -- if that is the
2 appropriate word -- affairs under the Indian Act.

3 That is the statement I wanted to make.

4 The second one had to do with funding
5 in the chief's presentation, that the funds must be
6 unfettered, unfettered in the sense that there would not
7 be a direction as to how they would be spent. I think
8 it likely -- and I want to ask whether you agree with me
9 -- that any federal government or provincial government,
10 wherever the money comes from -- but let's say it comes
11 from the federal government -- would insist that it be
12 fettered in the sense that the money that is paid over
13 would represent a discharge of the federal government's
14 obligations under the treaty and perhaps a discharge of
15 their obligations under the broad heading of fiduciary
16 obligations, if that adds anything to the treaty ones.

17 We are not too clear on how we use this
18 term fiduciary obligations. Sometimes people use it as
19 only living up to the treaties and sometimes people use
20 it as something beyond a treaty obligation. I am not
21 pushing that point.

22 I am just saying that if there are
23 obligations under treaty or otherwise to, say, deliver

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 educational services, I am sure the federal Crown will
2 say, if they went the route you are suggesting: "Here
3 is the formula. Here is a block of money. Spend it as
4 you like. But we have no more responsibility to provide
5 educational benefits because you have to do that. We have
6 no responsibility under the medicine chest because you
7 are providing the health."

8 Do you agree that that would be a fair
9 approach by the federal Crown, unfettered in the sense
10 they are not saying you have to spend the money for this
11 purpose, that purpose or another purpose, but they are
12 saying: "That is the block of money. That is for
13 education, health, housing, whatever we are supposed to
14 provide. You cut it up as you like but don't come back
15 to us for any more money for education, health or housing."

16 Would you say that would be fair?

17 **RODNEY GOLD:** The first question that
18 you asked is the nature of the inherent right to
19 self-government. If the Commission could recommend some
20 kind of a process in place -- from each First Nation the
21 so-called self-government thing is going to be different
22 if we are going to promote the idea of self-government
23 status, whatever it is going to be. I think the Commission

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 should seriously look at some type of process that should
2 be identified within the structure that is now. Right
3 now it doesn't force the federal government to come to
4 the table. As a result, we see the CSALTs and what not.
5 That is not what the First Nations are looking for.

6 In the area of funding, we definitely
7 have to have adequate levels of funding. There is no
8 question about it because of the fact of the time they
9 signed the treaties. This was before confederation.
10 This was as a result of confederation, the time they signed
11 the treaties. There was masses of land that was
12 surrendered and I am a firm believer that we dearly paid
13 for the so-called rights. Quite often in the general
14 public we are seemed that we are a burden to the taxpayers.
15 But we are not.

16 **Commissioner ALLAN BLAKENEY:** I don't
17 quarrel with what you are saying on that score. I am quoted
18 in today's Star Phoenix as saying that Aboriginal people
19 probably would be perfectly willing to give up their
20 hunting rights and rights to education and rights to health
21 if they wanted to do away with the treaties; that that
22 would probably be all right with Aboriginal people. All
23 they would want to do is get back their land.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 So I take your point that the position
2 of the Aboriginal people is that any rights they get under
3 those treaties they have paid for in advance for a long
4 time to come.

5 I will ask one more question, then.

6 In the latter presentation you were
7 using sovereign, internationally sovereign -- you didn't
8 quite use those words -- but international treaty from
9 which arises sovereignty. Is it the position of the
10 Confederation of Tribal Nations that the citizens of a
11 sovereign First Nation would also be citizens of Canada
12 or is there a single citizenship of the sovereign First
13 Nation?

14 **RODNEY GOLD:** I think what we are
15 getting at in terms of the sovereign jurisdiction, what
16 we were alluding to, is we do agree that we have to work
17 within the Canadian framework. We do agree on that. In
18 fact, under Treaty 6 it made specific reference to that.

19 **ERIC BURT:** Our sense is that much of
20 that decision-making or identifying would take place
21 within each First Nation. But conceivably I could see
22 two citizenships. It is certainly not unheard of in the
23 world.

October 29, 1992

Royal Commission on
Aboriginal Peoples

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

3 **Co-Chairman GEORGES ERASMUS:** When you
4 refer to the treaties as being international treaties in
5 this case, what rights do you think that would entitle
6 the treaty nations to? How will that translate? What
7 will it actually mean?

