

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

LOCATION/ENDROIT: ROSEAU RIVER,
MANITOBA

DATE: TUESDAY, DECEMBER 8, 1992

VOLUME: 1

"for the record..."

STENOTRAN

1376 Kilborn Ave.

Ottawa 521-0703

INDEX

ROSEAU RIVER, MANITOBA
DECEMBER 8, 1992

NAME	PAGE
Opening Prayer by Elder Rosie Nelson	1
Opening Remarks by Commissioner Paul Chartrand	1
Opening Remarks by Commissioner Viola Robinson	10
Opening Remarks by Commissioner Allan Blakeney	12
Welcoming Remarks by Councillor Charlie Nelson	15
Presentation re Treaty Land Entitlement Stan Nelson	17
Welcoming Remarks by Lawrence Henry, Chief, Roseau River	41
Presentation by the Aboriginal Advisory Council Louise Chippeway, Chairperson Dan Highway Elsie Moar Bernice Hilts Brian Ranville Clayton Sandy	49
Panel Discussion re Sovereignty and Jurisdiction Terry Nelson Leonard Nelson	102
Presentation by the Gaming Commission Ed Hayden, Councillor, Economic Development and Gaming Carl Roberts Ernie James, General Manager, Gaming Commission	156
Presentation by Kim French	199
Presentation re Culture Peter Atkinson, Cultural Education Program Charlie Nelson, Councillor	204

INDEX

NAME	PAGE
Presentation re Education Kathy Nelson Dawnis Kennedy	217
Presentation re Child Abuse Patricia Darling	229
Presentation re Women's Issues Millie Nelson	246
Presentation by Elder Rosie Nelson	266

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 **Roseau River, Manitoba**

2 --- Whereupon the Hearing commenced on Tuesday,
3 December 8, 1992 at 9:10 a.m.

4 **MODERATOR ROBERT HENRY:** I would like
5 to welcome the Royal Commission to Roseau River.

6 At this time, I would like to ask Elder
7 Rosie Nelson to say some remarks.

8

9 **(Opening Prayer)**

10

11 **MODERATOR ROBERT HENRY:** I would like
12 to have welcome remarks from the Commission members. The
13 Commission members are Allan Blakeney, Paul Chartrand and
14 Viola Robinson.

15 **COMMISSIONER PAUL CHARTRAND:** Thank
16 you, Mr. Henry. We had a fight in the car on the way over
17 and I lost, so I was elected to start.

18 Thank you to Elder Nelson for her opening
19 prayer. We are happy to be here at Roseau River, on behalf
20 of the Royal Commission on Aboriginal Peoples at this
21 Public Hearing in the second round of Hearings of this

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 particular Commission.

2 There is translation available on
3 Channel 2 in Ojibway for those who desire it, and Channel
4 1 is English for those who, like me, might be a little
5 hard of hearing.

6 I would like to begin the proceedings
7 by spending a brief time telling you about the Commission,
8 how it came to be, what its work is, and what we are doing
9 here. The Prime Minister promised the establishment of
10 this Commission over a year ago, and then appointed a
11 special representative to advise him regarding the terms
12 of reference for the Commission and regarding the
13 membership of the Commission. He appointed the special
14 representative, the former Chief Justice of the Supreme
15 Court of Canada Brian Dickson, who, as you may know, is
16 a Manitoban.

17 The Chief Justice consulted widely
18 across Canada. He consulted many people, including many
19 aboriginal people and representative organizations. He
20 made a report to the Prime Minister outlining his views
21 on the mandate and the composition of the Commission, which

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 report the Prime Minister accepted. The Commission was
2 then established by Order in Council pursuant to the
3 Federal Inquiries Act on August 21, 1991.

4 Parenthetically, I might say, for those
5 who may be interested, the word "royal" in "royal
6 commission" is simply a legacy of older days when the
7 privilege of appointing a commission was a prerogative
8 of the monarch, the King in England. So, it is something
9 derived from the English governing system. The name has
10 still been kept, but the power to appoint has been taken
11 by Parliament. So, as I have said, we have been appointed
12 under Part II of the Federal Inquiries Act. It sounds
13 much less lofty.

14 Who are the members of the Commission?
15 There are seven. Two were appointed as co-chairs by the
16 terms of the appointing Order in Council. René Dussault
17 is a Judge of the Quebec Court of Appeal. The other
18 Co-Chair, Georges Erasmus, is a former Chief of the
19 Assembly of First Nations, a Dene from Yellowknife.
20 Bertha Wilson, from Ontario, was recently retired from
21 the Supreme Court of Canada where she was the first woman

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 appointed to that Court. Mary Sillett, an Inuk from
2 Labrador, was, at the time of her appointment, the
3 President of the Inuit Women's Association, Pauktuutit.
4 Allan Blakeney, to my right, who will be addressing you
5 shortly, is a former Premier of the Province of
6 Saskatchewan. He now has an appointment at the College
7 of Law at the University of Saskatchewan in Saskatoon.
8 Viola Robinson, to my left, who also will be addressing
9 you shortly, is a Micmac from Nova Scotia. At the time
10 of her appointment, she was President of the Native Council
11 of Canada.

12 My name is Paul Chartrand. I grew up
13 in the Inner Lake area north of here. I was born and grew
14 up in St. Laurent. I have been around in a few places
15 doing different things, including, in more recent years,
16 playing hockey against Roseau River for an old timer's
17 team at Letellier. Since 1983, I have had an appointment
18 teaching Native law in the Department of Native Studies
19 at the University of Manitoba.

20 We are a panel of three today. One of
21 the strong recommendations of the Chief Justice was that

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 the Commission try to visit as many Aboriginal communities
2 as possible. He said that Aboriginal people want to talk
3 to the Commission. That is why we are here.

4 There are two other panels presently
5 sitting elsewhere in Canada, one in Northern Saskatchewan
6 and one in Yellowknife. We travel the country in this
7 way.

8 When we do that, we also have the
9 assistance of a Commissioner of the Day from the local
10 community. I can tell you that we are pleased today to
11 have the assistance of Elder Rose Nelson from your
12 community to assist us in understanding local issues.

13 Let me tell you for a moment about our
14 mandate. Our mandate is absolutely comprehensive. It
15 is very broad. There is everything in it.

16 We are required to examine
17 self-government. What does it mean? What are the
18 principles that should shore it up, and how ought to be
19 put into place.

20 Our mandate includes a consideration of
21 constitutional and legal issues. What is the status of

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 these constitutional and legal issues pertaining to the
2 different Aboriginal peoples, with respect to the Métis
3 as well as the other Aboriginal peoples.

4 What about the treaties? What is the
5 significance of the treaties?

6 Our mandate includes social, cultural
7 and economic issues, including such as areas as education,
8 the so-called justice system, the particular concerns of
9 elders, the particular concerns of women, and the
10 particular concerns of youth.

11 We are required to examine all of that.

12 There is an advantage in that, which is that it is
13 difficult for anyone to challenge our mandate, it being
14 so broad.

15 Another advantage, too, is that because
16 our mandate is so broad we are able to see the relationships
17 between all the various issues. That is one way in which
18 this Commission is different from all the other
19 commissions, task forces, and various studies that have
20 been had before. Their focus was narrow compared to ours.

21 But because of our mandate, we have the capacity to delve

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 into all areas of life as they affect Aboriginal peoples
2 and others in Canada. We are able to look at the complete
3 picture of the relationship between Aboriginal peoples
4 and the rest of Canada.

5 Our Commission is also different from
6 other ones because it has four Aboriginal peoples on it
7 out of a membership of seven.

8 Let me tell you briefly about our
9 organization. We have the usual administrative staff,
10 but we have a large research component shored up by an
11 intervenor participation program which has the task of
12 allocating \$8 million worth of research assistance for
13 Aboriginal organizations to assist us in making our
14 recommendations. We have a public participation function
15 which organizes the Hearings of which this is a part.

16 We had the first round of Hearings from
17 April until June of this year. The opening was in Winnipeg
18 in a wonderful spring blizzard. We went until the end
19 of June. We started again on the 27th of October, and
20 this is our last week of Hearings in this second round.

21 We will have a break for Christmas. We

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 will be assessing and reassessing our work and will have
2 further rounds of Hearings in the next year.

3 We are organized also to hear different
4 perspectives in our work, whether through our research
5 or through the input provided by public participation or
6 by other means, so we have an individual in charge of an
7 historical perspective; so we have an individual in charge
8 of women's perspective; so we have an individual in charge
9 of the youth perspective; and so we have an individual
10 in charge of an urban perspective to all issues in our
11 mandate.

12 We are trying to hear from as many people
13 as possible and we are trying different ways in which we
14 hear from them. We have set up round tables, for example.

15 We have had two so far: one last June in Edmonton dealing
16 with urban issues; and one recently in Ottawa about a week
17 or two ago dealing with so-called justice issues. And
18 we will have others.

19 Our aim, our goal, is to make policy
20 recommendations to the federal government. That is our
21 job. We are not reporting to provincial governments.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 We are not reporting to private bodies. We have the
2 responsibility of reporting to the federal government on
3 what policy it should adopt in respect of Aboriginal
4 peoples in Canada. We aim internally to do that by the
5 end of 1994, although our appointment itself officially
6 contains no particular term.

7 We hope that if we do our best, we will
8 be able to assist in effecting a significant shift in
9 federal policy. But if we are to do that, we need your
10 help. We need not to examine only the nature of problems,
11 but we must be able to appreciate the kinds of solutions
12 that might work. We need to hear from you about what works,
13 what can work, what is it that must be kept, what is
14 important, what must be rejected and what are the
15 priorities, and what needs to be changed. We want you
16 to tell us. That is why we are here.

17 I thank you again. I now turn it over
18 to my fellow Commissioners for their remarks.

19 **MODERATOR ROBERT HENRY:** Thank you,
20 Commissioner Chartrand. Commissioner Robinson.

21 **COMMISSIONER VIOLA ROBINSON:** Thank

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 you. I too welcome the opportunity to be here today and
2 to hear from the people, your issues, your concerns.

3 I guess one of the roles of the
4 Commission is to try to generate some discussion on
5 possible solution-oriented discussions. Following round
6 one there was a document published which was called
7 "Framing the Issues". That document is an overview of
8 what we heard during round one. In the back of the document
9 they formulated some questions that we thought might help
10 stimulate discussion with communities of people that we
11 would be meeting with.

12 One of the other mandates, as well, for
13 the Commission is to improve the relationship between
14 Aboriginal people and non-Aboriginal people of this
15 country. So, it is also important for the Commission to
16 talk and hear from the public in general.

17 One of the things that we realize and,
18 I am sure, others realize in this country is that any report
19 as massive as the one that is going to be produced by this
20 Commission and with the kinds of recommendations that we
21 will be making, which will hopefully reflect the views

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 of the Aboriginal people in this country, is going to need
2 the support of the public as well. We have a
3 communications program that is designed to educate the
4 public.

5 We are hoping that, in our work during
6 the Commission Hearings such as this, we will be educating
7 the public. We need public education of Aboriginal
8 issues. We want to bring the public along and Aboriginal
9 people along as we go so that at the end, when we produce
10 a report and recommendations, people won't be surprised
11 and we will get some support.

12 We have tried to arrange our Hearings
13 by having regional people help co-ordinate the Hearings
14 with respect to locations and getting people to come in,
15 as well as to try to arrange our Hearings that will be
16 suitable to the people. Some of them are very formal.
17 Some of them are very informal. We don't want to leave
18 anyone out. We also have the capacity to meet with people
19 privately, private discussions. Sometimes people don't
20 feel comfortable coming forward in a public forum such
21 as this, so we do have the capacity to talk to people

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 privately as well so that we can hear from all aspects
2 of the people.

3 With that, I will stop now and ask
4 Commissioner Blakeney for his comments. Thank you.

5 **COMMISSIONER ALLAN BLAKENEY:** Thank
6 you. I don't have a lot to add to what Paul Chartrand
7 and Viola Robinson have said. I will just add a word or
8 two.

9 At Hearings we often get asked: Can you
10 guarantee that anything will happen as a result of the
11 work you are doing? The answer to that is: No, we can't
12 guarantee it.

13 The next question is: Will it make any
14 difference? The answer is: We don't know, but we think
15 it will.

16 The recommendations that we put forward
17 may be accepted. In any case, the public will come to
18 accept the justice of many of the Aboriginal concerns.
19 We are noting that, because of publicity and because of
20 the general reaction in the press, there is a greater
21 acceptance of Aboriginal concerns.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Recalling the years that I have been
2 around in public life, the time has never been better for
3 Aboriginal people to make their case to non-Aboriginal
4 people. The reception is better than it has been for the
5 last 30 or 40 years, certainly here on the prairies.

6 The Commission has been around listening
7 to some 800 or 900 presentations up to now. We have been
8 in 30 to 40 communities, perhaps a few more. I have lost
9 count. We are hearing concerns. But as has already been
10 indicated, we really want to hear not only what the concerns
11 are -- we want to hear those -- but also what you say should
12 be done about it, what you think the solutions are.

13 I will give you one example. We hear
14 some people say, "The Indian Act has got to go." We say,
15 "Right, we are hearing that. What do you think should
16 be put in its place? You can't just wipe out the Indian
17 Act without anything in its place because there are lots
18 of things there that will have to be dealt with." "Oh.
19 Well, I haven't fully thought that through."

20 Any help you can give us about what
21 should be put in place, even for an interim -- because

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 some of the communities would want to take over all of
2 those responsibilities immediately, and some would say,
3 "Give us a little time. We will move into them at our
4 pace." That will require a different sort of structure.
5 Those are the sorts of things we would certainly like
6 to hear.

7 But even if you don't have all of those
8 things worked out yet, do tell us what you think should
9 be done and by whom. That is why we are here, to hear
10 your concerns and particularly to hear what you think
11 should be done about it, who should do what when.
12 Therefore, we are looking to hear from the people of this
13 community today. We will be listening with a good deal
14 of interest to what you have to say.

15 Thank you very much.

16 **MODERATOR ROBERT HENRY:** Thank you,
17 Commissioners.

18 The Chief is not here, but we will have
19 councillor Charlie Nelson say a few words in his place.

20 **CHARLIE NELSON, COUNCILLOR:** Good
21 morning. My name is Charlie Nelson. I am on Council here.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Lawrence Henry is our Chief. He is not here this morning
2 to invite the Royal Commission.

3 We have four councillors, myself
4 included. We welcome the opportunity for the Royal
5 Commission to be in our community. We are pleased to
6 provide the space for the Royal Commission in our community
7 hall so that our people can have that opportunity to talk
8 with the Commission.

9 We want to be able to allow our people
10 to share in the way that they want to share. We have no
11 restrictions on what people might want to say. I know
12 when it comes down to caring, we all care in different
13 ways. If some of our people would like to share some of
14 those thoughts on the governing structure and stuff, the
15 people have that opportunity to share with you those
16 concerns and our thoughts about social justice for all
17 of our people. We encourage them to speak with a voice
18 that will help them to share more of their story.

19 I know that we need things to share with
20 people. We need that time to be able to bring out some
21 of the things that have affected us in Roseau River and

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 some of the surrounding communities, how we live. We
2 welcome the opportunity for our people to express thoughts
3 on treaty, sovereignty, justice, education, social
4 conditions, self-government, economics.

5 I hope that our people can provide a good
6 story. Our desire is for our people to have that balance
7 in their lives, physical health and mental health.
8 Perhaps the spirit of our people will become stronger as
9 people recognize how we heal ourselves in Roseau and how
10 we speak with one concern for our community of Roseau River
11 and how we deal with the Government of Canada, other
12 governments, other First Nation governments.

13 Those are things that we would like to,
14 as a council, set the stage for as many of our people to
15 be given an opportunity to share some of their thoughts
16 with the Government of Canada through the Royal Commission.

17 I welcome you to our community.

18 **MODERATOR ROBERT HENRY:** Thank you,
19 Councillor Nelson.

20 Moving along, we will go to treaty land
21 entitlement, Mr. Stan Nelson.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **STAN NELSON:** Thank you. My name is
2 Stan Nelson. Abonquiash besjou handodeh (PH). That is
3 the other side of my culture.

4 I welcome the chance to be able to talk
5 about treaty land entitlement. However, first I would
6 like to spend a couple of minutes on the things that you
7 have mentioned here: replace the Indian Act,
8 self-government. It does make a difference. There is
9 a difference here if that Indian Act would go, because
10 we do not get the money or the resources that Parliament
11 gives to Indian people. It is eaten up by the bureaucracy.

12 Whether it is just programs, whether it is economic
13 development, it is eaten up before it gets down here.

14 I would like to think that when we
15 started self-government here at Roseau through the clan
16 system, through everybody having a voice within the
17 community, that at some point in time we would be
18 self-sufficient. That is the aim of this community, to
19 be self-sufficient, not to be forever having that handout
20 and the government saying "You owe me this, you owe me
21 that." No. We would like to be self-sufficient and to

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 be proud to be who we are. That is the aim.

2 One of the things that should be
3 mentioned through this Royal Commission is: Dismantle
4 the Indian Act, Indian Affairs, and let the people of each
5 community develop self-government. It doesn't have to
6 be handed out by the government. In five years, if that
7 happens, a lot of that money that the government is spending
8 will be reduced. I am talking about this community. If
9 that happens, if we have true economic development, we
10 would be self-sufficient and very little would be coming
11 from the government.

12 Those are the things that I would like
13 to say when you mention "will it make a difference?" It
14 will make a difference here in this community.

15 I would like to go on to treaty land
16 entitlement. I want, first of all, to show you this.
17 This is a map. I am going to give you one of these books.
18 This is a map of the territory that we had at the time
19 of treaty. We identified 3,000 square miles of our land.
20 Our chiefs identified 3,000 square miles from the Pembina
21 hills to the Whitemouth Lake to the Morris River and down

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 to the Canadian border. We identified 3,000 square miles,
2 and that is what we negotiated for with the government.
3 We gave that up. Not totally. Our understanding was
4 that we did not totally give up the resources. We didn't
5 give them up totally.

6 When we get any money from the
7 government, we identify that thing as resource-sharing,
8 our own resources, not social development, not social
9 dollars, that the government identifies taxpayers'
10 dollars. No. We don't identify that as that. We
11 identify it as a share of our own resources. That was
12 ours before the white man came here.

13 At the time of the treaty there was a
14 shortfall of land that is supposed to have been allocated
15 that we wanted to keep for ourselves. There is still a
16 shortfall after 121 years. It is just in the late 1970s
17 that the government finally realized, "Gee, we
18 short-changed Roseau to some extent". So they validated
19 our claim. In the seventies when we were
20 talking -- already years and years have gone by and we
21 still don't have a settlement for those lands that were

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 short-changed at the time of treaty.

2 While talking in that area, we have
3 calculated a loss of use which is very important to us.
4 We have lost the use of that land over 121 years. So
5 there are a lot of dollars that we did not get to use.
6 However, the government says, "I don't think we will be
7 dealing with the loss of use."

8 On the other hand, the lands that we
9 select that are out there, any given municipality, right
10 away the government says "We will give a loss of tax base".
11 That's automatic. But us, no. Ours is in question.
12 Why is that? We are being squeezed to a point where -- our
13 reserve is very small. Our population is growing.

14 In 1903, Indian Affairs, Indian Act, the
15 people that were representing us helped with the surrender
16 of 12 sections of Roseau River land. That is lost. We
17 have challenged that land surrender. They tell us there
18 is nothing we can do. However, we are going to challenge
19 that in the courts sooner or later.

20 I know from the research that I have done
21 that it will be justified. I am sure we are going to win

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 in the courts if it ever comes to that. But I hope that
2 the government will, without going to court, give us back
3 those 12 sections of land. That is a lot of land that
4 we could use.

5 There is something further to that in
6 our treaty. When we talk about present-day
7 population -- it is stated here in this book that there
8 is a section in the treaty where they talk about -- when
9 we got the land one of the Chiefs asked, "What happens
10 when our families grow?" The government replied, "We will
11 make land available as your population grows." That is
12 there. It is right here in our research. That has to
13 be honoured because we are going to run out of space.
14 We haven't got enough room in here for the generations
15 to come, our young people.

16 Those are some of the things in treaty
17 land entitlement that I hope the Commission will be able
18 to help us. I am going to make this book available to
19 the Commission. This is what we are going to be using
20 as the basis of our negotiations with the negotiator Al
21 Gross, who has been appointed. To my way of thinking,

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 he is a bureaucrat. He has to answer to bureaucrats all
2 along the line, and that is why this thing has taken so
3 long. Those are the obstacles that we face. By the time
4 it gets to the Minister, I don't know what is going to
5 happen.

6 I would like to see Roseau deal directly
7 with the government instead of dealing with bureaucrats.
8 Bureaucrats take time, take years. I feel in my heart
9 that if we don't get anything settled before the
10 election -- which could be in August next year -- after
11 the election is here, we will be put on the back burner
12 again. We will probably wait another three or four years
13 before this thing is put on the table again.

14 These are the things that we face.
15 These are actual things that have happened over the years.
16 We get to a point and all of a sudden there is an election,
17 a new government, new ideas, and "Well, we are going to
18 deal with the Aboriginal issue." Everybody says that.
19 But by the time they get around to dealing with the
20 Aboriginal people, the spark is gone.

21 I would like to also mention that we are

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 a sharing people. We share in everything that we have.
2 When the white man first came here, we shared the land.
3 But no, people were not satisfied with what we shared.
4 They wanted everything. They wanted more and more. They
5 even wanted our traditional values. Those are some of
6 the things that really hurt over here.

7 I was born a traditional person. When
8 I was sent to school when I was seven years ago, I was
9 changed to something that I am not. I have no quarrels
10 with the Catholic church, christianity. That is good.
11 It is good for everybody. But that has its place. We
12 have ours, too. We were given a way of life and that is
13 what we would like to have.

14 I would like to be able to see the day
15 when my children will learn at the school, learn about
16 their values instead of something else, another culture.
17 We would like to educate our young kids. We are trying,
18 but it is a slow process. We have to abide by regulations
19 because of the money that we receive from the government.
20 We are not self-sufficient. We cannot identify things
21 that are our own.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Those are some of the things that I would
2 like to share with you. I would like to ask the Commission,
3 if they have any power, to help the process of treaty land
4 entitlement, have that thing settled very shortly. Soon.

5 Mr. Al Gross of the specific claims, last
6 July promised, "We will probably have everything finished
7 by Christmas." Christmas is just around the corner. I
8 still don't see any settlement yet. I don't see any
9 negotiations yet. We are ready. We have been ready for
10 a long time, but the government isn't ready to deal with
11 us.

12 I would like to end there by again
13 requesting the Commission to listen to some of the things
14 that we are saying. Help us. We need that help to get
15 the treaty land entitlement settled. And also remember
16 that it is an ongoing process as our population grows.
17 The treaty left that open for us, to continue to get more
18 land as our population grows.

19 I hope you will remember that
20 specifically. It is marked in here. I hope that you will
21 find the time to read our research. It is here. That

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 is what we are going to be negotiating with.

2 Megwetch. Thank you.

3 **MODERATOR ROBERT HENRY:** Thank you,
4 Stan.

5 Next we would like to go to the Chief
6 of Roseau River, Chief Henry.

7 **COMMISSIONER ALLAN BLAKENEY:** When are
8 we going to ask questions of Stan Nelson?

9 **MODERATOR ROBERT HENRY:** I am sorry
10 about that, Commissioners. Before we go to the Chief,
11 I would like to know if you have questions of Stan.

12 **COMMISSIONER ALLAN BLAKENEY:** I will
13 ask a couple of questions.

14 You have a specific land claim for 12
15 sections. Do you have any additional specific land
16 claims?

17 **STAN NELSON:** We have treaty land
18 entitlement at the present. They put specific claims --
19 that 1903 surrender is a specific claim.