8 **RODNEY GOLD:** I think in terms of the
9 nature of the self-government arrangements -- obviously
10 we look at the existing status quo now that we function
11 under 91(24). We see high unemployment. We are filling
12 up the jails. There is something wrong some place. If
13 the adequate amounts of funding are there -- we are all
14 responsible people too. I am pretty sure we cannot do
15 any worse than Indian Affairs. We see 95 per cent
16 unemployment right now. I don't see us doing any worse
17 job than that.

18 **Co-Chairman GEORGES ERASMUS:** I don't
19 doubt that. I was just trying to find out. There was
20 some concern among some treaty nations about the effect
21 of the Charlottetown Accord on treaties. One of the
22 concerns was that perhaps they might domesticate the
23 treaties and that the international aspect of the treaties

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 would be lost.

2 I am just trying to find out what is
3 expected out of the fact that the treaties are
4 international. Does it translate into anything on a
5 practical day-to-day basis?

6 **ERIC BURT:** I think very much so. To
7 answer the question again, we put it back to those nations
8 declaring what they want. On an everyday basis it would
9 be any institutions' powers that allow a nation of people
10 to be self-sustaining to the extent that they wish it or
11 define it.

12 I hope that is not a circular answer,
13 but it would be control over local economies, justice,
14 education, government, institutions. In terms of
15 questions of national defence, it may well be a different
16 kind of shared jurisdiction with the federal government.

17 I think what we are trying to do here
18 with the second part of the presentation is suggest that
19 the process can be taken, named and identified toward
20 self-government and that we need not wait for further
21 initiatives from the federal government because they are
22 lying there within the First Nations; that in a sense the
23 agenda needs to be set by First Nations now, not the other

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 way around, not waiting for First Ministers meetings, not
2 waiting for national initiatives and further round tables;
3 that it really comes back to where it has been in the long
4 run historically, in the laps of First Nations' peoples.

5 But to answer the question, it does mean
6 the resources and the institutions, the resources to set
7 up and re-establish institutions that provide a
8 self-sustaining life. They are the ones that all of us
9 recognize even now in Canada.

10 Again it may be circular but that is what
11 we can say.

12 **Co-Chairman GEORGES ERASMUS:** Elder, do
13 you have any questions or comments?

14 **Commissioner LAWRENCE MARTEL:** They say
15 there is about 26 bands that signed for so many million
16 dollars for land entitlement and so on. After that money
17 is all gone, does that say that you are out of it and that's
18 it?

19 **RODNEY GOLD:** On that aspect, that is
20 part of the honour treaties, the entitlement that at the
21 time of the formation of the bands that these bands were
22 entitled to a land base. That is owed to the bands, that
23 much.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **Co-Chairman GEORGES ERASMUS:** Is there
2 anything else that you want to tell us?

3 **RODNEY GOLD:** In closing, I would like
4 the Commission to seriously look at some type of process.
5 I hate to live under the existing status quo.

6 Secondly, I would like the Commission
7 to seriously look at some kind of a timetable here. The
8 Aboriginal people should not be sitting here 125 years
9 from now. So far we have sat for 125 years and there are
10 some really alarming results.

11 To look at the overall framework of the
12 Canadian structure, we have seen the FMCs fail, we have
13 seen Meech Lake fail, we have seen the Charlottetown Accord
14 fail. I think the Commission should seriously look at
15 -- like in Meech Lake, we either have to accept the package
16 or not, the same thing with the Charlottetown Accord.
17 I would seriously recommend the Commission to look at maybe
18 it should be an Aboriginal round. I hate to live under
19 the status quo.

20 That's pretty well it. Thank you for
21 the time that you have given us.

22 **Co-Chairman GEORGES ERASMUS:** Thank
23 you. We are going to take a two-minute break before we

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 have our final presenter, Brian Tootoosis.

2 --- Short recess at 6:45 p.m.

3 --- Upon resuming at 6:55 p.m.

4 **Co-Chairman GEORGES ERASMUS:** Our final
5 presentation is by an individual presenter, Brian
6 Tootoosis.

7 **BRIAN TOOTOOSIS:** It is probably fair to
8 say good afternoon to the members of the Commission. My
9 name is Brian Tootoosis, Councillor for Poundmaker Band.
10 I have to my right here a councillor and former chief
11 of Poundmaker, Councillor Lawrence Sweeney.

12 Being asked to make a presentation here,
13 the band was notified a couple of weeks ago to make
14 preparatory plans for a visit by the Royal Commission.
15 Those plans were scuttled because of the fact that we did
16 go ahead with the appropriate plans for you two to be on
17 our reserve I think it was yesterday and we notified the
18 people, and there are some disappointed people about the
19 visit being cancelled on very short notice.

20 You have posters here "Time to Listen
21 - Time to Talk". We are here to share with you some of
22 our views and some of the developments that are going on
23 in our reserve as of now.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 First of all, we all realize that
2 societies do change; people change. We change as Indian
3 people. Societies always seem to lose something in the
4 process. Today we look back on our community. We look
5 at urban issues, people living in urban areas. Our people
6 are losing their language. Other ethnic groups -- I think
7 Saskatchewan makes up of about 90 different nationalities
8 in this province. We are one of them. We are the Cree
9 people.

10 Today we speak to you as true members
11 of Treaty 6, the Poundmaker nation. The treaty was signed.
12 We come from a reserve base of 19,200 acres with a
13 population of 915 people. Our forefathers made smart
14 decisions. They made good judgments in their time of
15 circumstances. Today societies have advanced
16 technologically and by education and so forth. Our band,
17 our people are in that process whether we like it or not.

18
19 Non-native society keeps telling our
20 people: If you want to be competitive, go to school.
21 So our people are going to school. If you want to achieve
22 your goals, you must have ideas and you must have the
23 ability to exercise those ideas regardless of who you are

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 going to hurt in the process.

2 We always have a problem of trying to
3 argue with one another in terms of discrimination or
4 racism, or whatever. We are not here to discuss so much
5 about racism or discrimination but to say to the Commission
6 I think the members of our community have contributed
7 enough up to this point by having members of our reserve
8 serve in the war. To my right here Lawrence himself is
9 a veteran and we have had other members that became
10 prominent within the country pushing and believing to
11 protect treaty rights.

12 We are born as Indian children and
13 indoctrinated with the idea that there is a treaty out
14 there that is going to look after our interests, look after
15 the interests of our unborn children, look after us today.
16 Our forefathers made those decisions when they went
17 through the process of signing a treaty.

18 We believe in the Creator. We as Indian
19 people don't think we are above the law in this country.

20 We have contributed to the fabric of this country. We
21 would like a fair and equitable opportunity to be able
22 to co-exist with the rest of Canadians in this country
23 and yet have the ability to be able to make rules within

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 our boundaries, our reserves, our nations.

2 There are certain references being made
3 toward sovereignty, jurisdiction, people, law. We have
4 our institutions on the reserves. In our reserve it is
5 band custom. Just to distinguish band custom, certain
6 portions of the Indian Act gives the band to exercise by
7 the will of the people certain areas. As far as voting,
8 for instance, I will give an example.

9 Under the Indian Act elective system
10 they have to have elections every two years; under band
11 custom you have elections every four years. Under the
12 Indian Act system you can vote when you are 18; under band
13 custom, as far as our band is concerned, you vote when
14 you are 21. Those kinds of thing.

15 When we talk about jurisdiction and
16 treaty Indian nation government, they clash with the Indian
17 Act. We know what damage the Indian Act has done to us
18 already. If you were to take the Indian Act out today,
19 it would obviously hurt a lot of people. Maybe not so
20 much the treaty people because we have been a part of the
21 treaty signing process, but there are people in this
22 country that never had a full opportunity to participate
23 in that kind of a process.

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 We look at the Indian Act. It tells and
2 dictates for band councils, reserves, powers of the
3 council, the enactment powers and how to enforce decisions.

4 But under band custom some times we would like to believe
5 we go beyond that when we talk bout freedom of speech,
6 freedom of assembly, freedom of religion, and respecting
7 mobility rights of individuals on the reserve.

8 New acts come and go. The latest act
9 is Bill C-31. New studies are being done. This is one
10 of the processes today.

11 On February 27th the First Nations
12 Circle on the Constitution, there were hearings in our
13 band. Our reserve will not deny anybody that wants to
14 do a survey or look into our affairs. So it is only right
15 being asked to be here to make some kind of a presentation.

16 And we were asked then to allow AFN to come into our reserve
17 and listen to our people. It was quite an experience for
18 a lot of people. A lot of people enjoyed the process.