20 **COMMISSIONER ALLAN BLAKENEY:** Right.

21 **STAN NELSON:** So that is put on the back

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 burner until we finish with treaty land entitlement.

2 Maybe I should explain.

3 **COMMISSIONER ALLAN BLAKENEY:** Just hang
4 with me for my question.

5 You have a specific land claim for the
6 12 sections and then you have --

7 **STAN NELSON:** Shortfall.

8 **COMMISSIONER ALLAN BLAKENEY:** -- a
9 general comprehensive claim, so-called, but a treaty land
10 entitlement claim for additional.

11 How much was validated, how many acres,
12 for your treaty land entitlement, roughly?

13 **STAN NELSON:** Roughly 7,000 acres.

14 **COMMISSIONER ALLAN BLAKENEY:** About
15 7,000 acres. So the process now is -- go ahead.

16 **STAN NELSON:** Seven thousand acres on
17 the shortfall of date of first survey. That is in 1874.

18 There was a shortfall --

19 **COMMISSIONER ALLAN BLAKENEY:** So your
20 shortfall at date of first survey was 7,000 acres.

21 **STAN NELSON:** Yes.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **COMMISSIONER ALLAN BLAKENEY:** If it was
2 calculated on the basis of the population this year or
3 last year or some recent population, roughly what would
4 it be?

5 **STAN NELSON:** It would be 33,000 acres.

6 **COMMISSIONER ALLAN BLAKENEY:**
7 Shortfall on -- I will call it current population; it's
8 a moving target -- would be 33,000 acres or thereabouts.

9 **STAN NELSON:** Less, of course, the land
10 that we had retained which is 12,999, which is part of
11 the 1903 surrender, the 12 sections.

12 **COMMISSIONER ALLAN BLAKENEY:** Are you
13 familiar with the formula that was negotiated in
14 Saskatchewan, the so-called equity formula?

15 **STAN NELSON:** Quite familiar, yes.

16 **COMMISSIONER ALLAN BLAKENEY:** Would
17 that formula suit you here?

18 **STAN NELSON:** No, it doesn't suit us
19 here. We are different. We are a different treaty. It's
20 a different area. We are in a different treaty, Treaty
21 1. We are in Treaty 1 and that is how we like to be treated,

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 as Treaty 1, because of one issue. The government has
2 to honour the present-day population as it grows, and it
3 is growing every month. Every month it changes.

4 **COMMISSIONER ALLAN BLAKENEY:** So, when
5 you are looking for a treaty land entitlement settlement,
6 you are looking for one which will be adjusted every five
7 years, or whenever, periodically as the population grows.
8 You say that is what Treaty 1 says.

9 **STAN NELSON:** That is what it says.

10 **COMMISSIONER ALLAN BLAKENEY:** What has
11 been the government response to that?

12 **STAN NELSON:** They want to specifically
13 deal with the date of first survey, the shortfall. They
14 don't say, "We are not going to deal with it."

15 **COMMISSIONER ALLAN BLAKENEY:** Right.

16 **STAN NELSON:** But it is still there.
17 First they want to deal with the date of first survey and
18 that is where they are coming from. It is part of it here.
19 Their offer is right here. It is written in here.

20 **COMMISSIONER ALLAN BLAKENEY:** So you
21 don't agree, I take it, with date of first survey as the

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 way to calculate it.

2 **STAN NELSON:** I agree with the date of
3 first survey there was a shortfall at that time. However,
4 in the treaty it says that as our population grows so does
5 our land base.

6 **COMMISSIONER ALLAN BLAKENEY:** And that
7 is the sticking point. I take it the government doesn't
8 recognize that Treaty 1 contains this provision.

9 **STAN NELSON:** I think it recognizes it
10 because it was challenged in the Supreme Court. The ruling
11 is here.

12 **COMMISSIONER ALLAN BLAKENEY:** You have
13 a Supreme Court ruling?

14 **STAN NELSON:** Our legal people pointed
15 this out to us. I will show it to you.

16 "Declaration that Roseau River Anishnabe First Nations
17 is no longer bound by Treaty 1
18 because the Crown fundamentally
19 breached the treaty by a continuous
20 failure to satisfy the outstanding
21 treaty land entitlement and the

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 First Nations is entitled to a
2 declaration that they retain
3 aboriginal title."

4 I am sorry, I got the wrong ---

5 **COMMISSIONER ALLAN BLAKENEY:** Yes.

6 That is what you were seeking.

7 **STAN NELSON:** Yes. But I have it here.

8 Just bear with me for a minute.

9 Anyway, it's there. We have it.

10 **COMMISSIONER ALLAN BLAKENEY:** In lay
11 words, what does the Supreme Court ruling say?

12 **STAN NELSON:** That when our Chief asked
13 the commissioner in the time of treaty, "we will make land
14 available as your population grows" -- and this was
15 challenged, apparently, by the Crown. There is a ruling
16 in there by the Supreme Court.

17 **COMMISSIONER ALLAN BLAKENEY:** That says
18 what?

19 **STAN NELSON:** That says that the treaty
20 is right, that the Canadian government should act on -- as
21 the population grows this should be honoured, that Roseau

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 has a legal basis for that.

2 **COMMISSIONER ALLAN BLAKENEY:** So, on
3 that argument, you would have a right to have your reserve
4 increased by 128 acres per person, or a section for a family
5 of five.

6 **STAN NELSON:** No. It's a different
7 treaty here. We are talking about 32 acres per person.
8 A family of five is 128, I think.

9 You are thinking of Saskatchewan.

10 **COMMISSIONER ALLAN BLAKENEY:** I have
11 slipped into 4 or 6 or 8, all of which have this 128 acres
12 per person. That is 640 acres for a family of five. But
13 I don't know the numbers in 1 as well as I know 2, 4, 6,
14 8 and a little corner of 5 that have the ground that I
15 used to know.

16 So, it is the right to increase your
17 reserve by 32 acres per person.

18 **STAN NELSON:** However, we also make
19 mention to that 128 acres per person that was afforded
20 other treaties.

21 **COMMISSIONER ALLAN BLAKENEY:** Yes.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 And you have the specific claim for 12 sections. That
2 is another sort of argument, that you were conned out of
3 12 sections by actions of Indian Affairs. I imagine that
4 gets to be the story everywhere, that by questionable means
5 12 sections are gone.

6 **STAN NELSON:** It wasn't an accident.
7 It was done deliberately, according to our research. It
8 is there. It was done very, very deliberately.

9 **COMMISSIONER ALLAN BLAKENEY:** Each
10 story is a different one. But as you know, substantial
11 recoveries have been made. The White Bear people in
12 Saskatchewan picked up a large amount of acreage on the
13 basis of fraudulent activity that caused them to lose their
14 land. I won't go into that.

15 This is a different argument. I have
16 not hear the argument on Treaty 1 before. So, I thank
17 you for that argument. I will be looking at your book
18 with a good deal of interest.

19 I will pass over to my colleagues.

20 **COMMISSIONER PAUL CHARTRAND:** I want to
21 thank you first for your presentation. You recommend that

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 we deal with the matter of treaty land entitlement and
2 you express concern that these matters might be put on
3 the back burner, to use your expression. I think, however,
4 that the matter of outstanding treaty land entitlements
5 is one that is an embarrassment to Canada and cannot be
6 put on the back burner. They must form an important basis
7 of any credible report.

8 It is an illustration of the relative
9 lack of power of Aboriginal peoples in Canada that
10 121-year-old promises are outstanding. If you look around
11 at large corporations or governments with power, they would
12 not stand for 121-year outstanding debts. And neither
13 would other Canadian communities, for that matter, I
14 suspect, sit and tolerate 121-year-old outstanding debts.

15 I think we are quite convinced of that, at least speaking
16 for myself.

17 I am concerned to reflect upon the
18 difficulties presented by a couple of things. I am going
19 to mention them and invite you, if you wish, to offer some
20 comment. One of them is the process by which both specific
21 claims in its particular process and also treaty land

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 entitlements in its particular process are not achieving
2 the goal of arriving at a resolution of these outstanding
3 issues.

4 In your brief, you indicated that the
5 process is filtered through bureaucrats. For example,
6 you referred to the matter of going to court. But even
7 the courts themselves have said, "We are not the right
8 kind of forum for dealing with some of these issues."
9 The courts are very poor forums for dealing with some of
10 these matters, in their own estimation.

11 What we could benefit from is ideas on
12 what would be the best process, what would be the best
13 way, to resolve these issues. I think everyone will agree
14 that it is an intolerable situation. There are treaty
15 land entitlements outstanding and all these various
16 specific claims outstanding across the country. What our
17 concern is to say, "All right, who should do what about
18 it? What is the best mechanism that can be set up?"

19 It is a difficult question because, as
20 you know and as you have illustrated, these specific claims
21 and these treaty land entitlements issues vary from place

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 to place to place across the country. So you cannot deal
2 with all of them in the same way.

3 I say that to illustrate one of the
4 things that we have to deal with. We agree with you.
5 This must be dealt with, but our concern -- and we are
6 assisted by specific recommendations on how it should be
7 restructured, because, obviously, you are not happy with
8 the process and some other people have said elsewhere that
9 the people who are happy are the lawyers and consultants
10 who are involved in these things.

11 One more point. The fact that promises
12 are outstanding for well over 100 years illustrates that
13 it is apparently a lack of power; that is, we have small
14 communities dealing with a large powerful government.

15 You talk about the inadequacy of the
16 process. Again, that is linked with the issue of how do
17 small parties, using a general neutral term, deal with
18 very large parties?

19 Have you thought about ways in
20 which -- either for purposes of dealing with treaty land
21 entitlements or specific claims, or for broader purposes

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 of self-government -- you can somehow share with others
2 your power or resources so as to be able to balance more
3 the power between the bargaining parties?

4 I know it is a difficult issue because
5 to the extent that you bring in more people, then you bring
6 in different interests and that necessarily erodes the
7 sensitivity to the local issues. But it's another, it
8 seems to me, of the difficult issues that we have to deal
9 with.

10 I say that by way of trying to describe
11 my understanding of some of the big, difficult problems
12 involved here. I invite you, if you wish, to make comments
13 about it. I know that we have a panel later on and other
14 presenters. It may be that we will hear more about these
15 problems. If so, I thank you and everyone else in advance.

16 **STAN NELSON:** Could I mention a couple
17 of areas that you talked about?

18 We recognize the fact that we are a small
19 community. I have stressed to our community that we should
20 talk to other Nations, other Anishnabe Nations, other
21 reserves, especially our Treaty 1. We should be sitting

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 down together. But we are sitting all by ourselves. I
2 always use the term that we are being picked off one by
3 one. I don't like that idea. Even when we see other
4 Nations, we are criticized that we are spending money
5 outside of our mandate. That is one area.

6 The other one I would like to stress
7 strongly is our loss of use. The particular land that
8 is identified on the date of first survey. We have to
9 have that loss of use. We didn't use that land. Anybody
10 that had a loss of use for a piece of land will identify
11 that, "I could have made this amount of money on this land".

12 It has been identified here by Dr. Kraft. Both Dr. Kraft
13 and our lawyer, after they saw our research, said, "My
14 God, the Canadian government owes you a lot. They will
15 never be able to pay what they owe you."

16 I thought I would just mention those two
17 areas.

18 **COMMISSIONER PAUL CHARTRAND:** Thank
19 you. Megwetch.

20 **COMMISSIONER VIOLA ROBINSON:** I would
21 like to thank you as well for your presentation. I don't

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 have many questions to the questions that have already
2 been asked.

3 The 12 sections of land that you are
4 trying to negotiate through specific claims, have they
5 been validated by the Department through specific claims?

6 **STAN NELSON:** I don't know how to answer
7 that. We sent in a submission some years ago regarding
8 the 12 sections. We got back word from the Justice
9 Department that we had no legal grounds to pursue it any
10 further. That is where it sits, but we are not going to
11 leave it alone.

12 **COMMISSIONER VIOLA ROBINSON:** So they
13 haven't validated it officially. You are still fighting
14 for it.

15 **STAN NELSON:** They validated our
16 shortfall.

17 **COMMISSIONER VIOLA ROBINSON:** Pardon?

18 **STAN NELSON:** Our shortfall has been
19 validated.

20 **COMMISSIONER VIOLA ROBINSON:** But that
21 is through the TLE, isn't it?

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **STAN NELSON:** Yes.

2 **COMMISSIONER VIOLA ROBINSON:** That is
3 different. That is a treaty, isn't it? Yes. I just
4 wanted to get my understanding. Specific claims has not
5 been validated.

6 **STAN NELSON:** It's on the back burner.
7 That is the term that is being used.

8 **COMMISSIONER PAUL CHARTRAND:** Yes.
9 They agree to hear it, and they call it validating, which
10 is a nice euphemism, isn't it?

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

13 **MODERATOR ROBERT HENRY:** Thank you,
14 presenter Stan Nelson and Commission members.

15 At this time I would like to make the
16 announcement that everyone coming in please register at
17 the back.

18 The next speaker will be the Chief of
19 Roseau River, Chief Lawrence Henry.

20 **CHIEF LAWRENCE HENRY, ROSEAU RIVER:**
21 Good morning. I am Chief Lawrence Henry, Sitting Eagle.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 I come from the Golden Eagle clan, first degree medayuan
2 (PH). I am pipe carrier, drum carrier. Boozhoo.

3 On behalf of the clans of our nation in
4 Roseau River, Pembina bands, I welcome the members of the
5 Royal Commission to our traditional territory.

6 My statements will be brief and to the
7 point. I leave with you a copy of our documents that have
8 been carefully prepared for this occasion. I have handed
9 them over to Mr. Henry over here.

10 In addition, these documents are placed
11 in your trust. I give to you the authority to carry all
12 words and these documents to your government with the
13 strong belief and trust that these concerns will be dealt
14 with and immediate solutions will be implemented to correct
15 all that has been done.

16 Your government, Canada, has within its
17 structure enough information to understand, and the
18 resources, human and financial, to implement honourable
19 solutions to all concerns of First Nations of this land
20 you call Canada.

21 I say these words after 121 years of

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 waiting patiently, study after study, crisis after crisis,
2 that you the Royal Commission will be the final study of
3 the First Peoples of this land that you call Canada. Your
4 government, Canada, has the greatest opportunity today
5 to resolve these issues immediately.

6 Canada has only to give legal effect to
7 sections in the Constitution and respect the sovereign
8 jurisdictions of the First Nations, and the First Nations
9 will resolve these issues for ourselves. The First
10 Nations, with no interference of the federal government,
11 can achieve self-sufficiency in short order, and in short,
12 lead, follow, or get out of the way.

13 That is my presentation, ladies and
14 gentlemen.

15 **MODERATOR ROBERT HENRY:** Thank you,
16 Chief Henry.

17 Would the Commission members like to
18 respond? Commissioner Blakeney?

19 **COMMISSIONER ALLAN BLAKENEY:** Thank you
20 very much. There are some hundreds of pages of material
21 here which I haven't had an opportunity to take a look

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 at. I wonder if I might ask you, Chief, to tell us what
2 you think the Government of Canada should do.

3 I should say at the outset that we don't
4 represent the Government of Canada. We do in a formal
5 sense that we were appointed by them. But offhand I can't
6 imagine what I and the Government of Canada would agree
7 upon at the moment. We have not been warm political
8 friends from time to time.

9 What do you think should be done about
10 Aboriginal self-government? It doesn't quite help us to
11 say "lead, follow, or get out of the way". I well know
12 what you are saying, but it is not now in the Constitution.
13 That one fell by the wayside.

14 A couple of options are open there. One
15 thing is to simply repeal the Indian Act and see what
16 happens. But the bands lose all legal structure at the
17 moment, and there is a gap for the moment, at least for
18 a while, until things are filled in. Would you say that
19 the federal government ought to pass an Indian
20 self-government act that would just say that the existing
21 band governments can displace parts of federal law as they

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 see fit, when they see fit, "We will now not honour the
2 Indian Act designation. Status is no longer. We will
3 decide status. With respect to law of succession, we will
4 pass our own law of succession and that is the end of that",
5 just knock off the provisions of the Indian Act one by
6 one. Or would you have another approach to how that ought
7 to be done?

8 **LAWRENCE HENRY:** In my statement here
9 I indicated that they can start the process by giving legal
10 effect to certain sections in the Constitution; namely,
11 15, 25, 35, and 91(24), and we will do the rest.

12 **COMMISSIONER ALLAN BLAKENEY:** Section
13 91(24) now just says the federal government shall have
14 legislative jurisdiction with respect to Indians and lands
15 reserved for Indians.

16 **LAWRENCE HENRY:** Then maybe the federal
17 government should remind the provinces of that.

18 **COMMISSIONER ALLAN BLAKENEY:** Fair
19 enough. That means, in effect, take out 88 of the Indian
20 Act, which now says, as you know, in lay terms, where there
21 isn't a federal law, the general provincial law applies.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 That is the one that causes lots of problems to some Indian
2 bands. I don't know with yours, but I take it that the
3 answer is yes. You are not enamoured with that one.

4 **LAWRENCE HENRY:** That is right.

5 **COMMISSIONER ALLAN BLAKENEY:** Fair
6 enough. The idea I am playing with is that you could say,
7 "Fine, section 88 is gone; I will just take the Indian
8 Act down", and any band council by resolution or perhaps
9 by referendum, or however you want to decide it, could
10 decide that section 88 did not apply, therefore that is
11 the end of provincial law, or virtually. Then there would
12 be a fight as to what the boundaries would be. But it
13 would be awfully clear that many provincial laws would
14 not apply; let's say child welfare laws. No doubt about
15 those and no doubt about quite a few others. Perhaps
16 provincial rights to regulate gaming, for example, to use
17 a topical one over in some other provinces.

18 That would be one way to attack it. Some
19 of the other sections I frankly haven't fully considered.

20 Thanks for giving us some things to think
21 about.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 **LAWRENCE HENRY:** You're welcome.

2 **COMMISSIONER PAUL CHARTRAND:** I can
3 certainly agree with Commissioner Blakeney's last remarks;
4 thanks for giving us something to think about. We have
5 much to read there. It is not possible to reply to them
6 right away, but we will be reading them great interest.

7 As we travel across the country, we hear
8 from many First Nations who are caught, as it were, as
9 enclave populations within the state boundaries of Canada
10 who have lived under an administrative regime to govern
11 their everyday affairs by the federal Indian Act, people
12 who live under diverse circumstances, people from
13 different cultures with different histories, different
14 customs, who have entered into treaties, different
15 treaties, some of whom have not entered into treaties,
16 people with no real history of communication. They, as
17 you have indicated, have resort to a federal government.
18 Your situation is very different. Monolithic, perhaps,
19 but which has jurisdiction from sea to sea to sea. It
20 is a very daunting task to conceive the kinds of structures
21 that can be put into place that can establish a proper,

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 just, equitable place for Aboriginal peoples in that
2 particular context.

3 So, I want to thank you very much for
4 the obvious effort and time that has gone into constructing
5 these recommendations. All we can say is that we will
6 study them with care. I certainly look forward to doing
7 that with keen anticipation. Thank you very much for
8 welcoming us on the territory of the Anishnabe. Megwetch.

9 **COMMISSIONER VIOLA ROBINSON:** I want to
10 support the statements made by the other two Commissioners
11 and thank you for your information that you have provided
12 us with.

13 We too are of the view that we probably
14 will be the last Royal Commission that will be announced
15 to look at Aboriginal issues. I don't think anybody in
16 Canada, Aboriginal or non-Aboriginal, wants to continue
17 much longer on the whole issue of Aboriginal outstanding
18 issues. It is time for governments to come to grips with
19 it and deal with it. That is what we aim to recommend.

20 But it is with the help of the kinds of information that
21 you have provided us with that is going to assist us in

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 formulating recommendations. So, I thank you for that.

2 **MODERATOR ROBERT HENRY:** Thank you,
3 Chief Henry and Commission members.

4 At this time we will take a 15-minute
5 coffee break.

6 --- Short recess at 10:25 a.m.

7 --- Upon resuming at 10:42 a.m.

8 **MODERATOR ROBERT HENRY:** At this time
9 I would like to present the Aboriginal Advisory Council.
10 The members here today are Clayton Sandy, Brian Ranville,
11 Louise Chippeway, Bernice Hilts, Elsie Moar, and Dan
12 Highway.

13 **LOUISE CHIPPEWAY, CHAIRPERSON,**
14 **ABORIGINAL ADVISORY COUNCIL:** Good morning. My name is
15 Louise Chippeway. I am the Chairperson of the Aboriginal
16 Advisory Council. I am also the Aboriginal Advisor on
17 Affirmative Action to the Civil Service Commission.

18 I would like to introduce my colleagues,
19 starting at my left.

20 **DAN HIGHWAY, ABORIGINAL ADVISORY**
21 **COUNCIL:** Dan Highway. I work for the province.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **ELSIE MOAR, ABORIGINAL ADVISORY**

2 **COUNCIL:** Elsie Moar. I work out of The Pas.

3 **BERNICE HILTS, ABORIGINAL ADVISORY**

4 **COUNCIL:** Bernice Hilts, labourer, Mechanical Engineering
5 Branch.

6 **BRIAN RANVILLE, ABORIGINAL ADVISORY**

7 **COUNCIL:** Brian Ranville. I am with the Native Affairs
8 Secretariat.

9 **CLAYTON SANDY, ABORIGINAL ADVISORY**

10 **COUNCIL:** Clayton Sandy, with the Department of Education.

11 **LOUISE CHIPPEWAY:** We are all civil

12 servants of the Manitoba government.

13 Before I begin my presentation, I would
14 like to tell you a little bit about the cover of the
15 Aboriginal Needs Assessment Survey Report.

16 We picked that cover for a very important
17 reason. The medicine wheel is an ancient symbol used by
18 Aboriginal people of North and South America. The
19 medicine wheel to us symbolizes four races: the red, the
20 black, the white, and the yellow. The medicine wheel
21 teaches us that there are four races and all are part of

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 the same human family. We are all interconnected. We
2 are all sisters and brothers on the same Mother Earth.
3 In the circle there is equality and respect for all family
4 members. In the circle each family member brings a gift
5 to the circle. Each member is an integral part of the
6 medicine wheel. Without them, the circle is not complete.

7 We chose this symbol for our cover to
8 honour all races. It is in that spirit in which we address
9 you today.

10 The Aboriginal Advisory council is
11 responding to the November 2, 1992 request of the Royal
12 Commission on Aboriginal Peoples to present the findings
13 and results of the 1991 Manitoba Civil Service Aboriginal
14 Needs Assessment Survey Report. The report was released
15 in March of 1992. We think that our findings may be
16 relevant to some of the terms of reference of your
17 Commission, especially articles 9, 10, 11 and 16, and
18 possibly 13, 14 and 15.

19 What we have to report to you is a study
20 of the employment conditions and views of Aboriginal
21 employees which we obtained through a survey. We would

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 like to stress to the members of the Commission that we
2 are reporting our findings to you and not giving you our
3 opinions as Aboriginal Advisory Council members.

4 The Aboriginal Advisory Council is an
5 advisory body to the Manitoba Civil Service Commission.

6 The purpose of the council is to advise the Civil Service
7 Commission on how to improve the representation of
8 Aboriginal employees in the civil service. The Aboriginal
9 Advisory Council was created in 1990 by the provincial
10 Affirmative Action co-ordinator, Terry Edgeworth. The
11 committee is composed of Aboriginal civil servants
12 representing all regions of Manitoba, and this also
13 includes the provincial Affirmative Action co-ordinator.