19 After saying that we have contributed
20 to the fabric of the country in matters of co-existence,
21 regardless what happens the way governments interpret
22 treaties, treaties are international. Law in this country
23 may say to us today that Canada's position on treaties

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 is not international; only the state can take issues to
2 the international forum such as the UN. I will give you
3 an example. In the States Texas can't take their state
4 concerns to the international forum; on the United States
5 of America government can.

6 And that is the way we interpret
7 treaties. When the treaties were signed we did it in good
8 faith. There are a lot of other commonwealth countries
9 besides Canada that our treaty is international in scope.
10 I don't think it is for us as leaders of the day, new
11 leaders in five-years's time, two years' time, life goes
12 on. It is not for us to try to suggest let's gamble on
13 our treaty. Let's make a deal with Canada. Let's talk
14 about your treaty.

15 I don't think treaty Indians can afford
16 to do that.

17 If the Canadian government and
18 provincial governments are serious about making a deal,
19 I think it is their statutes that have to change. When
20 we talk about the Indian Act statutes, different statutes
21 within the federal government -- I think there are 17
22 statutes that affect treaty Indians that now exist and
23 one of them obviously is to do with recruiting people in

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 time of an emergency; should there be a war, for instance.
2 Our people have said a long time ago, and have said it
3 again, and continue to say it today. Should there be a
4 time to protect Canada from war, there would be a lot of
5 people that would leave the reserve and line up like people
6 did when Lawrence signed up as a young individual to assist
7 Canada in time of need.

8 When you talk about international
9 issues, and national issues and provincial issues, we kind
10 of think: Sure, we have to create maybe a new statute
11 to deal with treaty people. We are not here to say we
12 are being disrespectful of Métis people or Inuit people,
13 or other tribes across Canada. We are here today to share
14 information and some of the views that our community has
15 gone through over the years and still stands by those
16 beliefs.

17 We don't know why, for instance, there
18 has never been a native ambassador to any of the countries
19 in the world. We don't know why, for instance, that the
20 provincial government has never hired a native judge.
21 There are lawyers now.

22 Talking about justice, June the 9th this
23 year we were asked to entertain 100 judges from western

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 Canada to visit our community. Presentations were made.
2 Views were exchanged. Now the band is in a joint project
3 with the North Battleford Advisory Justice Committee.
4 We have assisted in their cross-cultural training. We
5 have our ideas about justice, about diversion concepts.

6 Provincial statutes again come into
7 play. The Department of Justice may not approve of a judge
8 to share powers in terms of sentencing. We think it is
9 possible in our community. Our community being part of
10 that process I think would have its own merits.

11 We have also asked the provincial court
12 again, the Department of Justice, to have courts on the
13 reserve.

14 We have been a part of the policing
15 process. When the Special Indian Constable Program
16 started, when they had exploratory meetings in Regina,
17 as a young guy I was one of those people that sat there
18 to answer a lot of questions. The band participated to
19 allow that program to be piloted on our reserve, and it
20 has been there since.

21 So in different ways we are trying to
22 look after our own affairs. But we remind you that
23 administering bands today or looking after our own band

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 business within our jurisdiction is not easy. It is not
2 the way it was ten years ago, or even five years ago.

3 Issues are a heck of a lot more complicated than it seems.

4 Every day we go into the office, we deal with our own
5 objectives, our goals that are set for the year. We have
6 problems in economic development projects. We have
7 problems in education, health, O&M matters on the reserve.

8 We are part of that process regarding the land entitlement
9 question; oil and gas matters; housing; pasture; social
10 development; administration; urban issues; taxation.

11 We are trying to proceed in the area of
12 taxation, for instance, with SaskPower, taxing for every
13 pole and so many cents per foot of wire that is laying
14 there. The band may spend up to \$300,000 a year paying
15 for those kinds of bills and we get nothing in return.
16 To put half a mile of telephone line may cost the band
17 \$1,400. There is no return.

18 I think the process has to start
19 somewhere when we are talking about taxation in our own
20 community, taxation ideas our way. Gas as an example:

21 We understand Onion Lake Band has an agreement with the
22 Government of Alberta that is acceptable with both parties.

23 Cigarette tax in northern Saskatchewan one of the bands

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 have a pilot project with the province of Saskatchewan.
2 Our band is going after that. We have to try and raise
3 some form of money for our own community also.

4 New bills are created, Bill C-31. The
5 impact that they have, Commissioners, is a serious one.
6 And we are no different than any other First Nation with
7 problem areas in that area. To give you an example, the
8 will of the power in our community makes the final judgment.

9 One, they elect leaders. Two, we have referendums. On
10 your way out today maybe you will take a minute and you
11 will notice there is a poster just around the corner in
12 the hallway which says Poundmaker Band, a notice to its
13 band members regarding we are going to have a referendum
14 on the membership code of the band. We have our membership
15 code. The community decided that Bill C-31s will not have
16 voting powers on the reserve until the people find a way
17 to allow them to have their respectful place in that
18 community. That is not to say you are denying any other
19 kind of rights off the reserve. They share equal rights.

20 When I leave the reserve I share the same kind of rights
21 as they do. But when I go home -- I guess some people
22 could say they are being discriminated against. On the
23 other hand, another group of people may say: "Hey, we

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 never established or were part of the process to make this
2 new bill."

3 So if that is the case, then that is a
4 matter that we are going to look after. Your law might
5 tell us through the Department of Indian Affairs or Bill
6 C-31 might tell us that this is the way we have to deal
7 with these people. But the will of the people is going
8 to be the bottom line.

9 The governments must find a way to allow
10 room for bands to manoeuvre whether you are a coded band
11 or an uncoded band, whether you are a custom band or you
12 exist through the Indian Act itself.

13 A good example. This afternoon you were
14 asking questions when the North Battleford Advisory
15 Committee was making its presentation about how far they
16 can go with that pilot project. I think there is room
17 there. There are signs there that maybe the provincial
18 government will allow those kinds of pilot projects to
19 take place. When we are ready we will deal with policing.

20 But I think we are more concerned about law in the courts
21 and to try and find ways for our band members that live
22 on the reserve and off the reserve in dealing with the
23 issue of justice.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 We don't have no intentions of
2 exercising bad order of government. I think we are members
3 in good standing across the country as a nation. The
4 rights that we exercise today, our beliefs, our customs,
5 political systems, institutions, and so forth, those are
6 areas that that is ours. Those rights belong to us.
7 Canadians must understand that.

8 If you look around the world, look at
9 the world in a global sense. Look at all the different
10 treaties that exist. Look at the Charlottetown Accord,
11 for instance, with Quebec arguing on the basis of a 1774
12 Quebec Act. It is an act. Ours is a treaty. We may
13 change and grow older but the treaty and spirit and intent
14 of the treaty will always be there. We don't want to see
15 the Canadian government trying to alter or influence that
16 kind of a process.

17 I guess with that I will leave it to have
18 my colleague here say a few words too.

19 **LAWRENCE SWEENEY, COUNCILLOR,**

20 **POUNDMAKER BAND:** Thank you and good evening, Commission
21 members.

22 I happen to be driving back from
23 Saskatoon and I happen to pass by the Friendship Centre

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 and I seen a bunch of cars there and I thought: "My God.
2 Here's a bingo. I will drive and have a few games of bingo."
3 And here is a Commission hearing.

4 The point I am going to bring out is
5 probably a little different than the others have brought
6 out. I am glad you have a veteran on your panel. It is
7 grievances again. I guess you figure we are always
8 grieving, the grieving Indian, but this is in regard to
9 the Saskatchewan Indian Veterans Association, as we are
10 called.

11 Back in the First World War -- I guess
12 you could go back to the First World War. And in the Second
13 World War there are still a few veterans that are alive.
14 And here again they did not get the same treatment as
15 their fellow veterans, the white veteran. They stood in
16 the front lines the same as the white veterans but when
17 they came back they did not get the same benefits as their
18 white counterparts.

19 They were given \$2,320 in grants to set
20 up in farming or whatever profession they selected.
21 Primarily here on the prairies farming is the main source.
22 Maybe up North they got nets or fishing, trapping
23 possibly. And a lot of that \$2,320 that they were entitled

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 to was not fulfilled.

2 The department at that time, the Indian
3 Affairs Department -- I think we were under the umbrella
4 of the Department of Mines and Resources back in the 1940s,
5 1950s. And VLA, the biggest mistake there was they turned
6 it over to the Department of Indian Affairs, the Indian
7 agents on reserves, farming instructors they were called,
8 to administer these grants that they were entitled to.
9 Also they were given a quarter section of land if they
10 chose to start farming, which was reserve land in the first
11 place. It wasn't any additional land. Some of that land
12 has reverted back to the band. They have lost that. Each
13 band had certain conditions as to how long they would farm
14 that piece of land.