14 In partial fulfilment of the council's
15 mandate, an Aboriginal needs assessment survey was
16 undertaken to determine barriers experienced by Aboriginal
17 employees and to assess the implications of these within
18 the Manitoba civil service. The survey had five
19 objectives as laid down by the Civil Service Commission:

20 (1) identify barriers and ways to
21 overcome barriers;

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 (2) determine the professional and
2 developmental needs of Aboriginal people;

3 (3) assess the Affirmative Action
4 Program from an Aboriginal perspective;

5 (4) obtain feedback on an Aboriginal
6 network support system; and

7 (5) develop a strategy and a plan of
8 action to implement the recommendations.

9 It is important for you to understand
10 what Aboriginal people are saying about their status in
11 government. This study is very important to us because
12 it hits the very core of our being as Aboriginal people,
13 our beliefs, our values and our culture. The results and
14 the findings affect us deeply.

15 The Civil Service Commission concluded
16 that it was important to undertake this survey because
17 12 per cent of Manitoba's population is Aboriginal.
18 Aboriginal people form a significant portion of our
19 population throughout the province, with larger
20 representation in centres like Brandon, The Pas, Thompson,
21 et cetera.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Statistics show us that Aboriginal
2 people are the fastest growing national group in society,
3 and within this group 60 per cent are under the age of
4 25, a very young population, as you can see. It is
5 predicted that in the 1990s, one in four people entering
6 the labour market will be of Aboriginal descent.

7 The Aboriginal population is a critical
8 element of Manitoba society and the labour market. The
9 Manitoba government will need their contribution and their
10 participation will be critical to all Manitobans, both
11 Aboriginal and non-Aboriginal. We can no longer afford
12 the social, economic, political and human costs of not
13 having full and equal participation of Aboriginal people.

14 The Civil Service Commission is
15 committed to addressing the results of the survey through
16 their affirmative action policy. Given the change in
17 demographics, it is urgent that we have a representative
18 civil service that can respond to the diverse Manitoba
19 population. We are now facing a crisis which will escalate
20 if we do not take immediate and critical action to remedy
21 this situation.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 The Manitoba government Affirmative
2 Action policy and program aims to provide positive remedies
3 for discrimination in the workplace. It is intended to
4 enable Aboriginal people and other designated groups, such
5 as women, to achieve equity in the workplace.

6 However, according to the Aboriginal
7 employees we surveyed, employment equity is not yet a fact
8 in the Manitoba civil service. Aboriginal employees say
9 barriers exist in the system. We know the Manitoba
10 government is committed to affirmative action, but much
11 more is needed for Aboriginal employees to be heard and
12 their issues addressed.

13 The results of this survey are not unique
14 to the Manitoba government and the Manitoba civil service.
15 The same conclusion comes from a 1991 federal survey on
16 the high turnover of Aboriginal employees in the public
17 service. The federal survey shows Aboriginal employees
18 are leaving the public service in large numbers because
19 of what they perceive as racism and lack of advancement
20 opportunities. As well, other reports such as the
21 Aboriginal Justice Inquiry Report reinforce our findings.

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 The central finding of our report is that
2 Aboriginal people face barriers and obstacles in the
3 workplace. The statistics and the analysis support that
4 finding.

5 Our findings show that racism and
6 discrimination exist in the Manitoba civil service, and
7 that racism is the basis of the barriers and problems faced
8 by Aboriginal people. Racism is experienced through
9 discrimination, bias, exclusion, stereotyping, lack of
10 support and recognition, negative attitudes, alienation
11 in the workplace, and lack of role models in management
12 positions. Racism is exclusion. These are identified
13 in the report as adverse effects of the employment system.

14 Implicit in the responses of Aboriginal
15 employees surveyed is that racism is manifested in many
16 ways. It is unconscious, direct, individual, systemic
17 and institutional. Racism is prevalent in the employment
18 system where the values underlying the corporate culture
19 are different from the values of Aboriginal people. The
20 tension and clash between these values produces a
21 self-protective attitude among the mainstream. Racism

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 and discrimination are manifested when there is an unjust
2 exclusion of individuals and groups who are different from
3 the dominant values within the system.

4 The following statistics show how the
5 exclusion is manifested, despite the existence of the
6 Affirmative Action Program over the last 10 years:

7 Sixty-two per cent say barriers to
8 upward mobility is a major problem for Aboriginal
9 employees.

10 Fifty-four per cent say there are
11 barriers to promotion and advancement in the civil service
12 mainly due to favouritism and the old boys' network.
13 Aboriginal people indicate that advancement relies on a
14 system of favouritism from which they are excluded.

15 More than one-third of the respondents
16 say selection and interviews are obstacles because the
17 process is culturally foreign and discriminatory. The
18 interview process, they say, is intimidating, insensitive
19 and biased. The process focuses on middle-class values
20 and is closed to diversity.

21 Aboriginal employees experience

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 resistance when they request training with 39 per cent
2 saying they lack the support of management, and another
3 39 per cent saying they lack the opportunity to develop
4 their skills.

5 What is striking is that statistics show
6 that Aboriginal employees in the Manitoba civil service
7 are concentrated and compressed at the lowest levels of
8 the civil service in status and in pay.

9 What does this tell us? We have
10 concluded from the perspective of the Aboriginal employees
11 that the system is unfair and partial in a society that
12 purports to be democratic. This is particularly true
13 where we expect fairness of treatment and opportunity in
14 the workplace.

15 Even more compelling and disturbing are
16 the following quotations that describe the pain, anger
17 and frustration experienced by Aboriginal employees in
18 the civil service:

19 "I feel the prejudice. I feel that I am not trusted enough
20 to do certain jobs. I get blamed
21 for mistakes that I have not made."

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 "Not enough credit is given to experience, general
2 knowledge. Departments are not
3 willing to take a chance on Native
4 people."

5 "Although they may be quick to say there is no
6 discrimination, I beg to disagree.

7 I have even had a few supervisors
8 who called me 'Cochise' on a
9 regular basis."

10 "I have 17 1/2 years' experience in plumbing, but I stay
11 as a maintenance assistant."

12 "I have never had the opportunity to learn other duties.
13 I know it is because they don't
14 trust me."

15 "If an employee feels they don't belong, it is very hard
16 to succeed."

17 When the council read 60 pages of these
18 statements, members felt vulnerable, discouraged and
19 angry. They felt that they did not want to be in a system
20 that treats its Aboriginal employees in this way. They
21 said they didn't want to be in a system that excludes

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Aboriginal people from opportunities enjoyed by other
2 employees in the civil service.

3 The negative attitudes toward
4 Aboriginal people create barriers to promotion and
5 advancement. This in turn creates a climate of suspicion
6 and mistrust in the workplace, resulting in alienation
7 and isolation of Aboriginal staff. Supervisors and
8 managers who are closed to diversity make decisions that
9 are subjective and biased. Any racism underlying their
10 attitude is reflected in their decisions.

11 The survey shows a vicious cycle of
12 results. The effects of discrimination and racism
13 permeate the civil service, particularly in the attitude
14 of supervisors and managers. Consequently, Aboriginal
15 people are excluded from employment, training, and
16 advancement opportunities. The outcome is the lack of
17 support, exclusion, and the cycle continues.

18 The council evaluated these results and
19 concluded the following impact on Aboriginal people:

20 (1) the absence of Aboriginal people in
21 management and decision-making positions;

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 (2) a high turnover of Aboriginal
2 employees in government;

3 (3) a chronic under-representation of
4 Aboriginal employees across the system; and

5 (4) a perpetuation of Aboriginal
6 employees in the lower echelons of the civil service.

7 Given the impact identified, the
8 Aboriginal employees stated that support was the critical
9 ingredient to reverse the effects. Our survey reported
10 that networking support for Aboriginal employees is
11 necessary to overcome isolation and alienation and other
12 barriers experienced by Aboriginal employees.

13 Eighty-seven per cent of the Aboriginal employees say they
14 want to participate in a networking process. The main
15 benefits of this process would be role-modelling,
16 developing contacts, exchanging information and learning
17 how to cope as civil servants.

18 According to the Aboriginal employees,
19 the Affirmative Action Program and efforts are not working.

20 Aboriginal employees perceive that progress is painfully
21 slow, with only 4.18 per cent Aboriginal people in the

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 civil service at the time of the survey, while the goal
2 of Affirmative Action is 10 per cent. Charges of reverse
3 discrimination, hostility and resentment towards target
4 group members by non-Aboriginals show a lack of
5 understanding of the purpose and objectives of the
6 Affirmative Action Program.

7 Almost half of the respondents in our
8 survey say they are not familiar with the Affirmative
9 Action Program, 18 per cent say it is ineffective, while
10 31 per cent say it is a good program. The comments and
11 statistics suggest a problem exists in the civil service,
12 both at implementation and departmental level.

13 The following comment sums up the
14 perspective of Aboriginal employees on Affirmative Action:
15 "We need a stronger commitment from ministers and senior
16 management."

17 The report concluded that change cannot
18 come about without the meaningful input and involvement
19 of Aboriginal people. Exclusion has been the problem,
20 and continued exclusion of Aboriginal people perpetuates
21 the seeds of racism and discrimination. Exclusion, we

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 concluded, is the essence of racism. Aboriginal employees
2 say Aboriginal people must be involved in the process.
3 Aboriginal and non-Aboriginal people must work together
4 to effect change in the employment system. Aboriginal
5 employees and management must work together to make these
6 changes. But from our perspective, anything less than
7 meaningful involvement is token, paternalistic and
8 patronizing.

9 The report stated that there are,
10 however, some success stories which contributed to
11 positive changes for Aboriginal employees. Aboriginal
12 employees who are successful in the workplace attributed
13 their success to such factors as a supportive work
14 environment, the opportunity to work in acting status,
15 a training and career development plan, on-the-job
16 training, recognition of skill and ability, a supportive
17 manager, and inclusion. So, factors for success do exist
18 in some places. And when they do exist, they work.

19 There are other positive initiatives
20 taking place in the civil service with respect to
21 Aboriginal people. The Aboriginal Advisory Council wants

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 to recognize and acknowledge those special measures,
2 especially the training and development of Aboriginal
3 employees: A career development package is under way,
4 and it is designed to promote career development
5 opportunities for Aboriginal employees; as well, a
6 recruitment and selection training program which will
7 enable Aboriginal employees to participation in selection
8 boards; an Aboriginal resource directory is about to be
9 launched. There is ongoing dialogue with managers,
10 Affirmative Action co-ordinators, the human resource
11 community and the Manitoba Government Employees Union with
12 respect to the report. The report is used as a framework
13 for dealing with Aboriginal employment and a basis of
14 networking with management and the union. Aboriginal
15 employees indicated that the mere existence and presence
16 of the Aboriginal Advisory Council gives them hope and
17 optimism.

18 It is this hope and optimism which gives
19 us incentive to address the barriers and the obstacles
20 that exist for Aboriginal people in the civil service.
21 But it is not only the barriers as the survey concluded,

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 but the total effect of the barriers, alienation and
2 exclusion that results in institutional racism.
3 Individually, Aboriginal people face barriers and,
4 individually, many Aboriginal people are receiving some
5 consideration and support. Yet, this has not changed the
6 effects of the status quo.

7 This survey and the AJI report identify
8 changes that are needed to bring about equity, fairness
9 of treatment, and opportunity that Aboriginal people hope
10 for in the civil service employment system. Primarily
11 though, all these studies are indicating a necessary change
12 in the collective responsibility for addressing these
13 issues.

14 The report identified 80 positive
15 special measures that can be implemented to change the
16 situation that currently exists. Of these, Commission
17 members, the Aboriginal Advisory Council identified four
18 recommendations that can be taken as a first step to redress
19 the barriers and the dismal employment situation of
20 Aboriginal in government.

21 (1) Increase the representation of

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Aboriginal people in management positions is paramount.
2 This message is consistent throughout our survey. This
3 recommendation parallels the Aboriginal Justice Inquiry
4 Report on Aboriginal people in decision-making positions.
5 It is also consistent with the message being delivered
6 by Aboriginal organizations about meaningful involvement
7 and self-determination.

8 (2) Develop an anti-racist mechanism to
9 combat racism in the civil service. This should be
10 accompanied with a comprehensive education program on
11 sources of racism and how racism is manifested in society
12 and in the workplace. Coupled with this should be a
13 mandatory Aboriginal awareness program for all civil
14 servants.

15 (3) Support an Aboriginal network for
16 Aboriginal employees. The way to do this is to support
17 a network with ongoing local and regional meetings of
18 Aboriginal employees.

19 (4) Support and encourage a meaningful
20 career development package which includes such things as
21 acting status, secondments, bridging opportunities,

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 differences."

2 I would like to conclude by thanking the
3 Commission members for listening to us. As I stated in
4 the beginning as reflected in the medicine wheel, we are
5 all interconnected. What affects us affects you. The
6 employment system must be healed. Its transformation is
7 the beginning of a new working relationship between
8 Aboriginal people and the non-a community and a new
9 partnership for which we all hope. Megwetch.

10 I would like to state our
11 recommendations to this Commission:

12 (1) The recommendation of this report
13 must be strengthened through a provincial employment
14 equity legislation.

15 (2) A strategy and a plan of action to
16 bring about a civil service that is reflective of the
17 Aboriginal population in Manitoba within a specific time
18 frame.

19 (3) Adequate dollars and resources must
20 be allocated to implement the legislation and a plan of
21 action.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 (4) Human rights legislation must be
2 reviewed to assess the effectiveness of the case-by-case
3 approach and provide a framework on which to address
4 systemic discrimination and institutionalized racism.

5 Before we entertain questions from the
6 Commission members, I would like a few of our members to
7 share why this report is important to them. I would like
8 to start with Brian Ranville.

9 **BRIAN RANVILLE:** Thank you, Louise.

10 This is sort of my second time around.

11 I agreed to serve on the Aboriginal Advisory Council with
12 the Province of Manitoba about three years ago when we
13 first started to organize the council and implemented the
14 survey that Louise has been describing.

15 I worked with the federal government for
16 about 10 years. One of those 10 years was in Ottawa working
17 with, at that time, the Office of Native Employment,
18 assisting in the transformation of the program from
19 Treasury Board to the Public Service Commission.

20 The one experience that is consistent
21 between the federal and provincial affirmative action

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 systems is the need for Aboriginal people to serve
2 Aboriginal people. There are so many government programs
3 that are directed at our people in terms of providing the
4 valuable and much-needed services, but also in terms of
5 the developmental programs, the programs that will help
6 Aboriginal people to become more self-determined and to
7 bring about the actualization of self-government.

8 I think that, if anything, the efforts
9 that we have made as a council and advisory group to the
10 Manitoba government is to improve those services. We come
11 from communities where the programs and services are being
12 delivered, and I think it is appropriate that we at least
13 go into those communities -- or at least the government
14 go into those communities with a first-hand experience
15 and some intimate knowledge of what the people in those
16 communities are facing. That underlies, for me, the
17 greatest part of this report and the greatest part of this
18 presentation.

19 Thank you.

20 **CLAYTON SANDY:** Thank you.

21 Why this report is very important to

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 myself -- I have been working in government for about 12
2 years now and I think I have probably experienced a lot
3 of the discrimination that is in this report. One of the
4 main reasons this report is important is for the next group
5 of Native people that are coming into government. I would
6 not like them to experience some of the racism that I
7 experienced through my years in government.

8 That is basically all I have to say.

9 **DAN HIGHWAY:** Thank you. My name is Dan
10 Highway. I work for the Manitoba Highways and
11 Transportation. I must apologize for the highways leading
12 to Roseau River.

13 I work in the Personnel Department as
14 an Affirmative Action co-ordinator. I have been there
15 for about 10 years. One of the biggest barriers we face
16 right now is -- the provincial government has to recognize
17 Native people as a valuable human resource. The
18 provincial government is the biggest employer in Manitoba.
19 It has over 20,000 employees scattered throughout
20 Manitoba. We have to be recognized as a very valuable
21 resource when it comes to employment. We have a lot to

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 contribute not only to employers, but to society as well.

2 Treasury Board, which looks after our
3 money in the province, has to make the hiring and retention
4 of Aboriginal people a priority. Affirmative action has
5 to be a priority in the province. If it is not a priority,
6 we are going to be running into some problems in the future.

7 As our presentation says, in the 1990s,
8 one in four people entering the workforce will be
9 Aboriginal. That is 25 per cent. That is a very high
10 percentage. We need to do something for our kids who are
11 entering the workforce. Employers have to recognize that
12 we are a valuable human resource, and they should not
13 recruit outside the province or outside the country. The
14 resources are right here in Manitoba. Employers have to
15 recognize that. And I think affirmative action has to
16 be a priority.

17 Thank you very much.

18 **MODERATOR ROBERT HENRY:** Thank you.

19 Comments from the Commission?

20 **COMMISSIONER PAUL CHARTRAND:** Thank you
21 all for your presentation.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 You know that our mandate is to make
2 policy recommendations to the federal government.
3 Notwithstanding the fact that the particular program that
4 you have talked about today involves the provincial
5 government, I agree with the notion which must lay behind
6 your presentation that the principles involved here are
7 very important. I think they are.

8 The notion of affirmative action is a
9 very significant one. It is part of an important national
10 debate. The principles of equality, as well, which you
11 referred to, is necessarily bound up with the matter of
12 affirmative action. It is certainly a very significant
13 part of Canadian institutions. I know we will have to
14 deal with these issues.

15 We have heard from a number of places
16 different views about bureaucracies and how they treat
17 Aboriginal people. We have had a range of views, from
18 well-intentioned ignorance through to heartlessness to
19 contempt for the people that are dealt with by
20 bureaucracies. Today you are telling us that the system
21 exhibits within itself the characteristics which we are

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 also told it exhibits externally and that you hope to change
2 this.

3 In order to assist me to understand these
4 important matters, I would like to ask two questions.
5 The first one is a very direct one and invites a short
6 answer. The other one is, in my view, a very fundamental
7 question and I want to ask if you have thought about it,
8 what your views may be about it. It may be that you want
9 to reply today or reply later at length in writing or
10 otherwise.

11 The first one: One of the features of
12 affirmative action programs, it appears -- at least, so
13 I understand -- is that it often bumps into competing goals
14 and interests. One of them involves the activities of
15 labour unions. Labour unions say: We have a job. Our
16 job is to represent our members and that is all we are
17 dedicated to do. And we must treat all our members
18 equally.

19 That would leave very little room for
20 treating Aboriginal peoples as Aboriginal people. So,
21 going through that route, they are to be treated the same

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 as everybody else through union activity. And it poses
2 problems, as I understand it, for the structures of
3 affirmative action programs.

4 For example, appointments, promotions
5 that are attempted under an affirmative action program
6 that focuses upon a particular group may be thwarted by
7 requirements of union agreements with employers.

8 My question is a brief and direct one.
9 That is the background to it, the preface.

10 What are your views? Is this a
11 significant matter? Are there ways of resolving this
12 issue? Is this issue non-existent? Is it better
13 characterized another way that you are going to
14 characterize?

15 **LOUISE CHIPPEWAY:** This is an issue that
16 is very important and a big concern to us.

17 What we are doing right now with the
18 union -- we made this presentation to them on a number
19 of occasions to their committee members, to their
20 executive, and to their staff reps. What they have done
21 as a result of that is that they have asked us to do an

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 education process. We think that is one of the ways to
2 resolve that concern, to do some Aboriginal awareness,
3 to make them aware of our issues, our concern, within the
4 civil service of Manitoba.

5 One of the things we are doing is having
6 a series of round-table sessions with the union and
7 Aboriginal employees in the different regions to address
8 our issues. Hopefully, with these kinds of sessions, we
9 will eventually deal with the crux of the problems within
10 the union.

11 **DAN HIGHWAY:** I would like to say that
12 particularly the union that we deal with, the Manitoba
13 Government Employees Union, supports affirmative action
14 at the entry level. At the working level we are still
15 talking to them about a number of issues, including
16 seniority. As you know, they call it their sacred cow.
17 But that is one issue that we are talking about.

18 When we are dialoguing we could overcome
19 some of those barriers, especially seniority, which has
20 been an institution in their organization for a long time.
21 It is going to be difficult talking about that one

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 particular issue. Seniority, as you know, was put there
2 to protect employees. So, I don't know how we are going
3 to do it. At least they are talking to us right now.
4 We are going to resolve it somehow.

5 **LOUISE CHIPPEWAY:** We have established
6 a working committee with the council and the union people.
7 One of the purposes of the working committee is to work
8 on an anti-racism policy, a mechanism on how to combat
9 racism in the workplace. We are still in the talking and
10 planning stages at this time.

11 The other thing is that our council acts
12 as a resource to the union on Aboriginal employment issues.
13

14 So, there are a number of things
15 happening with the union.

16 **COMMISSIONER PAUL CHARTRAND:** Thank you
17 for that. I certainly look forward to any further advice
18 that you may be able to provide us as things work out.

19 My other question is the following. I
20 again will have a necessary explanatory preface to it.
21 As I understand your brief, you are concerned with racism

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 and its consequences within the civil service. Your
2 program is a reaction to racism.

3 As a reaction to racism, it seems to make
4 sense, then, that you refer to the individuals that are
5 the subject of concern for the Affirmative Action Program
6 as persons of Aboriginal ancestry. The assumption that
7 I would make -- and you may tell me if I am wrong -- is
8 that your perception is that racism is not concerned with
9 the fine points of definition but is directed at what can
10 visibly be targeted by the cowardly behaviour of the
11 racist.

12 Affirmative action programs, however,
13 it appears to me, bump into an issue of identification
14 that I would like to explain to you and ask for your advice.

15 It is one that has arisen elsewhere. It seems, perhaps
16 inevitably, it arises anywhere where a program is proposed.

17 Who as an individual is entitled to the benefit of the
18 particular program?

19 I suppose that in order to be able to
20 answer that question, we must have a firm understanding
21 of the purpose of the program. And if affirmative action

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 programs are to be put on a sound basis, we need to know
2 the answer to that.

3 I have seen some answers and I have heard
4 some answers. Some people focus on the historic
5 disadvantages of a group. All right. If that is so, then
6 in order to answer the question "who as an individual is
7 entitled to the benefit of the program", one must seek
8 for a relevant connection in that individual to the group.

9 How are you related to the group? Why is it you claim
10 the benefit of the program? The program is for the benefit
11 of the group. What is your relationship to the group?
12 By what explanation do you say you are part of the group?

13 So, it is a matter of identity. I raise
14 the issue because it goes even beyond, according to my
15 understanding, the issue of an affirmative action program.

16 But this is one way of illustrating the significance of
17 the point: Who is entitled?

18 If we respond only to visible
19 characteristics, it may be that you are missing the object
20 of benefiting the particular group.

21 So, I am wondering if in your work -- and

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 I understand that you are a fairly new group, unless I
2 missed something. Two years. That is fairly new for
3 these purposes. I don't know if you have encountered these
4 difficulties, but I know they have arisen in other
5 contexts, in other countries, for example, where
6 affirmative action programs have been established for
7 Aboriginal peoples in the field of education, opening
8 particular doors. So, who as an individual is entitled
9 to walk through that particular door?

10 If we for a moment look at the matter
11 of identity in a different context, that of
12 self-government, we could learn from what the United States
13 courts have said about the nature of group identity for
14 the purposes of American Indian self-government. Their
15 answer has been, "This is a political issue. The
16 membership of the group is determined by the exercise of
17 the political will of the relevant group." The court said
18 that as far back as the 1830s. So, we know that. I am
19 not going to tell you about how in practice it has worked
20 in the United States. We don't have the time.

21 But I think that is a very important

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 issue, the matter of identity, the relationship of the
2 individual to the group, if these are group purposes that
3 you have in mind. I wonder if you have given any thought
4 to that. It may be that in your work the matter has not
5 come up. It may be that you have a lot of advice for us.