15 I am not too sure of the Senator here.

16 I am proud of him wearing those medals. Under what status
17 you are, I don't know. I am not exactly sure if you are
18 treaty or Métis. So there would probably be a difference
19 there in entitlements between the two types of indigenous
20 people, if you want to all them. The Métis are treated
21 like a white veteran.

22 This could have been brought to you in
23 Saskatoon but I understand our Grand Chief Gordon Ahenakew

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 was on the panel. Did he make a presentation yesterday?

2 We are in the process of putting a
3 package together, to see if we can go back 50 years and
4 see if we can still pursue this matter. The Japanese were
5 given X millions of dollars and they didn't even have to
6 fight a war. They were Japanese Canadians and the Canadian
7 government entitles them to \$30-\$40 million compensation.

8 We are convinced that there was wrongdoings by the
9 government at that time and also the Indian Affairs farmer
10 instructors, or whatever they were called at that time,
11 of mishandling the administration of these benefits.

12 Our association is divided into three
13 areas, the same as branches of the legion. I was elected
14 to represent this area, the North Battleford Branch, so
15 that's why I am here speaking on behalf of the North
16 Battleford Indian Veterans. That also includes Meadow
17 Lake.

18 I think I have expressed the concerns
19 that we have. I thought it would be a nice time to make
20 my presentation here. I didn't draft up any formal speech
21 but hopefully I have got the message across to the
22 Commission.

23 Like I said, we are presently developing

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 a package, with the help of the FSIN, their legal beagles,
2 with a little more research. There was a research paper
3 done already and it is going to be further evaluated and
4 a further package will be developed for presentation to
5 the governments. We will probably use the Opposition in
6 the house to develop our cause. We have sat with the
7 legion, the Army and Navy veterans, the Korean Veterans
8 Associations, and they are amazed as to the mistreatment
9 that the Indian veteran got.

10 I think that concludes my presentation.

11 I thank you very much.

12 **Co-Chairman GEORGES ERASMUS:** Thank
13 you. If you don't mind, we will ask a few questions.

14 **Commissioner ALLAN BLAKENEY:** There is
15 one area which we have been asking other people. It does
16 not arise directly from your presentation but awfully close
17 to it. This is the question: If it is a good idea to
18 pursue a greater measure of Aboriginal self-government,
19 how would you see the Indian Act being phased out? We
20 sometimes say we will repeal the Indian Act, or we will
21 recommend that the Indian Act be repealed, and people say:

22 "You can't do that. We don't have anything to put in
23 its place." Well, how about on the instalment plan or

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 an opting-out plan? How does one get rid of the worst
2 excesses of the Indian Act and still give First Nations
3 an opportunity to choose their own time to take over this,
4 that or the other function?

5 I wonder if you have given any thought
6 to that.

7 **BRIAN TOOTOOSIS:** I guess probably one
8 of the areas that would have to be considered is the entire
9 status and the make-up of the Act itself. We realize who
10 enacted the statute itself. When we come to talk about
11 the people that the Act is supposed to defend or look after
12 the government keeps telling us every day that you get
13 this money, or we sign an agreement with you, it stems
14 from the treaty itself.

15 The government does not give any free
16 money to bands. I will give you an example. For
17 recreation, for instance, we only get \$500 a year from
18 them. We are supposed to play soccer. We are supposed
19 to play hockey. We are supposed to play golf. We are
20 supposed to go to summer games for kids and so forth with
21 \$500 a year.

22 I have a problem with your question in
23 a sense. Are you talking about a transitional process

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 of the Act itself and taking it out eventually, kind of
2 thing?

3 **Commissioner ALLAN BLAKENEY:** Right.

4 **BRIAN TOOTOOSIS:** If you transfer the
5 Act itself, there has to be some form of a replacement
6 act, a replacement statute maybe, something that is going
7 to guarantee protection of those rights. After saying
8 that, you've got to go to the other side of the fence.
9 Some bands may suggest -- I am talking about CSALT and
10 other pilot AFA agreements going on across the country.
11 Some bands may say that they are ready to look after their
12 entire affairs and some bands are not.

13 If it comes to treaty areas I think there
14 has to be fair and equitable decisions being made there
15 by parties to the treaty kind of thing.

16 Maybe one of the ways is separating.
17 Like what is applicable and what would be workable for
18 Treaty 6 area, for instance, may not be applicable to Treaty
19 7 or Treaty 5. They may view things differently
20 culturally, for instance, or the way we do business. Maybe
21 they are more advanced. Maybe they are ready. Maybe they
22 have the population base to talk like that.

23 You realize, as we realize, that the

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 population base of all 600 bands across Canada is not
2 enormous. So it would have to be something that would
3 have to be developed, I guess. Maybe when I go back I
4 will confer with people and maybe submit something by
5 letter to the Commission to that effect.

6 Because of the fact that this whole
7 entire notice of being here, cancelling on the reserve
8 -- we have other responsibilities and other developments
9 going on in this province -- we haven't really had a fair
10 shake to try and come up with proposals that would be
11 looking like this and say: "Hey, this is the way
12 Poundmaker Band would view issues that would be considered
13 by the Commission as ideas."

14 **Commissioner ALLAN BLAKENEY:** Fair
15 enough and thanks.

16 **Co-Chairman GEORGES ERASMUS:** I think
17 I am going to pass on questions. Thank you. You had a
18 pretty good presentation.

19 Do you have any comments or questions?

20 **Commissioner LAWRENCE MARTEL:** No, no
21 comments.

22 **Co-Chairman GEORGES ERASMUS:** I would
23 like to thank you two for your presentations. If you have

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 any final comments, go right ahead.

2 **LAWRENCE SWEENEY:** When I was coming in
3 a couple of native girls were making their presentation.
4 Were they saying there was some form of discrimination
5 in sports or do I stand to be corrected?

6 **Commissioner ALLAN BLAKENEY:** No.
7 That is fair enough. They were from the North Battleford
8 Comprehensive High School and they were saying that a lot
9 of the Aboriginal young people there don't feel welcome
10 to join the sports teams. There is nothing you could put
11 your finger on but they just felt that the welcome mat
12 was not out for them. I think that would be the fair way
13 to describe what they said.

14 **LAWRENCE SWEENEY:** Some band in the
15 south has taken the initiative to form an all-native team,
16 the SJHL for next year. That is probably part of the
17 reason. So there will probably be more racial
18 discrimination there come next SJHL season. I am sure
19 North Battleford will have a better record attendance than
20 what they are getting now when that native team comes to
21 play North Battleford. I can assure you of that.

22 **Co-Chairman GEORGES ERASMUS:** Thank
23 you.

October 29, 1992

Royal Commission on
Aboriginal Peoples

1 **BRIAN TOOTOOSIS:** Thank you for
2 listening to us and I hope that you some day find the time
3 to come and visit our community because, Mr. Blakeney,
4 we had plans for you if you did come to our community.
5 One of the plans is that you were going to have dinner
6 with a single parent that is on welfare that stays home
7 and looks after two children. Mr. Erasmus was going to
8 be taken to another home to have dinner too.

9 It is those kinds of things that when
10 you tell people that we have prominent members of the
11 Commission coming to our community, they look forward.
12 And something that is cancelled for some unknown reason
13 to us as to why this was cancelled, then they have reason
14 to get upset. And we get bothered by that too.

15 **Co-Chairman GEORGES ERASMUS:** Perhaps
16 you could let them know that what happened was in Ottawa
17 about a week or ten days before we went on our trip we
18 had a first draft of what was being planned, and the
19 presentations in Saskatoon were going to be 15 minutes
20 apart and go late into the night so that we could hear
21 from as many people as possible. And it just was not going
22 to be possible to do. We were not going to be able to
23 ask any questions, and so forth. We thought about spending

October 29, 1992

**Royal Commission on
Aboriginal Peoples**

1 half a day the second day in Saskatoon to have the overload
2 and then the staff just figured if we were going to do
3 that it was going to cut into the visits, because we were
4 going to go to both Métis communities and reserves in the
5 area.

6 If it makes you feel any better, we heard
7 the same thing from the Métis earlier this morning saying
8 that we had expected you to come and visit.

9 I don't want to make any promises but
10 we might be able to do it at another time. It was not
11 because we didn't want to do it. It was just that the
12 interest in Saskatoon was such that we needed two full
13 days there.

14 We certainly apologize to the people
15 there for any misunderstanding that was created.

16 We are going to close now with a prayer,
17 and I am going to ask Elder Harriet Arcand to close the
18 meeting for us.

19 **(Closing Prayer)**

20 --- Whereupon the Commission adjourned at

21 7:40 p.m.