6 But I raise the point. You may wish to provide us with
7 some advice either now or at some other time, or you may
8 be able to advise me that I am totally wrong in my
9 understanding, which I also would welcome.

10 Thank you.

11 **BRIAN RANVILLE:** I will try to respond
12 to that.

13 The work of the Advisory Council in this
14 context is ongoing. We are not anywhere near finished
15 our task. We are in the process of making presentations
16 not only to the union, as Louise pointed out earlier, but
17 we are making presentations to department heads, the
18 managers, the deputy ministers, and the ADMs of the various
19 departments to explain and present the case for affirmative
20 action for Aboriginal people.

21 One of the recommendations that we have

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 As I mentioned earlier, the underlying
2 principle is to provide the service, that the government
3 is essentially there to provide much-needed services to
4 the people of Manitoba, including the Aboriginal people
5 which make up 12 per cent of Manitoba's population.
6 Therefore, if we are able to identify as a merit, under
7 the merit principle, membership or citizenship in the
8 Aboriginal communities, then we are making the assumption
9 that the services to those communities is going to be
10 improved and at least going to be understood when the
11 representatives of the community are making presentations
12 to the governments.

13 **COMMISSIONER PAUL CHARTRAND:** Thank you
14 for that. Let me take half a minute to emphasize the nature
15 of the concern.

16 One way in which it has been put to me
17 is by an individual saying, "These affirmative action
18 programs are intended to address historic disadvantages
19 to members of a particular group." From the perspective
20 of an individual who is definitely within the targeted
21 group and who has suffered those disadvantages, the

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 criticism has been this, with respect to the sole criterion
2 of self-identification: All right, then it leaves open
3 the possibility that someone who has not been
4 historically -- in his or her personal life, that is -- a
5 part of the disadvantaged group can simply claim ancestry,
6 come forward and receive the benefit of the program without
7 in fact in his or her personal antecedents being one of
8 the so-called disadvantaged group.

9 Just to illustrate at the theoretical
10 level, self-identification alone as a criterion would
11 permit someone to fly in on a jumbo 747 from England or
12 Russia or whatever, proclaim their self-identity as an
13 Aboriginal person not having ever had any connection -- and
14 I stress that, because I would never associate myself with
15 the notion that genetics determines one's
16 identity -- without any prior connection with Aboriginal
17 people and could assert their identity.

18 That is the nature of the problem that
19 has been faced elsewhere. That is why I was raising it.

20 In any case, I thank you for your
21 assistance.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **COMMISSIONER ALLAN BLAKENEY:** I would
2 like to follow up with a couple of questions. I follow
3 up on the one that Mr. Chartrand just asked, a little less
4 theoretical.

5 We were in Quebec two weeks ago and
6 Status Indians told us there: "The Quebec government is
7 running an affirmative action program. But you know how
8 these programs work; they just tell the department that
9 you have got to show up and you have got to have 23 Native
10 people on staff." And that is about all what a government
11 can do from the top down. And they said that what is
12 happening is that all sorts of people are stepping up and
13 saying, "Oh, I am Native."

14 This was a comment about a Métis and
15 non-Status group that issued cards. I don't know whether
16 the story was right, but the principle is right. The cards
17 could be procured for \$25 and, lo and behold, you were
18 Aboriginal and, lo and behold, you filled the quota. The
19 quota was being filled in this way.

20 That is a story from another place.

21 Is there anything like that, in your

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 belief, happening in Manitoba because of the more or less
2 mindless enforcement of a quota from on high -- and almost
3 anything that comes down is a little mindless; it is all
4 statistical -- running into anything like that?

5 **BRIAN RANVILLE:** We are well aware that
6 in some of the departments where programs are aimed at
7 the Aboriginal community, education, housing, and policy
8 management, for that matter, a visible minority can claim
9 affirmative action and come into, for example, in the
10 federal case, the Department of Indian Affairs.

11 But I think that the issue that we are
12 trying to deal with here is not so much based on
13 what -- although statistics and numbers and everything
14 are throughout our presentation and throughout the report
15 we are presenting. The issue of services has to be at
16 the forefront, the issue of services based on a personal
17 experience with the people that we are dealing with. That
18 is why we are identifying Aboriginal as those people who
19 want to serve the community and who want to be a part of
20 that movement toward self-determination and development
21 that we all so desperately are trying to achieve. So,

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 it is those qualifications that are based on experience
2 as opposed to qualifications just based on identification.

3 **DAN HIGHWAY:** I have a couple of
4 responses.

5 We have never had any incidents of what
6 you are talking about. There are quite a few of us who
7 work in the affirmative action area. Whether they are
8 identified or not, we usually know they are Aboriginal
9 or not. If somebody came from England and tried to be
10 identified, I think we would know pretty fast by his accent.

11 But the other thing I would like to
12 comment on is that when you say "affirmative action", I
13 think you relate that to quotas. That is an American term.

14 The Canadian term is -- affirmative action is not quotas.

15 I think a lot of people misunderstand that. We are trying
16 to get away from that. When we promote affirmative action,
17 we don't talk quotas; we talk special measures; we talk
18 systemic barriers. But it is not quotas. So, let me
19 correct that.

20 **COMMISSIONER ALLAN BLAKENEY:** I know
21 what you are talking about. But from the point of view

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 of making it happen in a government, if you were a minister
2 and said, "These people are right. We have to increase
3 the number of Aboriginal people who work for this
4 government and I want to see it happen. I want to be able
5 to measure it a year from now to see whether it happens",
6 how do you do it other than to say publicly or
7 privately -- and you stay away from the quotas
8 publicly -- "Let's see some action. Let's see some
9 numbers."

10 How do you distinguish that from a quota?

11 **DAN HIGHWAY:** We set goals, realistic
12 goals. You have a plan. We are not just going to bring
13 people in who can't do the job. We are bringing people
14 in who are competent to do the job. That is another
15 misunderstanding of affirmative action. People think we
16 are bringing in people who aren't qualified. That is not
17 true.

18 Instead of having a quota, you set a goal
19 and you try to reach that goal in the most meaningful and
20 effective way that you can, by having a good plan in place.

21 **COMMISSIONER ALLAN BLAKENEY:** I accept

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 that out of hand, if you will accept the proposition that
2 the goals have to be stated numerically. You just can't
3 say more because that doesn't make it happen. You have
4 to say more and our goal is to get it up to seven per cent
5 in three years with qualified people. If that is not a
6 quota, that is okay. I am happy enough with that.

7 When you say affirmative action is not
8 working -- and I realize that is sort of a global
9 statement -- is it not working at the first level, at the
10 entry level, not enough people coming into the system?
11 Or is it not working because the turnover is relatively
12 greater for Aboriginal people, the leaving is relatively
13 greater than for non-Aboriginal people? Or, quite another
14 argument, is it not working because you have too many people
15 at the entry level and they are not progressing through
16 the system with promotions fast enough?

17 It will be some of all, I imagine. But
18 what is the principal problem, at the entry level, or the
19 promotion level, or the retention level?

20 **LOUISE CHIPPEWAY:** It's a combination
21 of all of those factors. When we say that affirmative

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 action is not working, it is that we are low in numbers
2 and we are compressed and concentrated at the bottom level
3 of the civil service, and it is based on our analysis of
4 the views of Aboriginal employees in our survey. That
5 is the basis of our saying that.

6 **COMMISSIONER ALLAN BLAKENEY:** I
7 appreciate it is an opinion, a judgement. I was just
8 trying to figure out what elements led to the judgement.
9 It is all three.

10 Let me ask this: Is the number of people
11 of Aboriginal origin as a percentage of the whole public
12 service increasing, and roughly at what rate?

13 **LOUISE CHIPPEWAY:** The percentage of
14 Aboriginal people within the Manitoba civil service at
15 the time of survey was four per cent. It is approximately
16 five per cent right now, so it has gone up by 100. There
17 are about 922 Aboriginal employees in government. But
18 50 per cent of those 922 are permanent, 30 per cent are
19 departmental or seasonal workers, and 20 per cent are term.

20 **COMMISSIONER ALLAN BLAKENEY:** Just to
21 put those figures into context for the record, 50, 30 and

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 20, the 50 per cent permanent for Aboriginal people is
2 more than half -- more than 50 per cent of the employees
3 of the Manitoba government are permanent. Would that be
4 true?

5 **LOUISE CHIPPEWAY:** I can't answer that
6 at this time.

7 **COMMISSIONER ALLAN BLAKENEY:** So you
8 don't know whether those figures are less or more for
9 Aboriginal people. If you took the non-Aboriginal group,
10 would 50 per cent of them be permanent and 30 per cent
11 departmental and 20 per cent term?

12 **LOUISE CHIPPEWAY:** I can't answer that,
13 but I can get back to you on that.

14 **COMMISSIONER ALLAN BLAKENEY:** Fair
15 enough. I was just wondering whether they were seriously
16 skewed.

17 **LOUISE CHIPPEWAY:** It is about 16,000
18 permanent out of a total of 18,000 in the Manitoba civil
19 service.

20 **COMMISSIONER ALLAN BLAKENEY:** That is
21 what I thought. I thought that the number of permanent

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 would be almost certainly well above 50 per cent, unless
2 the descriptions are used differently.

3 That is an important point. There is
4 a serious difference between having a temporary job and
5 a permanent job. The degree of financial security that
6 gives is very much greater. Notwithstanding even if the
7 wages are the same, the level of security is significantly
8 different.

9 I have one last comment and then I will
10 ask my colleagues on my left and right whether they want
11 to say anything.

12 With respect to old boys' networks, I
13 noted your comment there. I am just saying that I don't
14 think anything in the world is going to take that away.

15 Almost any organization ever thought of has an old boys'
16 network, or old girls' as the case may be. My question
17 is: Are you sort of getting your own old boys' and girls'
18 network? Are you getting enough people in senior
19 positions to at least let people know of vacancies and
20 all the sorts of things that go on in an old boys' network?

21 It is not necessarily improper; it's

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 just that when a vacancy comes up and they know of somebody,
2 "get your application in", all the sorts of things that
3 go on.

4 **LOUISE CHIPPEWAY:** At the time of survey
5 we had about three Native people in senior management
6 positions. What we want is inclusion, to be included.

7 **COMMISSIONER ALLAN BLAKENEY:** Not quite
8 enough for a network in three. You need a few more.

9 **BRIAN RANVILLE:** We are trying. The
10 report does point out some very positive steps that have
11 been taken to overcome some of the difficulties. It is
12 not all negative.

13 One of the positive things is that,
14 through the Advisory Council and the connections that we
15 have with our departments and so on, we have implemented,
16 for example, a series of training programs that are
17 exclusive to Aboriginal employees in career development,
18 classification, and so on, where we can gather together
19 up to 25 to 30 employees all at one time and -- I am not
20 saying talk to them about affirmative action, but at least
21 get them together into one room for a day or two where

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 those kinds of networks are starting to take hold. It
2 does help, believe me.

3 **COMMISSIONER ALLAN BLAKENEY:** You are
4 yourselves part of -- whether you would accept it or
5 not -- an old boys' network, old girls' network, because
6 you are getting the signals out to people. There has to
7 be another word for that.

8 **LOUISE CHIPPEWAY:** Without the
9 advantage of authority.

10 **COMMISSIONER ALLAN BLAKENEY:** That is
11 true. I readily accept that. An advisory committee can
12 do some of the job of networking, but not the same clout.

13 **COMMISSIONER VIOLA ROBINSON:** I would
14 like to thank you for your presentation. Even though we
15 are a federally appointed Commission, so many of the issues
16 that we are dealing with are of provincial jurisdiction.
17 For instance, one of the things that we have to look at
18 is employment and things like racism.

19 This is something new for us, I think.
20 I haven't heard of a committee like yourselves being
21 established in any province to look at this whole problem

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 of lack of employment of Aboriginal people in the
2 provincial system or a government system. We don't know
3 of any government in Canada that has really looked at this
4 situation in the way that this government has in appointing
5 a commission as yourselves to at least do a study, which
6 you have done here. That is encouraging for me.

7 **LOUISE CHIPPEWAY:** And we acknowledge
8 and recognize that fact.

9 **COMMISSIONER VIOLA ROBINSON:** Usually
10 when reports are done commissions dismantle, but you are
11 still here. Do you have any idea of how long your work
12 is going to proceed?

13 **LOUISE CHIPPEWAY:** Until things change
14 for Aboriginal employees in the civil service. I think
15 there will always be a need for our kind of group within
16 government.

17 **COMMISSIONER VIOLA ROBINSON:** So there
18 is no deadline or anything for your work.

19 **LOUISE CHIPPEWAY:** No, there is no
20 deadline. We are an ongoing Aboriginal Advisory Council
21 to the Civil Service Commission and advisor to the

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 provincial Affirmative Action co-ordinator.

2 **BRIAN RANVILLE:** We have the
3 opportunity annually to update our priorities.

4 **COMMISSIONER VIOLA ROBINSON:** When you
5 make this report -- and obviously there are some
6 recommendations in there -- what is the reaction of the
7 public? Is this in the public domain?

8 **LOUISE CHIPPEWAY:** We sent a report to
9 the Aboriginal employees within the civil service. We
10 also sent it to a number of Aboriginal organizations.
11 So, in that sense, it is a public document now. But this
12 is our first time making a public presentation -- the second
13 time.

14 **COMMISSIONER VIOLA ROBINSON:** I think
15 it is important that society in general should be aware
16 of the work that you are doing and what you have uncovered
17 and what you think the problem is and ways to address it.

18 You mention racism in there. Racism is
19 certainly something that is very deep-rooted. It is a
20 matter of attitude and it comes from a long way back,
21 generation to generation, and sometimes those kinds of

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 things you have to educate the public, particularly the
2 education system as well. So this seems to me like a
3 superficial addressing point. You are just talking about
4 government employees right now, but it goes much further
5 than that. It would be interesting to see how the public
6 in general would react to something like this.

7 You also said that perhaps it needs to
8 be legislated in order for it to have any strength. Has
9 this been proposed to your government in any way?

10 **LOUISE CHIPPEWAY:** No. You are the
11 first ones to hear from us.

12 **COMMISSIONER VIOLA ROBINSON:** I think
13 it is important for the Royal Commission. We are certainly
14 happy to have this. But it is also very important for
15 us to establish some kind of an ongoing rapport between
16 somebody from your group and somebody at the Commission
17 to see how this is working.

18 This is an issue that comes up right
19 across the country, but nobody has come forward with any
20 kind of structure or mechanism that really addresses the
21 problem. If this is happening here, it would be to our

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 advantage and benefit for the Royal Commission to have
2 an ongoing -- if something is developing that you think
3 is really working, we would like to know about it and to
4 continue that dialogue so we will know. It might be
5 something that we might want to recommend for the future,
6 but we would have to know if it is working here and what
7 is happening with it.

8 **LOUISE CHIPPEWAY:** And we welcome that
9 kind of dialogue and consultation with you.

10 **COMMISSIONER VIOLA ROBINSON:** All of
11 these things will be reported verbatim and will be taken
12 by our secretary.

13 Do you want to say something else?

14 **BRIAN RANVILLE:** Just about keeping in
15 touch. I think we could include the Commission in our
16 regular mailing to our own colleagues in the system. We
17 do address our colleagues regularly. The council meets
18 bi-monthly. Every time the council meets, the discussion,
19 minutes and so on, are circulated. We would certainly
20 be happy to share that with you.

21 **COMMISSIONER VIOLA ROBINSON:** Thank

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 you.

2 **MODERATOR ROBERT HENRY:** Thank you,
3 Aboriginal Advisory Council and Commissioners.

4 At this time we would like to call up
5 Leonard Nelson and Terry Nelson to make a presentation
6 on sovereignty and jurisdiction.

7 **TERRY NELSON:** Good morning,
8 Commissioners, Elders, and our people who are present here
9 today.

10 My Anishnabe name is Ishkababizukis
11 (PH). I am a member of the lynx clan. I am an Anishnabe
12 from Roseau River. My cousin Leonard Nelson is also from
13 the lynx clan. He will introduce himself in a few minutes.

14 Our presentation this morning is to
15 focus on self-government, sovereignty, however you want
16 to determine it. It is the right of our people to
17 self-determination. In light of the failure of the
18 Constitution to recognize some of the self-government
19 rights, we want to outline this morning a little bit of
20 the direction that Roseau River is heading in.

21 Before I make my presentation, I would

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 like to make an apology to you as the Commissioners. I
2 am sure that as you have travelled across this land you
3 have met a lot of angry people. Some of those people have
4 identified you as being representatives of the Canadian
5 government and, as such, you have taken the brunt of some
6 of the anger that was focused at the Canadian government.

7 One of the things we have to do here today
8 is understand that our people are very tired of promises.

9 We have had a lot of promises made, promises of justice.

10 And none of that has come through. So, what is happening
11 today among our people is that we are proceeding with
12 self-government, sovereignty. Regardless of whether or
13 not the Canadian laws are in place, we recognize that there
14 is a treaty position between Roseau River, the First
15 Nations of Canada and the United States, and the Canadian
16 government and the United States government. Our position
17 is the same.

18 For one thing, in terms of the land that
19 was stated here this morning, Roseau River had over 3,000
20 square miles of land in southern Manitoba. We now have
21 12 square miles of land left. We lost 99.6 per cent of

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 our land.

2 The situation is the same in Canada.
3 Overall, the Canadian land mass is over 3.8 million square
4 miles of land. The 2,200 pieces of land that is identified
5 as Indian reservation land amounts to about 10,313 square
6 miles. In effect, 99.73 per cent of the land in Canada
7 is under non-Native control. The majority of our people
8 are existing on less than one-quarter of one per cent of
9 what their land was at one time.

10 What we are saying today is that our
11 people are suffering through economic apartheid, economic
12 blackmail, and economic genocide. Canada violates
13 international law. Under international law, 13 articles
14 of the United Nations Universal Declaration of Human Rights
15 are violated by Canadian law in its application to
16 indigenous peoples.

17 For example, Article 17 of the United
18 Nations Universal Declaration of Human Rights is the right
19 to property. The Charter that was adopted in 1982
20 deliberately excludes the right to property. The
21 politicians in Canada were afraid of giving the power to

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 the courts to decide what the rights of the indigenous
2 peoples are, so they deliberately excluded the right to
3 property.

4 Another big issue is the right to
5 employment, something you heard just now. Article 23 of
6 the United Nations Universal Declaration of Human Rights
7 refers to the right to employment and to protection from
8 unemployment. Roseau River today has 70 per cent
9 unemployment. It might interest you to know that in the
10 so-called great depression, at the peak of the great
11 depression in 1932, the national unemployment rate was
12 25 per cent. So we have basically unemployment that is
13 almost three times as great as the great depression, and
14 it has caused our people a lot of suffering.

15 Our graveyards are filled with some of
16 our people who died in unnecessary deaths. We have had
17 80 and over unnecessary deaths in the community of Roseau
18 River. The majority of those happened within the last
19 25 years. It is caused by economic apartheid, economic
20 blackmail. It is a result of economic genocide.

21 One of the things that we have to

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 recognize is that we have waited very patiently. We went
2 through an exercise called the Manitoba Aboriginal Justice
3 Inquiry, the results of which -- the recommendations are
4 very clear they are not being enforced, they are not being
5 applied.

6 Forty-five per cent of Stony Mountain
7 Federal Penitentiary has, at one time or another, been
8 Native inmates. The Manitoba Youth Centre has, at one
9 time or another, been 95 per cent Native inmates.

10 What is being taught out there right now
11 in the institutions in Manitoba, in Canada, is hate for
12 the system that the Canadian government has put in place.

13

14 We in our community have made a decision
15 that we cannot wait for the Canadian government. We cannot
16 wait for the Province of Manitoba. We are going to
17 exercise the rights of sovereignty that we have had all
18 along. We never gave up our right to self-determination.

19 We have a treaty between the Canadian people and
20 ourselves. We retain the rights that we had under treaty.

21 We retain our inherent rights. We have never given them

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 up in treaty.

2 I want to read to you a little bit of
3 something that was written in 1875. It is a copy of a
4 report to the Committee of the Honourable Privy Council
5 approved by His Excellency the Governor General in council
6 on the 10th of April 1875. It is a memorandum of outside
7 promises with regard to treaty. We retain this as
8 recognizing the rights that we have had and recognizing
9 the fact that the Canadian government and the Province
10 of Manitoba have made promises to us for the last 121 years.

11 We are tired of promises. One of the things it says in
12 here in the outside promises is this:

13 "While the Government cannot admit their claim to anything
14 that is not set forth in the treaty
15 and the memorandum attached
16 thereto, which treaty is binding
17 alike upon the Government and upon
18 the Indians."

19 It basically states very clearly that
20 under Canadian law the treaty is binding. Treaty No. 1
21 states specifically that the last of our lands is for the

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 sole and exclusive use of ourselves. It also states that
2 any law that the Canadian government passes -- we are not
3 bound by those laws because it states very specifically
4 in Treaty No. 1 "of such obligations as shall be assumed".

5 So, we have not assumed any of the laws that Canada is
6 currently putting on our people.

7 This is why we are telling you right now
8 that Canada violates 13 articles of the United Nations
9 Universal Declaration of Human Rights. One of the things
10 we are saying to you now is that failure to abide by the
11 treaty, abide by the inherent rights of Native people,
12 will not be judged by Canadian law. It will be judged
13 by international law.

14 So, some of the things that are happening
15 in the near future is that Native people must bypass the
16 Canadian government. They must bypass the Province of
17 Manitoba. We must go to international courts,
18 international forums, whereby the international community
19 will recognize the inherent rights of our people.

20 We will have a much easier time in
21 international forums to get that recognition for our

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 inherent rights and the rights that we retain in treaties.

2 I will give you an example of what other
3 people can see about Canada. Canada is the second largest
4 country in the world. There is more land, more resources,
5 more wealth than any other nation in the world. On a per
6 capita basis, Canadians have more land than any other
7 country in the world.

8 Is Canada prepared right now to go before
9 the international community and have it examined exactly
10 what they have done to Native people? Are they prepared
11 to go to a country like Israel which has 8,000 square miles
12 of land, which has 600 people per square mile -- the
13 Canadian government can go to this country and tell them
14 to make room for the Palestinians. They can understand
15 the Palestinians' need for self-government. But the same
16 Brian Mulroney will come back to Canada and say that there
17 is no room in Canada for Native self-government. In a
18 country that is 460 times larger than the state of Israel,
19 Brian Mulroney will tell us that there is no room for the
20 original people to have self-government. This is
21 unacceptable.

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Our people are saying that we want to
2 live in peace. But we are also saying that we will not
3 give up the last of our lands. We will not pay taxes to
4 the Canadian government. We lost 99.6 per cent of our
5 land and we are not about to pay taxes to the Canadian
6 government. We will fix the unemployment rate in Roseau
7 River, but we will do it ourselves.

8 Some of the solutions that we will talk
9 about is foreign investment, independent financing, trade
10 between First Nations in Canada and the United States.
11 We will have free trade between American Indian
12 reservations and ourselves. Those are some of the
13 solutions that we are going to be implementing.

14 We are proceeding on casinos, on
15 tax-free cigarettes, tax-free gas, and we will have some
16 of the solutions. Also, some of the things that Leonard
17 is going to talk about is our system of government. We
18 have self-government in Roseau River. We do not need the
19 Province of Manitoba to recognize that. We do not need
20 the Canadian government to recognize that, but it is in
21 their best interest to do so. We do not want to have a

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 confrontation, but the reality is, as I stated, Canadian
2 law violates 13 articles of the United Nations Universal
3 Declaration of Human Rights.

4 What we are looking at is dialogue. But
5 we need an end to promises of future justice. We need
6 that justice now.

7 With that, I will close. Again, I
8 apologize to you that sometimes our people end up making
9 you the target of some of the anger they feel, but it is
10 a justified anger. The message to the Canadian government
11 and to the Canadian people must be strong. There is no
12 room for something that is not clear, is not concise, and
13 is not strong.

14 For example, right now our Chief and
15 council is not even being paid. We don't have any money
16 right now because the Department of Indian Affairs is
17 trying to do something in regard to the under-funding of
18 Roseau River. They have taken away control of those
19 dollars from us. Our Chief and council right now is not
20 even being paid for the work. We don't have any dollars
21 to pay our Chief and council.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 One of the things we are saying is that
2 every time we make a move towards self-sufficiency, to
3 being free from the Canadian government and being free
4 from the Province of Manitoba, we are blacklisted, we are
5 punished. There has to be an end to that.

6 With that, I will close. I will make
7 the remainder of my presentation some time this afternoon.

8 With that, I would like to turn it over to Leonard Nelson.

9 **LEONARD NELSON:** Thank you. Boozhoo.
10 (Native language -- no translation available)

11 Before I start speaking, seeing as how
12 it is 12:00, once I start talking, it will be rather
13 difficult to stop me. I suggest right now that we break
14 for dinner. The Chief is also going to be here to be
15 speaking. So, I would like to suggest to whoever is in
16 charge here that we break for dinner.

17 **MODERATOR ROBERT HENRY:** That is a good
18 suggestion, Leonard. We will break for dinner and
19 reconvene at 1:30.

20 --- Luncheon adjournment at 12:09 p.m.

21 --- Upon resuming at 1:15 p.m.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 **MODERATOR ROBERT HENRY:** We left off
2 with sovereignty and jurisdiction. The speaker is Leonard
3 Nelson.

4 **LEONARD NELSON:** I would like to start
5 with the statement that it is difficult to define the word
6 "sovereignty". It is difficult to define the word
7 "self-government". When we talk about those kind of
8 issues, we talk in terms of what we had as Indian people.

9 The Royal Commission is sitting and
10 trying to define these issues for a government that may
11 not have the concept of what sovereignty government is.

12 Somewhere in the translation from Ojibway to English it
13 loses many contexts as to what the word really means.

14 Before the white nations had any
15 dealings with the Indian people of this nation, the whole
16 realm of Indian being Indian meant that we had a clan
17 system. It's a system of relationships that are defined
18 by our birth right.

19 The clan system is a social order. The
20 clan system is a justice system. The clan system is a
21 government. The clan system is an extended family unit.

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 If you take these four items in the clan
2 system, it would be very easy to describe to you what those
3 are. But if you take the word bemodezewan (PH), you will
4 find that it is a way of life. These four items that I
5 talked about, the social order, the government, the justice
6 system, the extended family, were all inclusive in one
7 system.

8 Justice was not separate from us.
9 Justice was us. Government was not separate from us.
10 We were the government. People were the government. So,
11 when we defined our history and our first contact with
12 the white people, those white people made a determination
13 that under the Indian people here that lived for thousands
14 and thousands of years on this continent -- when the white
15 person came here, he didn't see a justice system, he didn't
16 see laws, he didn't see the extended family, he didn't
17 see the social order, because they were all in one. They
18 were all inclusive. They were not separate from the
19 people.

20 When these same white people came here,
21 they had the notion that these people, these groups, these

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 nations, were not ruled by a government, that they had
2 no justice system because they couldn't recognize it as
3 being separate from the people. Yet, when we talk about
4 Anishnabe, the very first concept of Anishnabe is not only
5 just for Indian people. Anishnabe means people. That
6 includes the white. It includes the blacks. It includes
7 the yellow. That is the very first concept of being
8 Indian, Anishnabe, that there are other peoples in this
9 world and that they were included.

10 We only started to separate those things
11 from Indian people because of the way the white people
12 wanted us to describe these things to you. That is why
13 it is difficult when you ask an Indian person to describe
14 self-government. How do you describe a way of life and
15 its total inclusion of religious rights, social rights,
16 government rights, justice rights, and the use of the
17 family as a system by which we live?

18 That is one of the reasons that we have
19 difficulty to describe what self-government is. We are
20 not prepared at this time to separate those things. They
21 are a whole way of life for our people.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 The other thing that I would like to talk
2 to you about today is this balance. You have heard Indian
3 people talk about harmony. When we talk about harmony
4 in our justice system, in our government, in our social
5 order, it means that everybody in that system, their
6 concerns and needs are always at the forefront, whether
7 it is collective or individual rights. If we talk about
8 individual rights, they are all inclusive in collective
9 rights because nobody is ever left out.

10 We talk about the circle of life. When
11 we are all part and parcel of that circle of life, we don't
12 make any criteria for you to enter that circle. It is
13 only the coming of the white man that they started to
14 determine who belonged in the circle, Treaty Status
15 Indians, Bill C-31, Status Indians living off the reserve.

16 It is only your government that has determined that.

17 This Indian Nation here says we are all
18 inclusive under collective rights. We will not trample
19 the rights of the women here. We will not trample on the
20 rights of children here. Under collective rights, those
21 rights as individuals and concerns are always at the

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 forefront.

2 If we take a look at our history and we
3 talk about the balance, in 1492 when Columbus came here,
4 he was on a boat out in the middle of the ocean and he
5 was sick. The Indian people healed him by giving him bark.

6 Then when we talk about this balance -- at that time in
7 1492 there was an uneven balance. The balance was in their
8 favour. Why do you think it was all in their favour?
9 Because they had a society here already developed that
10 included social order, government, justice and extended
11 family. So when we talk about that balance, what happened
12 from 1492 to 1760 on the Plains of Abraham when the English
13 and the French were fighting for control of this land,
14 the English won. At that particular moment in time, the
15 English people didn't need the Indians any more to fight
16 or have treaties with Indians. So what happened was the
17 Indian people at that time decided they didn't need these
18 white people on our land. They started to fight and
19 destroy forts here out west because the Indian people
20 didn't have no treaties with these white folks any more.

21 But in 1763 -- you must have heard a lot

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 about the Royal Proclamation that the King signed. At
2 the time of the signing of that proclamation, this nation
3 that you so eloquently called Canada was still a colony.
4 It wasn't recognized to sign treaties with other nations.
5 The King of England had to sign those treaties for the
6 Government of Canada. So, in 1763, after hearing that
7 the Indian people were beating up on the white guys they
8 decided to sign the Royal Proclamation of 1763 saying "In
9 order for the Indians not to beat us up in North America,
10 we need a treaty. We need to devise treaties with these
11 people."

12 Prior to 1760, the English and the French
13 had treaties with the Indians so that we could fight
14 alongside you guys. After 1760, there was no need for
15 Indian people any more in their treaties. So, in 1763
16 the King of England signed the Royal Proclamation. Many
17 people have different concepts as to what that proclamation
18 is. Indian people have the idea that the Royal
19 Proclamation signed in 1763 recognized that the Government
20 of Canada had no right to sign treaties with nations on
21 this continent. It is only with this Royal Proclamation

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 that the colony of Canada were to start signing treaties
2 with the Indian people.

3 Terry had mentioned some of the things.

4 The order in council that came from the high commissioner
5 was signed by the Government of England.

6 In 1763 you were still not recognized
7 as a nation. The nation of England had to sign treaties
8 on your behalf with Indian nations on this continent.

9 When we talk about this balance in 1763,
10 it became pretty even. From 1763 until Treaty 1, that
11 balance started to move over to your side. It became
12 balanced in your favour.

13 In 1952, this nation signed a BCR giving
14 up or relinquishing, or whatever it was that they did,
15 the clan system of government, our clan system, our way
16 of life.

17 Then in -- was it last year that they
18 signed the BCR saying that we now are going to take up
19 our -- we wanted to do away with the resolution that was
20 signed in 1952. We want to take up our clan system of
21 government.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 From 1492 when the balance was in the
2 Indian's favour, now it is gone in favour of the white
3 folks in this country.

4 When this balance in 1492 was in the
5 favour of the Indians, everything that you are talking
6 about in your development as a nation of Canada, as
7 prescribed by this nation of Canada, all the powers and
8 authorities, governments, laws, the Indian people had the
9 right to do these things already. The treaty only gave
10 you, the Government of Canada, the right to develop on
11 this nation. That is what the treaty was. It allowed
12 you, the Government of Canada, to develop this nation.
13 If you talk about the Royal Proclamation, what were you
14 then? You were nothing but a colony of England.

15 In order for you to say that when we talk
16 about what rights do the Indian people have in determining
17 what is jurisdiction, we must go back further than that
18 to find out what kind of relationship did the Indian nations
19 have with each other.

20 We will take one example: the idea of
21 territory. There is a stone in Elphinstone, Manitoba.

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 There is a rock there that defines our territory. There
2 is another one in Sault Ste. Marie. And there is another
3 one in South Dakota. If you look at those boundary
4 markers, you say who owns those lands? From that rock
5 in Elphinstone, the boundary marker in Elphinstone to the
6 one in South Dakota, all lands this side of that boundary
7 marker belong to the Ojibway people. The rock in
8 Elphinstone to the one in Sault Ste. Marie, south of there
9 is our land, Ojibway land. Anything north of that boundary
10 marker in Elphinstone and Sault Ste. Marie, north of there,
11 is Cree land. Anything from the boundary marker in
12 Elphinstone to South Dakota west was Dakota land.

13 We had these treaties long before the
14 coming of the white man. We had economic treaties. Now
15 we are at a stage where the Government of Canada says that
16 we are equal. Being equal doesn't mean only individuals.
17 Equality means groups, governments, nations. That is
18 what we mean by equality. The Government of Canada must
19 recognize that the Ojibway nation is a nation, that Roseau
20 River is a political unit within that Ojibway nation.
21 When we talk about this recognition of equality that is

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 enshrined in your Constitution, that means that you must
2 recognize this government here at Roseau River as an equal.
3 You are not superior to them.

4 How does this process make it so that
5 we have the right for development? If you take your
6 development from 1763 when you were a colony of the British
7 Empire and we were recognized already as nations, how much
8 money was spent in your development as a nation? We
9 require the same. We are equal.

10 There have been many instances where the
11 Government of Canada has failed to look at their
12 constitutions and make laws that deal fairly with Indian
13 people. Your history is so new, and you talk about Indian
14 people not having laws. But the Government of Canada has
15 no laws that deal effectively with the recognition of
16 Roseau River as a sovereign nation. In 1763, you were
17 still a colony. How can a colony have jurisdiction over
18 a nation?

19 If we talk about the development and
20 understanding of what those developments need to take place
21 here at Roseau River, the amount of money is so astronomical

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 that the Government of Canada will owe Indian people so
2 much money that they won't be able to pay them. The longer
3 we take to settle these issues, the more money it is going
4 to cost.

5 We talk about trying to define what
6 Indian government is. Let me talk to you about the clan
7 system. What are the four things that we talked about?
8 Social order, a government, a justice system, and the
9 extended family. Those four things in the clan system
10 were able to make this nation a self-sustaining nation.

11 But in your years of development as a government, it took
12 away all of those things. We were expected to live like
13 you. But on the treaty it is specific that we have the
14 right to be Indians and live like Indians. This is one
15 of the treaty rights that we have. We want to be Indians.

16 We want to be Anishnabe. And Anishnabe means that we
17 have to have the clan system back here.

18 We talk about social order. What is
19 social order? It means that I look like my father. I
20 don't look like my mother. My mother is sitting right
21 there. I don't look like her. I look like my dad. I

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 have some features of hers. I have long fingers. I have
2 long feet. That is because of my mother. I look like
3 my dad. I walk like my dad. I prefer to work like my
4 dad did. But I still have my grandfather's
5 characteristics.

6 My grandfather was one of those people
7 that was at the last battle here in Joe Creek when the
8 Northwest Mounted Police wanted to come on our reserve
9 and arrest an Indian that had done something in the United
10 States, had killed a man in the United States, legally
11 killed him. But the Canadian government wanted to come
12 on our reservation and say, "We want that man." The Indian
13 nation Chief at that time, said "No." But the white man
14 was persistent. He said, "We want that man. I am going
15 to go back to the fort and get six more RCMP officers,
16 and then we are going to come in and take that man."

17 They came around and as soon as they
18 crossed Joe Creek, as soon as they got in the water, that
19 is where they were killed. My grandfather was there.
20 My two grandfathers were there. They were warlike because
21 they were a warrior society. At times I am warlike.

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 One of the saddest things that happened
2 this year was when the RCMP came here. They did a search
3 and seizure here. They did it on their laws, on their
4 side of the law. Yet there was one such law here on our
5 reservation that was passed. It was a search and seizure
6 act. They completely disregarded this law. It is set
7 here for our protection.

8 If you want to talk about a government,
9 a clan system type of government on this nation is working.
10 Yes, we have disputes. But that is what negotiation is
11 all about, settling disputes. It is creating harmony
12 within the community. We talk about a government
13 structure that is based on consensus. Yes, we have
14 difficulty reaching consensus because we are still using
15 the white man's concept of elections, majority rule.
16 Those concepts and issues belong to a system that is made
17 for the Government of Canada. It is not for our people
18 here. We are devising a system whereby we can attain
19 consensus on all issues.

20 But we are continually denied this
21 development by a government that gives us an arrangement,

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 an alternative funding arrangement. Section GC-11 and
2 GC-12 in the alternative funding arrangements talks about
3 band management development. GC-12 talks about
4 authorities, committees, and their relationship to the
5 Chief and council. They have these glorified items in
6 the AFA agreement, but yet they have no money to back up
7 what is in that agreement. They expect us to take out
8 of social welfare the development of Indian government.

9 We talk about a justice system, the
10 concept of law. The concept of law is different from what
11 you guys are doing to what we want. It is based on harmony.

12 When the victim and the perpetrator of a crime and an
13 arbitrator get together prior to any charge being laid,
14 it is to create harmony. Your system says that he has
15 to be proven guilty, or he is innocent until proven guilty.

16 What happens is that once he is proven guilty he goes
17 to jail. Nothing happens to individuals after they send
18 him to jail.

19 Our system says that in order to create
20 harmony we have to get these three people together so that
21 they can work out an agreement for themselves so that they

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 can live with each other again. That is the difference
2 in the concept of what justice is.

3 We don't want to have to develop laws
4 based on your concept of law. We want to develop our own
5 system which recognizes harmony, that recognizes victim
6 rights, that recognizes the rights of a perpetrator of
7 any crime, the arbitrator. Those are systems that were
8 set here that worked. That is the reason that we sometimes
9 don't recognize what the Indian law processes are all about
10 because we don't understand the concept that they come
11 from.

12 The other item in the clan system is the
13 extended family. You might ask: What does the extended
14 family have to do with the government, with justice? The
15 extended family was given the right to deal with these
16 issues on the family level. If there was any crime or
17 any injustice done, the family had the right to deal with
18 these things. Your system is different. Your system says
19 to the Indian people, "Your justice system is wrong. Come
20 over here. I will show you how it is done."

21 I don't know what percentage of the

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 people in institutions, jails, are Native people. I don't
2 know the percentage of Native people. But I know they
3 are there. Nothing has ever been done for them. They
4 just go to jail, serve their time, and that is it. They
5 come out and the problem still exists.

6 What this system does for us is it allows
7 us to stay within the community. The family is given that
8 right back to deal with these things. One of the glaring
9 mistakes that has ever been made by the Canadian government
10 is this idea of integration.

11 My mother is sitting here. Prior to
12 even thinking about starting school I used to live with
13 my mother. The only language they spoke was Ojibway.
14 I spoke the Ojibway language. But when the Indian agent
15 saw me, he told my mom that I was of age and I had to go
16 to school. He asked my mom, "What is your son's name?"
17 "Jowzh Comajaput (PH)". The white man is sitting there
18 with his paper, "How do you spell Jowzh Comajaput (PH)?
19 What is his English name?" "Leonard Nelson."

20 The next thing they asked her was, "Is
21 he Roman Catholic?" My mom says, "No." "Oh, that means

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 he is United Church." That is why I went to school at
2 Portage for 11 years. Not because I was Roman Catholic,
3 not because I was United Church, but because they didn't
4 ask more, what kind of religion did my mom practice. They
5 didn't ask anything about it. What would they have done
6 if they had said he is practising Indian spirituality.
7 I wonder what school they would have sent me to.

8 At that time my mother was doing a good
9 job of teaching me the concept of being Indian. She was
10 teaching me my language. But the government came along
11 and said, "Hey, Rosie Nelson, that is not the way you teach
12 your son. Bring him over here. I will show you how to
13 do it." I don't know how many millions of dollars were
14 spent to educate me. Yet, I still can't participate in
15 your economy. Who in his right mind is going to hire an
16 Indian?

17 We come to what I had intended to tell
18 you about, some of the things that you are unable to define.
19 You are unable to define what self-government is.

20 (Native language -- no translation
21 available)

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 You don't know how to speak the Ojibway
2 language. How do we say law in Ojibway? I was born to
3 it. We didn't have a concept of what law was separate
4 from us.

5 We are at a point in our history where
6 you have taken the Indian people out of a system that was
7 already working, a system that for thousands and thousands
8 of years had proven to work, that gave Indian nations the
9 ability to be self-sufficient to where we are now. And
10 we talk about that balance. We are now at a position where
11 we are unable to do anything. We are not able to do
12 anything.

13 I will give you one good example here.
14 This reservation wanted to get out of the Indian Act.
15 The only way that they will allow us to have money is when
16 we say the Indian Act will be applicable here on the
17 reservation. That is the only way they told us that we
18 would get money. I don't know what that is. That might
19 be coercion, collusion, threats, economic threats. All
20 of these things are ways of you dealing with Indian people.
21 We wanted to get out of the Indian Act. We wanted to

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 go to treaty. Your government is unwilling, unable, to
2 come to grips with that issue. They will not pass laws
3 that will give recognition to our treaty position because
4 it all comes down to dollars and cents.

5 If this Government of Canada took the
6 position that they would recognize Indian governments
7 under treaty, can you imagine what kind of Indian
8 developmental dollars would be needed just to develop
9 Indian government? How much did this government spend
10 from 1763 when they were a colony to what they think they
11 are now, what they hope to be? How much money was spent?

12 Under treaty, those kind of payments would have to be
13 forthcoming from your government for those developments
14 because it is your system that completely turned a blind
15 eye to what we had prior to this government here.

16 We are looking at a government that will
17 make laws honouring constitutional rights, world rights,
18 or whatever rights we do have as a nation. It comes down
19 to dollars and cents. There isn't enough money in the
20 Government of Canada to pay for the development of our
21 government and every other nation in this country of

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Canada. How many reservations do we have in Manitoba?
2 Fifty-five. Can you imagine the cost to the Government
3 of Canada for the development of these governments? It
4 is astronomical. That is why you don't want to make any
5 laws that recognize these things. And I understand why.

6 It is hoped that I have given you an idea
7 of what the definition of sovereignty is. When you define
8 sovereignty and we are equal to you as a government, that
9 means we as a government here in Roseau River will be
10 expecting, demanding, the same kind of developmental
11 dollars for our government.

12 It is hoped that you can start to define
13 what bemodezewan (PH) means to the Indian people, a way
14 of life, and how you must take those kind of concepts.
15 We are not in opposition to you. We don't want to be in
16 confrontation with you. We accept that you have ways of
17 doing things for your people. So does this nation here
18 at Roseau River. We have ways of dealing with our people,
19 and those concepts come from a long line of history of
20 our people.

21 If you talk about what is

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 self-government, then you had better be prepared to include
2 the word bemodezewan, our way of life. The whole structure
3 is included in one. It is not separate. We are not
4 separate from that circle. We are part of that circle.
5 You are part of that circle. And we don't make any
6 criteria, we don't make any rules for you to join that
7 circle. We accept you as equals. And we expect the same
8 kind of treatment.

9 So, if we want to define what
10 self-government is, let's not exclude the social order,
11 the democracy, the justice system, the extended family.
12 These are all in one, ways of doing things.

13 I hope that I didn't ramble on too long.
14 Hopefully this gives you an idea of the kind of problems
15 that are going to exist and will continue to exist until
16 we make and accept our definition of what sovereignty is,
17 what self-government is, what justice is. We are not here
18 to try to change anybody's mind. We just want you to accept
19 that. Megwetch.

20 **MODERATOR ROBERT HENRY:** Thank you,
21 Leonard. Are there any comments from the Commission?

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 **COMMISSIONER ALLAN BLAKENEY:** I have a
2 few. I want to make a little comment. It has been
3 suggested that somehow we represent the Government of
4 Canada. I want to tell you that while we were appointed
5 by the Government of Canada, we cannot deliver anything
6 on behalf of the Government of Canada. We make no promises
7 except that we will listen and report and try. That is
8 all. We don't guarantee anything. So before we are
9 accused of listening and agreeing and not doing, I want
10 to be very clear on what our position is.

11 I have a couple of questions. I am not
12 quite sure whether you want to tell us what you intend
13 to do in the future. That is the key. Whatever may have
14 happened in 1763 is interesting, but what is going to happen
15 in 1993 and 1994 is the key. So, I am just asking some
16 questions for my information.

17 Would it be the view of the Roseau River
18 nation that they would want property rights included in
19 the Charter of Rights? That comes as a bit of a shocker
20 to me. Would you like to comment on that?

21 **TERRY NELSON:** One of the things that

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 has to be included in the Charter of Rights is the
2 international recognition of Article 17, which is the right
3 to property. That was in fact excluded from the Charter
4 of Rights and Freedoms in 1982.

5 That is definitely one of the areas that
6 has to be done because without it the courts in Canada
7 cannot make a very good ruling because there is nothing
8 to base it on.

9 In the United States, the right to
10 property under the American constitution and the Bill of
11 Rights did in fact give a lot of support to the Indian
12 people in the United States to get the court to recognize
13 that the transfer of land and property was very specific.

14 If you didn't include it in the agreement, for example,
15 in terms of a right to property legislation -- if you were
16 going to sell a vehicle or something like that and the
17 buyer came along and he didn't give you all of your money,
18 you still have a right to that vehicle. And even if he
19 did give you all the money for that vehicle, he can't come
20 back after the deal is made and say, "I want to take your
21 house too along with the money that I gave you for your

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 vehicle."

2 You can't include things the same way
3 in terms of the treaty. What we gave up has to be very
4 specific. In Treaty No. 1 we never gave up our right to
5 self-government. We never gave up our right to live under
6 our own laws. We have sole and exclusive use of the last
7 of our lands. That will help us in the courts, that right
8 to property.

9 Also, there is one thing we have to be
10 very clear about. The Canadian government is going to
11 pass legislation. Whatever the Canadian government does
12 in terms of its legislation is for the Canadian government.
13 We view ourselves as a sovereign government apart from
14 the Canadian Constitution. There are some obligations
15 that the Canadian government has under its Constitution,
16 under its laws that it passes. But that doesn't mean that
17 we are bound by those laws. Under the treaty it
18 specifically states "of such obligations as shall be
19 assumed". We have never assumed your Criminal Code. We
20 have never assumed your Constitution.

21 One of the reasons that we are telling

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 you that, why Roseau River took a position that we would
2 not be involved in the vote on your constitutional
3 amendments -- we will not be involved in that because that
4 is your legislation. It is not ours.

5 If the United States government voted
6 to recognize Roseau River in its constitution, we would
7 not be involved in an American vote on that constitution,
8 no recognition. We take that same position.

9 It is not like Brian Mulroney offered
10 us self-government and we rejected it during the last
11 constitutional debates or the referendum. We didn't
12 reject the referendum. We are just saying it is not part
13 of us.

14 If we go into a Canadian court and we
15 argue based on Canadian law, all we are arguing about is
16 the obligations that the Canadian government has under
17 its own laws. We are not arguing that the Canadian court
18 system has a right to determine what the sovereignty rights
19 of Roseau River are. We have to make that distinction.

20 If you pass the right to property
21 legislation, or an amendment to your Constitution, that

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 is fine. That is good. It will recognize your
2 obligations to treaty. It will help you recognize your
3 obligations to treaty.

4 **COMMISSIONER ALLAN BLAKENEY:** I follow
5 your line of reasoning. You wouldn't care very much what
6 was in the Canadian Constitution, then, so it doesn't
7 directly impact on you.

8 Let me ask another question. Mr.
9 Leonard Nelson spoke about the boundaries of the old
10 Ojibway land. Undoubtedly you had treaties with the
11 Dakota, the Cree, and others.

12 **TERRY NELSON:** Yes, we did.

13 **COMMISSIONER ALLAN BLAKENEY:** How did
14 you enforce those treaties? You now have one with the
15 Canadian government. How were treaties enforced?

16 **LEONARD NELSON:** One of the underlying
17 concepts of treaty negotiation is that of trust. There
18 shouldn't be, and there never was, in our dealings with
19 the Dakota people, in our dealing with the Cree people,
20 a need to enforce those territorial and boundary rights.

21 Under our way of doing things, a

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 consensus was reached to recognize those borders. Each
2 of the political units in the Ojibway nations understood
3 the meaning of territory. They were self-policing in
4 recognition of those treaties. When you base your whole
5 life on truth, then there is no need to make applications
6 or have any laws that will specify what happens to you
7 if you break those treaties that we had with the Dakota
8 people.

9 I don't know how the Dakota people, in
10 their way of doing things, understand this. But the
11 Ojibway nations and our people do not take the position
12 that if somebody says something then we are to question
13 it. Everybody is expected to tell the truth. And
14 everybody in our nation, because we are built on a
15 consensus, were party to that agreement. Everybody knew
16 where the boundaries were, so there was no need to go past
17 those boundaries because we had agreed.

18 We talk about truth and trust. That is
19 one of the things that we talk about. We shouldn't have
20 to go to the United States and try to impose a rule that
21 they never agreed to in the first place. Neither will

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 this government try to make you or enforce a treaty that
2 you signed. Let's take a good example, the GATT agreement.
3 The government signed that agreement. They talk about
4 international trade.

5 My cousin Terry is involved in
6 international trade, and yet they are being interfered
7 with by the Government of Canada. The United States
8 government has already released some of the stuff they
9 had confiscated because they had no authority to interfere
10 in international trade.

11 So when we talk about trying to enforce
12 those kind of treaties, you expected us to live in treaty
13 in faith and trust and truth and the same is expected of
14 you.

15 **COMMISSIONER ALLAN BLAKENEY:** So, if
16 there are stories of armed conflict between Cree and
17 Blackfoot or between Ojibway and Cree in pre-contact days,
18 those stories are simply wrong. You did not have armed
19 conflict. Is that fair?

20 **LEONARD NELSON:** We did have armed
21 conflict. As a nation prior to your coming, we did have

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 the right to arm ourselves. One of the things that you
2 have to remember here is that Treaty No. 1 is a treaty
3 of peace. That is what it was. The Ojibway nation here
4 at Roseau River said they would not go to war against you
5 guys, the white people here. They would not kill white
6 people here. That was a treaty of peace. We haven't done
7 that since maybe after Joe Creek.

8 But that does not mean that we can't arm
9 ourselves. We still have that right as a nation.

10 **COMMISSIONER ALLAN BLAKENEY:** I am not
11 making myself clear. I will try another question and see
12 if that gets to it.

13 Suppose the Ojibway and the Dakota had
14 a different interpretation of what the treaty meant. How
15 did you resolve that? It is no good to say that "we all
16 dealt with each other in good faith", because I have run
17 into all manner of people who have made a verbal deal and
18 they each in good faith believe it means different things.

19 How do you recommend we go about finding out what the
20 treaties mean?

21 **TERRY NELSON:** Let me answer your other

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 question. One of the things when you study history and
2 stuff like that, what we have found in studying history
3 is -- one of our elders is basically saying that it is
4 exactly that: it is his story, basically. It is the white
5 interpretation of what happened prior to Europeans coming
6 here.

7 If you look back in the oral history of
8 our people, we did in fact have territory and we did in
9 fact have treaties with Dakota people and Crees, and what
10 not. But the only time that there was actual war between
11 the tribes was when the white people started pushing us
12 westward into other people's territory. We ended up
13 having to fight for our right to live. We had to have
14 a certain amount of land in terms of hunting, fishing,
15 and gathering.

16 The only time the west really got wild
17 was when the white people got there. In effect, we have
18 always maintained the treaties. The treaties were built
19 with our word, and we have, in fact, kept our word. There
20 has been peace between the Canadian people and ourselves.

21 But now we are starting to question whether or not the

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 treaty is in fact valid. We are asking now what is the
2 acceptable price for peace, what is our right to peace,
3 what is your right to peace, and what is your responsibility
4 to peace, what is our responsibility to peace.

5 **COMMISSIONER ALLAN BLAKENEY:** "Your"
6 meaning the Canadian government.

7 **TERRY NELSON:** Yes.

8 **COMMISSIONER ALLAN BLAKENEY:** On the
9 left here is Viola Robinson who is as pure Micmac as I
10 suspect you people are pure Ojibway. She is going to take
11 a little offence if you --

12 **LEONARD NELSON:** One of the things that
13 you must recognize as a government is that your government
14 has always had armies. Even in colonial times you had
15 armies. It has always been there. What happened during
16 the two great wars? The Canadian people had armies that
17 they sent over there to help.

18 What happens if you disarm a nation?
19 What happens to a nation that you disarm? Of course they
20 will abide by your laws. But the Indian nation has never
21 given up that right to arm themselves.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Let's take the cold war. What happened
2 with Russia and the United States was the build-up of arms.
3 They were afraid to fight each other because they had
4 nuclear weapons that could erase mankind on this earth.
5 So they kept the peace because nobody wanted to start
6 that war. The same is true with the Indian nations. We
7 had ogidgida (PH) societies that were willing and able
8 to go to war, and they were armed. So, when they had a
9 treaty, they were the front line people to determine
10 whether one nation did not live by the treaty or not.
11 When one breaks a treaty, it is only natural that they
12 go to war.

13 Look at the Indian nations of this
14 continent here. How many of those nations are armed?
15 Not one because they have treaties with your government.
16 And we don't stand a chance against you guys.

17 Look at the Palestinians and the
18 Israelis. What do you see pictures of? The Israeli army
19 with weapons, rockets, bombs, all of those things. What
20 do the poor Palestines have? What do you see them throwing
21 at the Israelis? Rocks, sticks. How long do you think

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 that that kind of a threat can continue?

2 We talk about those people in Sarajevo,
3 the clans are fighting because they have weapons. What
4 makes you think that it will be different here?

5 **COMMISSIONER ALLAN BLAKENEY:** I am not
6 getting across here. You spoke of what you feel Treaty
7 1 means and of the Canadian government not agreeing that
8 it means that.

9 **LEONARD NELSON:** Yes.

10 **COMMISSIONER ALLAN BLAKENEY:** You spoke
11 of possibly going to international courts or international
12 tribunals of some kind.

13 You have two people who signed a treaty
14 and they don't quite agree on what it means. My simple
15 question to you is: Have you got any ideas as to how to
16 figure out what that treaty means -- not what it ever
17 meant -- but what both parties will agree that it means?

18 If they don't agree, are you going to international
19 courts? Are you going to propose some other way of
20 handling that?

21 **TERRY NELSON:** One of the things that

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 we have to look at is international recognition of Native
2 rights in Canada. That is a given. We have to go in that
3 direction simply because we are too close to the situation,
4 both the Canadian government and ourselves. It requires
5 international arbitration. It requires some people
6 coming in and looking at both sides and saying: What is
7 a fair settlement?

8 I am sure, as far as our people are
9 concerned, we are going to get a hell of a lot more than
10 what we have here today and what we get from the Canadian
11 government. The Canadian people have basically failed
12 to separate need from want. They have a hell of a lot.
13 When you look at it, they have more land per capita than
14 any other nation in the world.

15 Many countries of the world would love
16 to have something like part of Canada. They would love
17 to see Canada break up. There are many nations in the
18 world that would love to see the break-up of Canada. They
19 would love to see a war in North America. And that is
20 exactly the direction they are heading in because of the
21 fact that peace is something that can be achieved only

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 when there is hope for the future. A lot of Native people
2 are steadily losing hope for the future. And that is one
3 of the things that we have to be realistic about. It is
4 a reality.

5 One thing that people should realize is
6 that in 50 years all known resources will be depleted in
7 the world. When you consider the fact that a child born
8 in North America will, in its lifetime, consume 100 times
9 more resources than a child in a third world country, you
10 are talking about countries, nations all over the world
11 looking to Canada and saying "We want a part of that."
12 And how do they get a part of Canada? By recognizing Native
13 rights, by getting access through international
14 recognition of Native rights.

15 So, there is a process by which we can
16 in fact bypass the Province of Manitoba. We can in fact
17 bypass the Canadian government. We can in fact go to other
18 nations to recognize our boundaries. You may think that
19 is unrealistic. You may think that is far-fetched. But
20 the reality is that we have tried everything we can do
21 in Canada to try to wake up the Canadian government and

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 it has failed. So definitely we are going to the
2 international system.

3 We are also recognized under the United
4 States constitution as being American citizens. Canadian
5 Indians can go to American courts where the right to
6 property is recognized and ask the question: Is Treaty
7 No. 1 legally enforceable? The reason being that much
8 of the product that Canada is shipping is going into the
9 United States. The trade relations between United States
10 and Canada is over \$200 billion a year. We are in fact
11 going into American courts to ask the question: Can any
12 of the product that is produced within our 3,000 square
13 miles of land be legally blocked by an American court from
14 entering into the United States? We are American citizens
15 and we can go into an American court and ask the question.

16 **COMMISSIONER ALLAN BLAKENEY:** Thank
17 you.

18 **COMMISSIONER PAUL CHARTRAND:** In the
19 present circumstances, I am going to defer most of the
20 time to my colleague Viola Robinson. I am aware that we
21 have some documents that have been submitted earlier and

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 I would like the time to examine them.

2 I would like to make a request. You
3 referred to the protection of property rights. I too am
4 surprised by this position. I do not profess to be an
5 expert on American jurisprudence, but my understanding
6 is that at least Aboriginal title, the land rights of the
7 Indian nations in the United States, have been recognized
8 as not in the nature of property for the purposes of
9 constitutional protection as property. I think it was
10 the Tiheton (PH) case, but I may be wrong on that.

11 I wonder, if the point is not dealt with
12 in your brief, if you would assist us by way of following
13 up somehow with a further brief on that. It is a very
14 important point and I want to make sure that we have the
15 facts rights.

16 **TERRY NELSON:** We have a lawyer in the
17 United States. His name is Dennis Bear. He is in the
18 state of Minnesota. He operates out of Holly, Minnesota.
19 He has in fact done a lot of research with regard to our
20 rights in the United States as to the 11 million acres
21 that we were talking about previously, that we do in fact

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 have a right to go into the United States and apply for
2 hunting, fishing, trapping rights within 11 million acres
3 of land in North Dakota and Minnesota.

4 **COMMISSIONER PAUL CHARTRAND:** My point
5 is about the constitutional protection of the property
6 rights and the status of Indian property rights in that
7 context.

8 **TERRY NELSON:** One of the things that
9 we have to point out, too, is that you are right to the
10 extent that there are some things that are done in American
11 laws, in American courts, that haven't been exactly
12 constitutional with regard to American Indians. But the
13 major difference between American Indians and Canadian
14 Indians is the fact that the American Indians have always
15 stood up for their rights and they have always been willing
16 to go to military confrontation.

17 It may seem that the American courts have
18 been more fair and more just and everything else in granting
19 the recognition of Indian rights, but in fact, American
20 Indians have stood up and have had their warrior societies
21 and tanks and face tanks and American armies and everything

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 else, state troopers. So they have exercised those
2 rights. It is only after they have exercised those rights
3 that the American courts have recognized their right to
4 do so.

5 So, it is two things. It is both the
6 military application, the exercising of their laws, plus
7 the court systems all of a sudden saying, "You did have
8 that right." You have to remember that the United States
9 constitution was written over 200 years ago. I guess they
10 put in a lot more rights than they would today if they
11 had a chance to rewrite it.

12 But I will definitely give you some of
13 that information. We do have a lot of research done in
14 the United States.

15 **COMMISSIONER PAUL CHARTRAND:** Thank
16 you.

17 **COMMISSIONER VIOLA ROBINSON:** I don't
18 have any questions for you. I would just like to thank
19 you for your presentation. I know that you have your
20 treaty and you are unhappy because there hasn't been any
21 follow up and a lack of recognition by the federal

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 government and that you are going to pursue other avenues.

2 I get that message, and I am not going to question it.

3

4 Thank you.

5 **TERRY NELSON:** There is one more point
6 I would like to make. I know you are looking for solutions
7 and what not.

8 One thing that people should recognize
9 is that this is a question about economics. It has always
10 been a question about economics. The Canadian people have
11 been bombarded with the idea that the Indian people are
12 living tax-free, on taxpayers' good graces. One of the
13 things we are saying is that all the dollars that are
14 designated by the Canadian government for our people would
15 be sent directly to our people. It should bypass the -- we
16 are looking towards getting a direct relationship with
17 Treasury, bypassing the Department of Indian Affairs,
18 bypassing all the 14,000 civil servants there are in Canada
19 who are administering our poverty. That is one of the
20 solutions that we are looking at.

21 Also, we are talking about the same

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 thing, that when Canadian people go to a pump somewhere
2 and pay for a gallon of gas, they don't all of a sudden
3 say "Damn, my taxes are going to the Arab people." They
4 don't say that because they are getting something in
5 return. I think one of the things that Canadians should
6 understand is that they get their resources and their
7 dollars to live based on the sale of property that belongs
8 to us. So, we are not getting a free ride. I want to
9 make that perfectly clear.

10 If there is any recommendation that
11 needs to come out of here, whether it is for urban, rural,
12 Métis, or non-Status, whatever, the fact is that if money
13 is designated by the Canadian government for us, we want
14 it. And we don't want it administered by white people.

15 It belongs to us. It is ours. We want to administer
16 it directly.

17 Thank you very much.

18 **MODERATOR ROBERT HENRY:** Thank you,
19 Terry.

20 The next topic is the topic of gaming
21 in Roseau River. The person speaking on this topic will

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 be Councillor Ed Hayden. Also, for the record, the other
2 people who have joined Councillor Hayden are Carl Roberts,
3 Adviser to the Band, and Ernie James, the General Manager
4 of the Gaming Commission.

5 **ED HAYDEN, COUNCILLOR, ECONOMIC**
6 **DEVELOPMENT AND GAMING:** Good afternoon, Commissioners.
7 Welcome to our community. My name is Ed Hayden. I am
8 with the Chief and council and the councillor responsible
9 for economic development and gaming.

10 There are some issues with the province
11 and Canada in general that we would like to deal with in
12 terms of gaming. As you heard from previous speakers,
13 Roseau River is under band custom. Not the band custom
14 that is under the Indian Act, but, in the belief of our
15 people, the band custom that is outside of the Indian Act,
16 which, under band custom in our community, in Roseau, we
17 have the power and the authority from our tribal members
18 to pass legislation. That has been done already in terms
19 of gaming.

20 Prior to the Gaming Act and getting away
21 from the Indian Act, Roseau and its Chief and council,

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 custom council, elders' council sat together in developing
2 an Election Act for the tribe. That was sent to Ottawa.

3 We got back an order in council recognizing our Election
4 Act under band custom.

5 It is my understanding that Canada has
6 already set a precedent in terms of legislation and
7 recognizing our legislation. We have tried to use the
8 same process in dealing with our gaming in Roseau. Ottawa
9 has not responded to date. We have received letters from
10 the Minister of Indian Affairs indicating that it is not
11 within his mandate to deal with any legislation coming
12 out of Roseau. His mandate is strictly in the application
13 of the Indian Act. That is one of the things we are looking
14 forward to addressing: Where do we take this legislation
15 to get it properly addressed? One of the things that we
16 can think of right now is the Justice Department.

17 Going back to band custom, the tribe
18 developed the Gaming Act with all its authorities, its
19 policies, the structuring. Because of our sovereignty
20 in this community, we never gave up the right to develop
21 our own tribal law regulating gaming.

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Some of the problems that we have been
2 encountering -- namely, the province throwing up barriers
3 and trying to stop Roseau from its developments. We
4 believe that the responsibility still falls under the
5 federal government to deal with this issue. The province
6 has no jurisdiction within our community. The province
7 is assuming a lot of things that they are trying to enforce
8 on us, like jurisdiction, Canadian law. One of the topics
9 that Carl will be talking about is the Criminal Code, also
10 the ability for Canada, within its present Constitution,
11 to act on self-government initiatives.

12 The initiatives that we have under
13 gaming right now should address some of the concerns that
14 Canada and its general public have right now in terms of
15 what we here in the media; the minister saying what it
16 is going to cost Canada to fund Indian self-government.
17 What Roseau is saying is, "Lift the economic barriers
18 that you have placed in front of us and then we will fund
19 our own government."

20 At this time, I just wanted to speak a
21 little bit about that. I would like to ask Carl to talk

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 about the legal aspects of what has been happening to us
2 from the RCMP, the province, and their using the Criminal
3 Code to try to clamp down on Roseau.

4 Thank you.

5 **CARL ROBERTS:** Thank you, Councillor,
6 Commissioners, Elder.

7 First of all, in looking at the situation
8 with respect to the relationship between Roseau First
9 Nation and the Government of Canada, all people involved
10 in that understanding must begin to review their history
11 and see how that relationship has been created.

12 One of the things that I have to say at
13 this point is the fact that not only have economic
14 blackmail, if you will, or sanctions and so on been taken
15 against First Nations across this country, there have been
16 other moves in various areas that have tried to terminate
17 First Nations in this country, more specifically, the
18 denial of the usage of our language in the institutions
19 that have been created by the federal government, the
20 denial of cultural activities, spiritual activities, for
21 which our people were incarcerated and thrown in jail,

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 and so on. If that cannot be looked at as genocide, I
2 don't know what is. That is the point that our people
3 come from when we talk about our treaties, our inherent
4 rights, and so on.

5 There are a lot of questions respecting
6 what is inherent right. I think our people, our elders,
7 our leadership have been eloquent in trying to transfer
8 that understanding to Commissioners, all kinds of
9 commissions, and so forth across the country. An inherent
10 right is something that cannot be legislated. It is
11 something that is bestowed and transcends from a power
12 outside any legislative forum. When someone begins to
13 try to understand that, they can appreciate our
14 understanding that we as a people are free and maintain
15 that right.

16 The treaty rights, on the other hand,
17 are another issue. What we have to begin to understand
18 respecting treaties that have been entered into by Canada
19 and the First Nations in this country is that there are
20 two legal parties to these treaties.

21 To answer the question that you tabled

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 earlier, Mr. Blakeney -- you asked the question "How can
2 these things be resolved when the Government of Canada
3 does not agree?" You have to begin to understand that
4 the governments of whatever era have existed in Canada
5 and their bureaucracies as well -- namely, Indian
6 Affairs -- have chosen to interpret our treaties in the
7 way they see fit and are very selective on how they choose
8 to interpret that treaty.

9 The First Nations in this country, as
10 well, now have to interpret. They know what those treaties
11 are. Those statements, those positions, have been time
12 and time again tabled with your governments at various
13 levels to no avail. And it is very distasteful when the
14 federal government that is party to a treaty allows any
15 of its bureaucrats to deal and to treat with other nations.

16 That in fact tells people party to that treaty that those
17 treaties are wanting to be domesticated on the part of
18 the federal government and not based on how the initial
19 treaty was enacted or treated based on a
20 nation-to-nation/government-to-government basis.

21 In order to put some light on what we

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 are speaking to respecting gaming, I have to speak to those
2 areas. The process under band custom that is referred
3 to is not band custom as identified under the Indian Act
4 or as approved by the Indian Act. The band custom that
5 our people talk about is the custom that is based on our
6 customs, our beliefs, our languages, our practices, our
7 traditions, and so on, and based on traditional and natural
8 law.

9 Having said those things and our nation
10 having taken the initiative to put in place our
11 institutions, our laws, and so on, that assist us, and
12 will enable us in future generations as well, to be able
13 to be a self-sustaining unit, community, if you will, a
14 political unit of our nation, I believe that our people
15 do not want to see their children sitting at this same
16 table 30 years from now making presentations or arguing
17 or debating with any of the premiers or any prime minister
18 that may be around at that time if Canada is still here
19 in 30 years.

20 As has been mentioned by previous
21 speakers, I am sure there is a litany of grievances that

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 have been tabled before you. But I know that you can't
2 do anything about those grievances. At least, I heard
3 you mention that. I also note your poster. It says "Time
4 to listen, time to talk". To answer you on what can be
5 done, I think it is time to act. I think that is the message
6 you send back to whoever appointed you and who has given
7 you the task of finding out what has to be done. The point
8 is, it is time to act.

9 The voluminous finances that are used
10 every time any social or political problem appears at any
11 level of government is astronomical in nature. A lot of
12 people on the street, both our people and non-Indian
13 people, may not realize the resources that are spent on
14 commissions, on committees, on task forces, and so on and
15 so forth. I can maybe refer you to the Aboriginal Justice
16 Inquiry in Manitoba. What did that cost? What has anyone
17 done about it? How long ago has that been? Are you coming
18 for a second round in three years from now and saying,
19 "Nothing happened."

20 I think the general public on the street
21 has to understand, and understandably so, where their

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 dollars are going.

2 I am leading up to the issue of gaming
3 and economics, and so on. One of the things that we see
4 in Canada is the fact that the taxpayer, the man on the
5 street, is roughly putting out 54 per cent, indirectly
6 about 67 per cent, of what they make. That is
7 astronomical. It makes you wonder why the Canadian
8 population is out looking at political machinery in this
9 country very closely.

10 These are the types of things that our
11 nations, our governments, do not want to get involved in,
12 in making their own people work for seven, eight months
13 of the year before they put a dime in their pocket.

14 I believe that same tax regime that is
15 there is the very reason the Europeans came to North
16 America, is it not? From here, if the system continues,
17 where are they going? To the moon?

18 These are the kind of things and these
19 are the realities that our people look at. What we see
20 in government in different levels is that there are no
21 visionaries any more but people who want to deal with their

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 own selves, line their own pockets, and get out of the
2 way. In it for two terms and they have a pension for life.
3 Is that not how the political system out there works?
4 The political system in here does not work that way. When
5 our people leave politics, they are gone. They don't have
6 any pension.

7 Those are the kinds of things -- and you
8 want to talk about self-government to us, how we should
9 frame our self-government? I think we want to look at
10 our own. We want to listen to our elders, what those are.

11 Moving on to gaming. The same policies
12 that apply at each given stage in any area, socially or
13 otherwise, the rules do not change. All initiatives are
14 INA policy-driven programs, funding arrangements, and
15 everything else. Here are bureaucrats that sit there on
16 behalf of the Government of Canada that try to deliver
17 a service. When you consider that \$5 billion, as people
18 say, goes to the First Nations of this country and when
19 you calculate that to what is received in this community
20 by the membership here, it is .00078 per cent of \$5 billion.
21 Does the man on the street understand that? Do they see

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 that? No.

2 The attitude that prevails is: We are
3 giving those First Nations people so much money they don't
4 know what to do with it. It makes you wonder how any people
5 can give that kind of misrepresentation, misinformation.

6 And that is what it is. Because of that \$5 billion, the
7 difference between the .00078 per cent goes to the
8 bureaucracies and central agencies that deal with the
9 economic statistics of the federal government and the
10 provincial governments as well.

11 You ask certain questions in some of your
12 publications here. There are fundamental questions that
13 are asked. There are specific questions that are asked.

14 In fact, the answer that should be given to those questions
15 is: Less government is a lot better all the way around
16 for all involved.

17 First Nations are saying to provincial
18 governments and federal government: Get out of the way.

19 Let us make our own mistakes. You have made mistakes
20 since you have established yourselves as governments.
21 Get out of the way. Lift those barriers that are assumed

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 by you, by your agencies, and so on.

2 We come to the question of gaming.

3 Gaming is an issue at this point on the part of some people.

4 It is not an issue for our people. It is something that
5 they are moving on and they are going to proceed with.

6 When gaming is talked about, right away
7 the focus is on, "Oh, is there mob money involved?" The
8 Canadian government should ask the state of Nevada the
9 same question.

10 As well, when gaming is mentioned, it
11 all of a sudden becomes a moral issue. When it is done
12 by governments, it is an economic venture to provide
13 employment.

14 It is of interest to note that in federal
15 legislation in most areas affecting First Nations, law
16 is silent. What does that mean? I think those questions
17 have to be answered on the part of the federal government
18 as well.

19 People talk about the Criminal Code
20 respecting gaming. I think it is section 206, or whatever.

21 I am not a lawyer, but I can read.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Respecting that particular area, it is
2 interesting to note that the agencies that are asked to
3 enforce that particular section when it involves gaming
4 with First Nations say that there is no policy for
5 enforcement. The only direction that is given is by the
6 attorney generals' departments across this country.

7 As well, of a meeting in Toronto two or
8 three weeks ago, a meeting of the AGs and the solicitor
9 general, had said, "We will not charge First Nations, but
10 we will pursue the investors." Why do governments,
11 authorities, outside our jurisdiction want to deal in
12 gaming when it affects our jurisdiction?

13 It is interesting to note that the AG
14 in this province, when the question of spousal abuse came
15 up, said, "That is not my jurisdiction. That is the
16 jurisdiction of the political machinery within the First
17 Nations", because spousal abuse requires resourcing so
18 that those victims could be dealt with in a fair and
19 equitable manner. However, when it came to gaming where
20 there was revenue to be generated, all of a sudden the
21 AG in this province said, "That's my jurisdiction."

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 When Canada prides itself in the rule
2 of law, they should look in a mirror when they get up every
3 morning.

4 The federal government of the day as well
5 says, "Well, that law was appealed respecting gaming in
6 1985." True. When that process happened, the First
7 Nations of this country were never even consulted. There
8 is a lot of evidence of continuous breach of treaty, the
9 treaty relationships between First Nations in Canada.
10 Any time a law, a treaty, a compact, or whatever is made
11 by Canada with any other nation, they have to understand
12 they have a treaty with First Nations in this country and,
13 to a great degree, for which there has been non-fulfilment.

14 In Roseau River, a treaty that was
15 concluded 122 years ago, the final mortgage payment has
16 not been fulfilled. If you use the rule of law, what
17 happens when you renege on your mortgage payment? Does
18 not the property revert back to the owner?

19 We talk about rule of law. Why is there
20 a double standard when the application comes to First
21 Nations?

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 You talk about rule of law, yet to settle
2 that outstanding land base that is supposedly even to our
3 people -- I am just using some examples here in terms of
4 rule of law that is questionable. When it comes to
5 municipalities in terms of treaty land entitlement,
6 municipalities are compensated up to 10 years for their
7 tax base that they will lose because of the acquisition
8 of that land base by First Nations. However, in the same
9 breath, the loss of use for compensation, over 122 years,
10 is not for consideration.

11 Where is the equality in law in this
12 country?

13 The other thing respecting the
14 relationship between Canada and First Nations, the federal
15 government always says, "We have to consult with the
16 provinces." Maybe they should look at their Constitution
17 under 91(24). Is that not their area of jurisdiction in
18 terms of dealing with First Nations with or without
19 involvement of the provinces? How they have complicated
20 the issue in terms of devolving or delegating
21 responsibility to provincial governments where it impacts

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 on treaty is a violation and breach of treaty.

2 These impact, in particular, in a lot
3 of areas that First Nations want to move in and, in
4 particular, in the economic area where we have a lot of
5 barriers that exist, not only First Nation to First Nation,
6 which are put in place by statutes such as the Indian Act
7 or any other provincial policies that provinces assume
8 apply.

9 When any barriers are set up to any
10 investors to stimulate the economy in this country, no
11 wonder we are in the state we are in. Any development
12 in this community here in Roseau River, people turn a blind
13 eye. As I said, there are no visionaries any more. They
14 say, "There is a certain activity going on in Roseau.
15 Roseau is going to throw up a wall around itself and it
16 is going to isolate itself and generate an economy." That
17 is not true. There is an interdependence between our
18 economy here and that economy out there. People also make
19 the misnomer that any economy or any wealth generated by
20 Roseau is going to stay within here. That is being very
21 shortsighted. Any economic impact that is in here is going

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 to end up out there. Our people have not isolated
2 themselves to the extent that they are going to live on
3 this island and forget everyone else.

4 Respecting the Gaming Act and the
5 procedures and the policies that have been incorporated
6 probably far outdo what the province has in those areas.

7 Because of the experience taken from the United States,
8 that is how those laws, policies, procedures, and so on
9 have been framed. It is well known that the Indian gaming
10 industry in the United States internationally far outdoes
11 the gaming industry that was there previously.

12 Over the last few months there have been
13 negotiations between people in the European community and
14 the First Nations community in the United States for First
15 Nations to establish a gaming industry in Europe, Asia,
16 and so on. What does that tell you?

17 Again, all the fear-mongering that goes
18 on by the province, by the feds -- that is what it is.
19 That is all it is.

20 For anyone to make an impact, in
21 particular, the federal government -- the Prime Minister

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 made an announcement about two or three weeks ago saying,
2 "We are going to go into a new economic era. There is
3 going to be a lot of economic diversity, a lot of economic
4 participation at all levels." I think Roseau wants to
5 challenge that and say, "Put your money where your mouth
6 is. Lift the barriers. Get out of the way. Let First
7 Nations do what they have to do." You will see that the
8 mandatory service programs will fall down by a significant
9 amount.

10 You talk about the unemployment
11 situation here. It is about 90 per cent. You create an
12 economic base here, 90 per cent of the budget that is
13 allocated for social assistance will be gone out the
14 window. Those are the kind of things that people have
15 to look at in realistic terms.

16 Further to that, the government of the
17 day, your Commission as well, the constitutional
18 discussions, I think there was a lot of fear-mongering
19 going on in those areas as well, saying, "The cost for
20 self-government development is going to be astronomical."
21 It doesn't have to be. It doesn't have to cost the

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 government or anyone else any money. Get your barriers
2 out of the way. Let the First Nations move and develop
3 at a pace that they see and they themselves will become
4 self-sufficient. I think that is the message that is being
5 said here.

6 The gaming people are saying, "Well,
7 it's all gaming." I think people have to understand that
8 gaming is only a kick-start to a lot of the economic
9 viability that can be established in this community. I
10 think it would be foolhardy on anyone to establish an
11 economic base on one industry. There has to be
12 diversification and so on. Gaming may last 10 or 15 years.
13 Beyond that, there has to be other forms of economic
14 rejuvenation or development within our communities. That
15 is where our people are coming from.

16 With that, councillor, those are the
17 points that I wanted to raise respecting the area of gaming.

18

19 Thank you very much.

20 **ERNIE JAMES, GENERAL MANAGER, GAMING**

21 **COMMISSION:** My name is Ernie James. I am the General

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Manager of the Roseau River lottery.

2 From what you have heard today, you might
3 have determined that the Ojibway, Anishnabe Nation, are
4 very self-determined, self-sufficient people. We are
5 still in harmony and we are still humble people. Also,
6 we are still a gentle people.

7 We have waited for long years. But I
8 think that enough is enough. If you have any message to
9 take to the government, please do so on the basis that
10 we are determined people to start our own economy in our
11 own reserves.

12 As you are aware, the Anishnabe people
13 were environmental people, the first business people in
14 our country here, who saved a lot of you people. If it
15 wasn't for Anishnabe people, I know for a fact that there
16 wouldn't be any non-Indian people here from across the
17 ocean.

18 If we are given that opportunity to
19 operate on our own reserves and be self-sufficient,
20 determined to do our own business, I know we can compete
21 with the outside. Like Mulroney said a few months ago,

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 and I was hurt by what he said, that we don't know how
2 to do business or do any development in our own communities.

3 I think that was a mistake that he said to the Anishnabe
4 people.

5 Again, I would like to repeat: Go back
6 and carry that message. I know we can't wait. We have
7 to pursue our aim and gaming purposes.

8 When the federal government gave the
9 power to the province, they didn't consult the Anishnabe
10 people. That should have been done.

11 Megwetch. Thank you.

12 **ED HAYDEN:** I have one last message.
13 What we are telling you is that self-government is alive
14 and well in Roseau River. Roseau is saying we don't need
15 anybody's blessing to say that we can go ahead with our
16 developments. We have started our developments a couple
17 of years ago.

18 In talking about gaming, it's just a
19 stepping stone for us in trying to generate some revenue
20 to keep on developing our own government. That is what
21 we are telling you. Because of the urgency that the tribe

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 needs some employment, Roseau is saying that we are going
2 to keep on. Maybe the Commission, because of the mandate
3 that you have and the people and First Nations that you
4 have to talk to, won't be able to address that immediately.

5 But in spite of that, Roseau has to still maintain that
6 we have to go ahead in trying to get some employment in
7 this community.

8 Like I said to you before, we started
9 a process that could deal with this, the provincial issue.

10 They have to sit down with us and talk with us. But like
11 I said before, the province has reneged on talking to us.

12 They don't even want to respond to us in writing or by
13 any other means, by phone. The Assembly of Manitoba Chiefs
14 has tried to set up meetings with them. They just refuse
15 to sit down. That is the kind of stuff we mean when we
16 are talking about barriers.

17 But in spite of that, what we are saying
18 here today is that we are going to keep going on with
19 whatever we need to do in this community to address the
20 issues like unemployment. We can't afford to wait around
21 until Canada says, "You have our blessings." We don't

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 need it. We maintain our sovereignty and our laws. We
2 can't expect to claim sovereignty as a people and a First
3 Nation in trying to apply somebody else's law. That is
4 not sovereignty. Sovereignty to us is developing our own
5 laws.

6 A lot of our legislation, yes, is going
7 to be complementary to Canada's. That is something you
8 have to understand. But there is going to be unique
9 legislation coming out of our own assemblies because of
10 the traditional values and principles that go with some
11 of that legislation.

12 With that, I would like to thank you for
13 taking time to listen to us. I hope you carry our message
14 back to your government. Megwetch.

15 **MODERATOR ROBERT HENRY:** Are there any
16 comments from the Commission members?

17 **COMMISSIONER PAUL CHARTRAND:** Thank you
18 very much.

19 It is clear that there is a lot of
20 frustration. That is very much understandable, given the
21 description of the issues that are being put before us

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 today. I certainly share the view that you have expressed
2 that this will be the last Commission, which is something
3 that has been said to us quite a number of times. I suspect
4 that all of us who agreed to sit on it agreed only because
5 we had that hope, too, that it would be the last Commission.

6 I hope that I heard right. I thought
7 you were referring to some fear-mongering about costs of
8 Aboriginal self-government. If you have included this
9 Commission on that, I don't think you did good.

10 I want to make a comment about one
11 particular point that you raised about the uncertainty
12 of the law. You said that the law is not known in so many
13 areas dealing with First Nation issues. That is certainly
14 one of the very important sources of frustration of the
15 Aboriginal peoples in this country.

16 You were talking about the way in which
17 Canada often refers to the rule of law. In order for the
18 law to rule in a realistic sense, it must be known so that
19 people can organize their affairs either within it or
20 without it, according to their wishes. But because it
21 is not known in so many areas, as you have stated, it acts

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 as a source of frustration for Aboriginal peoples. And
2 it is a situation that other people in Canada would not
3 tolerate. It is impossible for people to do business in
4 an atmosphere of uncertainty. One cannot predict the
5 results of one's behaviour.

6 I say that because it is a point that
7 is fundamental to the circumstances of Aboriginal peoples
8 in this country and deserves to be emphasized.

9 You ask: What is the reason for it?
10 The partial explanation that I have is that it is a legacy
11 of the marginalization of the Aboriginal peoples. The
12 law becomes known by its explanation through the courts
13 in this system. And historically, Aboriginal peoples have
14 not had access to the courts, therefore, the law is not
15 known.

16 There is a lot of irony in the fact that
17 many of the cases that are regarded as the most important
18 cases dealing with some Aboriginal issues did not have
19 any Aboriginal party before the court to argue their point
20 of view. They involved, rather, decisions involving
21 disputes between the federal government and the provincial

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 governments without any participation by the Aboriginal
2 peoples.

3 I paid close attention to your
4 representations regarding treaty and treaty
5 interpretation. One of the points that would benefit us
6 in the development of our thinking has to do with the
7 inclusion of the right to self-definition as a part of
8 a concept of self-government. It is an issue about which
9 we hear different views across the country and about which
10 we would like your advice, if not now, perhaps at some
11 other time.

12 You made a number of comments about the
13 Indian Act. One of the things it has done, as you know,
14 very well -- and you have pointed out -- is done away with
15 distinctions based on treaties. The Indian Act defined
16 people, for its purposes, without reference to particular
17 treaty status. In fact, as you know, when people were
18 taken out of the Indian Act system and franchised, as the
19 term goes, the government also took that opportunity to
20 take their treaty status away from them as well. So there
21 are many people who are descendants of treaty groups

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 without recognized treaty status because of the operation
2 of the Indian Act. These are complexities and generally
3 not appreciated by the Canadian public. And they are
4 complexities worth mentioning.

5 It may be that at this time you may wish
6 to offer a comment about your view of the matter of
7 self-identification for your people and what your views
8 might be about it. But I only put out that invitation
9 if you wish to respond to it now.

10 Thank you very much for your
11 presentations.

12 **CARL ROBERTS:** Again, our
13 interpretation and so on respecting the treaty provisions,
14 the terms and conditions of treaty, there are many areas.
15 One thing that has to be understood. Under treaty there
16 were certain rights that we reserved unto ourselves as
17 a First Nation. They were not on the table for negotiation
18 in any way, shape, or form. That is the right to choose,
19 select, and determine the form and nature our governmental
20 institutions would take and the laws that are legislated
21 through that process. You will note that encompasses a

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 great area.

2 As well, under treaty there were certain
3 things that were negotiated and guaranteed. Those are
4 contained generally in the written text of the treaty.
5 A lot of that information as well can be gotten from the
6 verbatim leading up to the negotiated text of the treaty.

7 The text of the treaty as well has to be questioned when
8 in fact it is written in a foreign language to the
9 party -- on the part of the Anishnabe people.

10 However, the courts in Canada have
11 instructed the federal government and other governments
12 that respecting the interpretation of treaty has to be
13 taken in a broad and liberal sense in favour of First
14 Nations. Although those instructions have been given in
15 establishing case law in this country, the proliferation
16 of continued breaching of those provisions continues.
17 Who in Canada has any authority to deal with those issues
18 when an instruction is given by a court that it in fact
19 is a law and that is the way things should be, yet the
20 continued violation of that law continues?

21 However, let me get back to the treaty.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 The things that we have to begin to understand
2 here -- there are things that I have a hard time
3 interpreting. I would have to talk to my elders. In terms
4 of our transfer of knowledge, it is done on an oral basis.

5 There are certain institutions, however, that do it
6 through graphics and so on.

7 I don't think I would want to sit here
8 today and enumerate what my treaty rights are. I am not
9 here for that purpose.

10 The fundamental question that has to be
11 answered is: The treaties have to be upheld by both legal
12 parties to that treaty. Those treaties are binding. They
13 are legal, political, economic arrangements between the
14 Government of Canada and the First Nations, in particular,
15 Treaty No. 1.

16 The other thing that you mentioned
17 respecting the Indian Act, the Indian Act originally
18 started as a land management act to deal with the management
19 of lands and to protect against land alienation. But that
20 didn't happen; the opposite happened. Here in Roseau we
21 lost 12 sections of land through servants or agents of

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 the Crown. I think it has proven time and time again in
2 different cases that the same perpetrators surface where
3 alienation had taken place.

4 With respect to the area of where
5 enfranchisement happened -- it is interesting that you
6 brought that up -- when persons enfranchised either
7 voluntarily or involuntarily you said the treaty thing
8 was taken from them. When Bill C-31 was introduced and
9 they were reinstated, should not the land base have come
10 with them as well? I think those begin to draw those kind
11 of questions from our side as well. It begs questions
12 from our side as well as on the feds.

13 I think it was 12(1)(b) that was the
14 section in the old Indian Act. I think the understanding
15 respecting membership under that particular section was
16 trying to take into account how our people looked at
17 membership and how your membership was determined. But
18 as in all cases where the federal government becomes
19 involved, an agency of the federal government or provincial
20 government, or anything, who attempt to interpret what
21 our laws are, do more damage than good regardless of what

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 their intention is. Their intention might be all for the
2 best. However, they do not know our history. They do
3 not know our values, and so on, to be able to articulate
4 in legislation or any other way on how we want to proceed.

5 I think that has been given to you here today by all the
6 speakers.

7 Thank you.

8 **COMMISSIONER VIOLA ROBINSON:** I also
9 would like to thank you for your presentation.

10 I want to say that I agree when you say
11 it is time to listen, time to talk, and time to act. I
12 think everybody is saying that, not only the First Nations,
13 but the public is saying that. They are just as tired
14 as anybody else hearing about Aboriginal peoples' issues.

15 When it comes to the cost and resourcing
16 and as far as self-government goes and wanting to be able
17 to resource your own self-government through economic
18 development and those notions are pretty much consistent
19 in a lot of the Aboriginal communities that we have been
20 to.

21 And the cost. It is no strange message

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 that you give us with respect to Indian Affairs and the
2 kinds of dollars that are spent through a bureaucracies
3 and it never reaches the people where it is supposed to
4 go. That case has been made over and over and over. We
5 are pretty much convinced that there has to be something
6 there that has to be changed, or whatever.

7 I want to ask you about your gaming.
8 You want to start some self-sufficiency here by introducing
9 gaming in your community. Everybody is doing it in Canada.
10 It is getting into a lot of the provinces. Certainly
11 in the states, as you mentioned, and we know that the Indian
12 Nations are doing it as well in their communities in the
13 states.

14 When did you start this initiative about
15 gaming? How long has that been going on?

16 **CARL ROBERTS:** I will attempt to answer
17 that. It depends on how you look at gaming. Our people
18 have traditional games that are called gaming. Our
19 people, even before the arrival of the Europeans, were
20 into gaming. It was a process on how the wealth in the
21 community would be shared. That was the understanding.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 For those of you who understand, to a
2 degree, First Nations --

3 **COMMISSIONER VIOLA ROBINSON:** I know
4 they like to gamble.

5 **CARL ROBERTS:** Yes. But the
6 background. Our people were into gaming to distribute
7 the wealth. But as well, the giveaways they have, that
8 was the same understanding.

9 **COMMISSIONER VIOLA ROBINSON:** But we
10 are talking about something different now, though, aren't
11 we?

12 **CARL ROBERTS:** Well, it must have been
13 pretty hard to play bingo at that time.

14 The gaming developments here have been
15 here for 10 or 15 years.

16 **COMMISSIONER VIOLA ROBINSON:** I am
17 thinking about why you are talking about provincial
18 interference and provincial barriers. Didn't you say you
19 had made some approaches to the province and they haven't
20 responded, or there are some barriers? What is that about?

21 **CARL ROBERTS:** The reluctance on the

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 part of the province is respecting the whole range of
2 developments and casino development. You are talking slot
3 machines, you are talking table games, and so on and so
4 forth.

5 **COMMISSIONER VIOLA ROBINSON:** They
6 won't talk to you about it?

7 **CARL ROBERTS:** They have not made any
8 effort to respond. The only way they respond is through
9 the media. They say, "No, that is our area. It can't
10 be done in First Nations' jurisdiction."

11 However, Roseau River has made attempts
12 over the last year or so by letter, by invitation, by
13 whatever process, to try to bring parties to the table
14 to say, "Look, here is how it is, and here is how we go."

15 What has happened in this community in
16 terms of economic development is that all efforts have
17 been exhausted at all levels, even to the Minister of Indian
18 Affairs who wrote back saying that any operation outside
19 of the Indian Act he has no mandate to deal with, which
20 is good. Then he should get out of the way and maybe we
21 should be dealing with the federal cabinet.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **COMMISSIONER VIOLA ROBINSON:** I was
2 just wondering about that. It seems to me there are some
3 negotiations going on in other parts of the country that
4 are proceeding more favourable, it seems.

5 **CARL ROBERTS:** It is always favourable.
6 At least, that is the kind of report you will get from
7 provincial governments who are negotiating when the rules
8 of the game are in fact chiselled out by them.

9 **COMMISSIONER VIOLA ROBINSON:**
10 Possibly. I don't know. I just know that --

11 **CARL ROBERTS:** For instance, in
12 Manitoba there are First Nations going into casino
13 development, but those are fully under the terms and
14 conditions of the province which limits and restricts the
15 level of growth and development. On the one hand, you
16 say that self-government has to do certain things, or
17 whatever. It has to do certain things. It has to be
18 self-sufficient and all that. However, on the other side,
19 we have funding arrangements to deal in the social program
20 areas and then you have special initiative areas. But
21 if they are all government policy-driven, then the

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 self-determination that is talked about is not there.

2 For instance, Roseau River in its
3 development to this stage has not received any fiscal
4 resourcing from the federal government because we don't
5 acquiesce to the terms and conditions set down by Indian
6 Affairs or anyone else. Indian Affairs is not the entity
7 that our people entered into treaty with.

8 **COMMISSIONER VIOLA ROBINSON:** I think
9 you have answered my question.

10 The other thing I wanted to make a
11 comment on is your treaty. It is 122 years old and it
12 has never been extinguished or terminated. It appears
13 to be as alive as it was when it was signed. Unfortunately,
14 treaties is one of the mandates that falls under the
15 Department of Indian Affairs. They look after everything
16 that affects Indian people in this country. That is the
17 worst part. We can get rid of them and dismantle them,
18 but they seem to have the authority for everything that
19 has to do with every Indian person in this country,
20 including treaties, which is unfortunate.

21 **CARL ROBERTS:** Let me respond to that

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 in this manner. In fact, the developments and the
2 discussions that were to be had with the Minister of Indian
3 Affairs were under the terms and conditions of treaty and
4 which he wrote back and said it is not his mandate as
5 Minister of Indian Affairs. The only mandate he has is
6 to operate within the Indian Act and anything outside of
7 that is not --

8 **COMMISSIONER VIOLA ROBINSON:** We will
9 seek clarification on that for you, as well.

10 Thank you.

11 **COMMISSIONER PAUL CHARTRAND:** We will
12 let you know.

13 **COMMISSIONER ALLAN BLAKENEY:** I want to
14 ask one question and it sounds a lot like the one that
15 I asked before.

16 You were saying it is a time to talk and
17 a time to listen, and you said it is a time to act. The
18 basis of much of your presentation was that these are rights
19 under the treaty to make your own laws for gaming or for
20 whatever.

21 We as a Commission are faced with

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Aboriginal First Nations across Canada saying, "Here is
2 our treaty rights. Here is what they mean." And the
3 federal government says, "That is not what they mean."
4 They disagree. Now what? How do we act? And if we don't
5 act, we will all be here, to use your words, 30 years from
6 now talking about what they mean and it will be the second
7 or third commission by that time.

8 The question I ask is: Do you think we
9 can find a way of resolving disputes over the
10 interpretation of treaties that would be acceptable or
11 even might be acceptable to First Nations and the federal
12 government?

13 **CARL ROBERTS:** I will respond to that.

14 First of all, at the rate the country is going, I think
15 we won't be around in 30 years' time.

16 However, respecting dispute resolution.

17 If the federal government has any trust or any good faith,
18 as a party legally bound by obligations, a forum has to
19 be established wherein discussions and a dispute
20 resolution process has to happen. Be it the cabinet and
21 the First Nations or however, that has to be arranged.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 But it has to be the political machinery that does that.
2 It cannot be done by bureaucrats, technocrats, whatever
3 you want to call them. The legal parties to treaties are
4 the statesmen, the politicians, that have endorsed those
5 treaties. Short of coming to an understanding of how a
6 dispute resolution mechanism can be done between the two
7 parties, then the only alternative is an international
8 tribunal, done in both languages.

9 Should the dispute resolution process
10 not be fruitful or otherwise, then Canada has to look at
11 a long history of litigation by every treaty that they
12 have in this country because they are legally binding
13 document, legally binding agreements.

14 **COMMISSIONER PAUL CHARTRAND:** And you
15 agree that would not be a good thing. Right?

16 **CARL ROBERTS:** Considering the
17 financial situation of the federal government, when would
18 they ever deal with it?

19 I think the general public in Canada is
20 saying, "Resolve those issues. Get them out of the way.
21 Deal with it." And I think the general public is not

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 being listened to by the people that they elect to represent
2 them.

3 **COMMISSIONER ALLAN BLAKENEY:** I suppose
4 the litigation method can work in one sense. But in the
5 United States they have had something like that and it
6 has gone on now for 30 or 40 years. It has been a great
7 deal for the lawyers and a great deal for the consultants.

8 But as far as I can see, the Aboriginal people and the
9 taxpayers have the short end of the stick.

10 **CARL ROBERTS:** Let me respond to that
11 as well. In the United States, the sovereigns there
12 respect one another and see each other as sovereigns.
13 They have moved away from the litigation process and
14 established forums for dispute resolution, meaning the
15 First Nations, the federal government and the state
16 governments. Every so often they have their forum on
17 sovereignty which includes U.S. supreme court justices,
18 the whole justice system, and so on.

19 Here in Canada when you talk sovereignty
20 the people on the federal side go red, or white, or whiter,
21 I should say, and don't want to deal with it. But the

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 fact is that the treaties were signed between two
2 sovereigns. All the statutes are still protected in your
3 Constitution that say -- the Royal Proclamation didn't
4 say we were King George's subjects. It said there is a
5 process in terms of how you acquire a land base and that
6 is through treaties, which set the treaty-making process
7 in place which recognizes sovereign title to the lands
8 and resources that we have.

9 The mind-set of the political machinery
10 in Canada has to broaden and there has to be visionaries
11 there as well. But right now everybody wants to protect
12 the little turf that they have, or assume that they have.

13 We have to understand that the outstanding land issue
14 we have in Roseau -- maybe Canada does not have clear title
15 to the land that they think is theirs.

16 **COMMISSIONER ALLAN BLAKENEY:** We like
17 to think that we made a small contribution. Ten months
18 ago the federal government was very upset about this idea
19 of an inherent right to self-government. We put out a
20 little paper which said that you shouldn't gag at that
21 word, that there is an inherent right. At least that found

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 its way into the Charlottetown Accord. I think that idea
2 is generally accepted now, although it wasn't a year ago.
3 That may be a small step forward.

4 **ED HAYDEN:** Just before we close, there
5 is one point that has been raised. The federal government
6 has designated their jurisdiction to the province without
7 consulting our First Nation here in Roseau. We still
8 maintain that the federal government has the obligations
9 to this First Nation in dealing with the gaming issue.
10 It is not the province. The province has no jurisdiction.
11 We don't see the province as a sovereign.

12 With that, we would like to thank you
13 for allowing us to come and speak with you and give our
14 presentation to you. Megwetch.

15 **MODERATOR ROBERT HENRY:** Thank you.

16 At this time, we will take a 10-minute
17 coffee break.

18 --- Short recess at 3:40 p.m.

19 --- Upon resuming at 3:55 p.m.

20 **MODERATOR ROBERT HENRY:** At this time
21 I would like to call up Mr. Kim French from Dominion City.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **KIM FRENCH:** I would like to give a brief
2 introduction to the panel. My name is Kim French. I live
3 in Dominion City, just a few miles east of here. I have
4 lived here for approximately 40 years and dealt with Roseau
5 on and off throughout my career as a private gravel
6 contractor.

7 I would like to start off by thanking
8 Roseau and the Commission for giving me a chance to say
9 a few words. Probably some of the things I have to say
10 are things that have already been mentioned here.

11 One of the points I have to make is upon
12 picking up a paper a few weeks ago, the Winnipeg Sun, and
13 reading an article there as to some dealings on reserve
14 through the receiverships and everything that has just
15 happened lately. Prime Minister Mulroney was in the paper
16 and stated a figure of \$14,000 -- I am just going by memory
17 here -- per individual leaving Ottawa.

18 A lot of this talk gets started in coffee
19 shops, and this and that. Myself being off-reserve and
20 an outside person, I am not really familiar with treaties
21 and land entitlements, and this, that and the other thing.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 But the talk gets going around that \$14,000 is a lot of
2 money, and how can people not survive on that kind of money.

3 I have a lot of people here on the reserve that I talk
4 to and I find out that that figure is actually maybe not
5 quite true, that it works down to approximately \$3,900
6 when it gets here.

7 That was one of the points that I wanted
8 to make and to clarify where all that money goes. I have
9 learned a little bit over the last few weeks as to where
10 it goes by the time it goes through Indian Affairs, and
11 this and that. I just think it is a crime that that kind
12 of money can leave Ottawa and get down here at this little
13 bit. When I see the progress that has happened here over
14 the years and when I think to myself that they have done
15 it all on that actual little bit of money, I think it is
16 quite commendable. That is one of the points I would like
17 to make.

18 Some of the stuff that we as Canadians
19 have had shoved down our throats over the years is the
20 bilingualism cost, the GST cost, et cetera, et cetera.
21 To my way of thinking, I think a lot of the people in our

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 community would agree with me that some of those monies
2 could be better spent.

3 I hear a lot of talk about a casino
4 development coming out of here and a lot of negative talk
5 from the governments. In our area I think we would welcome
6 any development of any kind. If the band so desires to
7 take on a casino, and a good well-run casino, the benefits
8 for the immediate area -- as Carl pointed out before, all
9 the spin-offs and everything. We are in, as far as I am
10 concerned, an economically deprived area around here.
11 We are not close enough to the city to benefit from a lot
12 of the things that go on in the city. I am sure that
13 something like that around here would be well received.

14 That is basically all I have to say.
15 I don't want to take up too much time. I just wanted to
16 make a few points that probably have been made already
17 here today. I also agree with Carl that it is a time to
18 act.

19 I was talking to my father the other day.
20 I basically took over the business from my dad. He said
21 the same things have been happening for the last 30 years,

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 more inquiries, more questions being asked all the time.

2 There has never been a lot of action. I would have to
3 agree with Carl. It is time to act.

4 That is all I have to say. Thank you.

5 **MODERATOR ROBERT HENRY:** Thank you,
6 Kim. Are there any comments from the Commissioners?

7 **COMMISSIONER VIOLA ROBINSON:** Just to
8 thank you. I think you made some very good comments here.
9 They are recorded.

10 **COMMISSIONER ALLAN BLAKENEY:** I want to
11 add my thanks and to say that I appreciate someone from
12 off the reserve or in the neighbouring community, a
13 businessman, coming in and giving a point of view. We
14 certainly appreciate that. Thank you very much.

15 **KIM FRENCH:** Thank you.

16 **MODERATOR ROBERT HENRY:** At this time
17 I would like to ask Councillor Charlie Nelson to talk on
18 the cultural aspect as well as Peter Atkinson.

19 **PETER ATKINSON:** Boozhoo. My name is
20 Peter Atkinson. I work for the Cultural Education
21 Program.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 When I was looking through your
2 brochure, I saw some questions that you had here. I don't
3 have any information on Round One, but the questions you
4 do have here seem to me to be questions that we have to
5 answer ourselves first before we can answer them for you.

6 We have to develop ourselves as a people
7 with our culture. We have to educate ourselves on our
8 past. Like I stated, we have to answer these questions
9 ourselves.

10 You can't really single out any program,
11 anything as a program. When you look at the cultural
12 program, it wasn't a program when we signed the treaties.
13 You have to include that in with the treaties. We have
14 to understand ourselves in that process.

15 What you are looking for here is
16 solutions, what you can take back to the government in
17 order for us to have a better relationship. But if you
18 consider the treaties stating what our relationship is
19 supposed to be -- you referred here with the speakers before
20 us, they have stated that it is a nation-to-nation
21 relationship that we have or we are supposed to have.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 And that has to be respected. We have to co-exist here
2 in this country.

3 The point of view I am coming from is
4 through the treaties and self-government, at least of what
5 I understand of the treaties. Those treaties spelled out
6 what kind of relationship we have with your government.

7 I believe it is a nation-to-nation relationship. You
8 have to consider that only nations can make treaties.
9 Those agreements were signed with the spirit and intent
10 of co-existence.

11 There are other groups in this country
12 that are far better off than we are and who are not from
13 this country. They are immigrants. For instance, the
14 people in the colonies. They have laws within their own
15 community and they also have to live under the Canadian
16 law. From what little I understand of those colonies,
17 I think that is what our people are looking for, the same
18 respect that they are afforded. That is what we basically
19 are looking for.

20 They co-exist in this country. They are
21 a nation within a nation. They have their own language,

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 their own culture, and their land base. They are doing
2 good for themselves. That is what we want. We want to
3 be able to do something for ourselves. We are different
4 in many ways from these people, but basically what they
5 have overall is what we want.

6 I am trying to read what I have written
7 down here, and I kind of lost myself. Forgive me for that.

8 Going back to the treaties; the
9 government in way has not fulfilled their obligations or
10 the terms of those agreements. If you are looking for
11 solutions, that is where we should start. We should start
12 trying to understand each other. Our people have done
13 a lot in trying to understand your people. Now I think
14 it is time that they try to understand us, listen to us,
15 listen to what we want, what we need.

16 Let me talk a little bit about culture.
17 To you, I guess, it would be a minor thing. When you
18 come here you present yourselves and you mention the word
19 "aboriginal". I don't consider myself Aboriginal. I
20 consider myself Anishnabe. That is what was given to us
21 with our inherent right. The Creator put us here as

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Anishnabe. They didn't put us here Aboriginals. Those
2 terms should not be used when you refer to our people here
3 in our community.

4 As I stated before, we should try to work
5 together to understand each other. Megwetch.

6 **CHARLIE NELSON:** My name is Charlie
7 Nelson. I have an Anishnabe name. I have two names,
8 Mejakunigijique Aneebedaygunib (PH). I am from lynx clan.
9 Part of who I am right now is -- we don't have our drums
10 before us. I know Peter here has a drum. He sings songs
11 and works at the school with the tribal office. Part of
12 his work is around that drum, that cultural work and the
13 research that he does there.

14 One of the things that is missing from
15 our presentation as a cultural people is our feathers.
16 I mean the ones we have in our hands. I haven't worn a
17 feather like a headdress or anything like that. We usually
18 have a sacred fire. And we are not standing with those
19 today. We don't have that in front of us. We don't have
20 our pipes in front of us. We don't have our drums, our
21 tobacco, our instruments, our rattles, or shakers, some

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 of them might say. We can't spend time singing to you.

2 We use these songs to help us put some
3 of our life in order. We generally refer to our drums
4 as grandfathers. It has an identity. We provide feasts
5 for our drums or for our namesakes. There is a feast for
6 just about everything in our society, activities. We have
7 many acts that we do, ceremonies that we do. For nearly
8 every activity there is, you can talk about a wedding,
9 you can talk about a funeral, you can talk about a memorial
10 feast, any kind of gathering, and we have food. Physically
11 you can get nurtured by food, but spiritually you can get
12 nurtured by food also.

13 So these are things that are not before
14 you, but what I am trying to explain to you is that we
15 have many of these practices yet here in our community.

16 Some of the things that have happened
17 to us as a result of the history, as it being recorded
18 by non-Indian people, when you go to the school I wonder
19 which story the school is teaching. When you talk about
20 the history of Anishnabe people, where do Anishnabe people
21 come from? If I asked you, would you tell me? But if

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 I wanted to tell you about our history, then I have to
2 refer back to the language, written right in the language.

3

4 The name Anishnabe has a literal
5 translation. Anishna means from whence; nishna means
6 lowering, if you were going to lower, say, this can, nishna.
7 Then abe means male of the species. So when we identify
8 ourselves as Anishnabe people, we are the people,
9 descendants of original man who was lowered on to this
10 island, written right into the language, if you understand
11 Anishnabe language.

12 And what we hear on the TV is CBC has
13 a little skit on the TV there that tells us we come from
14 this other place across the Bering Strait. I wonder how
15 long that thing is going to be aired.

16 So, original man was our eldest brother
17 whose name was Nanaboozhoo (PH). Henceforth, our greeting
18 boozhoo. When we extend our hand to our relative, we say
19 boozhoo in recognition of original man. We are relatives.

20 He was a man and spirit. He is brother to all living
21 things, plants, animals, birds, and Anishnabe. He was

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 original parent, provider. He was also a helper. And
2 he was given a task to do. But he was also a trickster.

3 One thing I want to acknowledge -- and
4 I don't know if anybody else has heard it in this way,
5 but whatever he did in his time is the way that we are
6 today. I heard one story that original man, too, was an
7 abuser. I heard that story one time and it must be true.

8 Whatever original man has done in his time, so it is for
9 us also. That is evident in our community's abuse.

10 Original man who was Anishnabe walked
11 from the Creator and he was told to come here on this island
12 to name all things. Such is our creation story, but I
13 have to limit it, to only say a part of our story.

14 That is a right that I would like to
15 continue to give to Anishnabe people, that story. I am
16 not going to ask anybody else for permission to do that.

17 We have a right to say that to our children.

18 In our history it tells us of a prophecy
19 of the seventh fire, fire representing time, eras. In
20 that prophecy, it says that in the time of the seventh
21 fire a new people will emerge to retrace the steps of our

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 grandfathers to retrieve the things that were lost but
2 not of our own accord.

3 There was a time in the history of
4 Anishnabe people we nearly lost all of these things that
5 we once had as a people, and that road narrowed. We could
6 cite many reasons why that road narrowed, and we almost
7 lost all of our culture. But today we strive to remind
8 our people about those stories once again, to pick up that
9 work that we as Anishnabe people know. It is our work
10 and we ask no one to do that work, for it is our
11 responsibility to maintain those teachings for our people.

12 Our customs and our traditions continue
13 to reflect renewal of life. Such in our ceremonies is
14 called medaywuwin (PH). Renewal of life happens in so
15 many ways in our ceremonies through the sweat lodges and
16 through the healing, through many ceremonies, including
17 sun dance and what we might call shake tent and powwow,
18 all of those are renewal of life celebrations.

19 We need to know, like the inherent right,
20 that those people who are responsible for these ceremonies
21 continue to have access to the trees, to the animals, and

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 to the resources that they need to conduct these
2 ceremonies. We shouldn't need a licence to go and cut
3 a tree, because it is an inherent right. We shouldn't
4 be locked up or charged because we go and cut a tree in
5 the forest.

6 I know that there is so much more I would
7 like to share about the different ceremonies in which we
8 renew our life.

9 I would like to talk about what one of
10 our teacher's told us about this balance of life. If you
11 had a cross like this with four directions, you have truth,
12 kindness, sharing, and strength. I find that what he told
13 me is we have been kind, we have been sharing. We have
14 shared all that we can and now all we have left is truth
15 and strength.

16 We need the government to understand
17 that we have been kind, we have been sharing. Now you
18 need to hear some of that truth. We have not given up
19 in our treaties the tree, the sweetgrass, the medicines
20 from the sweetgrass, the animals, and the rock. So our
21 teacher tells us, we have not given those in our treaty

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 rights.

2 The treaty right that was given to the
3 people that came here was for them for agricultural
4 purposes. So now you have agricultural purposes.

5 I want to talk about this parallel road.

6 Let me show you a parallel road. We were given to walk
7 this road here, and all of that which we are as Anishnabe
8 people on this road. If there is another road, maybe it's
9 the Canadian government, and they were given one gift -- as
10 was given to us in teaching -- that they were given a whip.

11 And on our side we have white hair. That is to lean on
12 and to give us that guidance.

13 It is said through this old man that we
14 will one day sit down with the Canadian government. That
15 means a lot to me that he has said that to me. One day
16 we will meet. Like we sat down in the time of treaty,
17 we will one day again sit down with the Canadian government.

18 At that time, there will be a process in place by which
19 Anishnabe people will acknowledge that they are in
20 agreement with the Canadian government. But that process
21 I will not share right now. I just know that we will come

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 together some day.

2 That is the little bit that I would want
3 to share at this time. I wanted to make quick notes.
4 As a councillor, my portfolios are in NADAP, health and
5 social services. There is always some development in
6 that. We have NADAP who are doing a good job here. We
7 need those people to work for us so that those ones who
8 are afflicted with alcoholism might find a place to go
9 and find some resource and some counselling.

10 We have many social problems here in
11 Roseau River, like any other community. But I find the
12 more that we talk and the more that we get together here
13 as a community, we are trying to resolve those social
14 issues. I am encouraged by the number of times we have
15 come together to try to resolve our community affairs here,
16 First Nation people trying to resolve our own problems.
17 We need to take those initiatives.

18 That is all I want to share with you
19 today. Megwetch. Thank you.

20 **MODERATOR ROBERT HENRY:** Any comments
21 from the Commissioners?

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **COMMISSIONER PAUL CHARTRAND:** I want to
2 thank you very much, both of you, for your presentations.
3 There is a lot there upon which to reflect.

4 Mr. Atkinson, I certainly take your
5 point about reference to the people, Anishnabe. I think
6 what people in Canada are looking for is a big term to
7 refer to all the different peoples. There are all the
8 different names and they are looking for the one name.
9 But I certainly take your point when you are referring
10 to Anishnabe, then you refer to the Anishnabe. It is very
11 interesting to go across the country and see that you have
12 these different names for the different peoples. We try
13 to say them. There is one in B.C. that I just could not.
14 They are different languages. It is most interesting.
15 Your point is an important one.

16 You have something to say, and I want
17 to hear it.

18 **PETER ATKINSON:** That is what I mean.
19 We are Anishnabe here. The Sioux, I believe, go by a
20 different name. Personally, I would prefer people here
21 being called Anishnabe rather than Aboriginal.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 They may mean the same thing, but we do
2 have an inherent right. The Creator put us here as
3 Anishnabe.

4 **COMMISSIONER PAUL CHARTRAND:** I am in
5 full agreement with what you are saying, and I think it
6 is an important point. I want to thank you.

7 **MODERATOR ROBERT HENRY:** Thank you,
8 Charlie and Peter.

9 I would like to call up Kathy Nelson and
10 Dawnis Kennedy.

11 **KATHY NELSON:** Boozhoo, tansay,
12 greetings. My name is Kathy Nelson. I am 16 years old
13 and a grade 10 student, and from the lynx clan.

14 The youth today is lacking guidance,
15 education, community support, and recreational programs.

16 The education on the reserve is not as
17 advanced as in other schools. The transition between
18 Ginew School and schools outside our community is difficult
19 because the standards in Ginew school are low. When
20 students get out of the reserve school system they can't
21 cope with the more advanced high academics so they give

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 up on education. I think that they should upgrade the
2 curriculum, make stricter rules to control the children.

3 I also think that they should hire more teachers and have
4 smaller classes so that the students can get more
5 one-on-one teaching.

6 The youth on the reserve can contribute
7 a lot, but they need support from the community. They
8 also need guidance from their elders because they cannot
9 do it on their own. The children on the reserve need the
10 community to reach out and invest some of their time and
11 effort in the well being of the youth. The youth have
12 to grow and they need the community to teach them.

13 They need to learn that they are a part
14 of the community and that they are accepted. The youth
15 today need productive activities, a place to stay where
16 they can work together and spend time. If they do not
17 use their free time productively, they will not use their
18 working time productively. If they have a place to go
19 and things to do, it will be less likely for them to be
20 involved in drug and alcohol abuse. As soon as they do
21 something worthwhile, their self-confidence will build

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 and they will feel better about themselves.

2 There are a lot of negative things on
3 the reserve, but there are a lot of positive things as
4 well. Let's move forward and start correcting the wrongs.

5 As well, the youth being the future government, we need
6 to be involved in all of the developing processes in all
7 areas of self-government.

8 **DAWNIS KENNEDY:** Boozhoo. My name is
9 Dawnis Kennedy. I am 16 and I am in grade 11.

10 An opening statement was made by Georges
11 Erasmus and René Dussault in the Public Hearing of the
12 Royal Commission on Aboriginal Peoples in Winnipeg,
13 Manitoba on April 21, 1992. They said:

14 "The Aboriginal population is growing at a faster rate
15 than any other segment of the
16 Canadian population and it is
17 significantly younger. Canadians
18 must be made aware of the fact that
19 given the opportunity, Aboriginal
20 youth can be a tremendous asset to
21 this country."

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 What was said by these men is an
2 excellent example of the attitude towards youth that we
3 need. There are prejudices towards the youth that have
4 to be done away with. Some people still think that
5 children should speak only when spoken to. We have
6 valuable information to share and people could learn from
7 what we have to say.

8 We need more role models in the
9 community. Children follow by example and learn from
10 observation. We need more people that we can look up to
11 and turn to when we need help. We need a youth worker,
12 someone we can trust and we can appoint to help us with
13 things we cannot understand and deal with. We need someone
14 to help us set up meetings and help us to be heard. We
15 need someone who is capable of helping us to achieve our
16 goals.

17 Our people are ridden with alcoholism,
18 and the youth are no exception. There are no programs
19 for the children of alcoholics. There is AA for the
20 parents, Al-Anon for the spouses, yet there is no
21 Al-A-Teen. If the children do not deal with the alcoholism

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 of their parents, they are more susceptible to becoming
2 alcoholics and raising alcoholics.

3 Economic development and funds are
4 concerns for the Aboriginal youth. When and if we
5 graduate, what jobs will be guaranteed us in our community?

6 There are few jobs and if we are not trained in these
7 fields, we will either have to leave our community or become
8 unemployed.

9 The youth need funds to draw on. We need
10 to interact with children from other reserves who have
11 the same goals as we do. We need to draw on each other's
12 strengths and knowledge. To organize meetings and
13 conferences we need the funds.

14 We think what is going on in the
15 community is great. It is time for us to stand up for
16 all of our dignities denied. But we are the future. You
17 hear the clause "for our children" everywhere, yet if the
18 next generation is not capable of handling the
19 responsibility that comes along with the rights, it will
20 all be wasted.

21 **MODERATOR ROBERT HENRY:** Thank you,

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Kathy and Dawnis.

2 Are there any comments from the
3 Commissioners?

4 **COMMISSIONER VIOLA ROBINSON:** I would
5 like to thank you for coming forward and making your
6 presentation to us. Of course, the Commission is very,
7 very interested in the youth. We do have a mandate to
8 deal with youth. There has been a lot of concern by the
9 youth themselves over the past years for the very things
10 that you are telling us today: non-involvement, and where
11 they have to have support, and they do have a lot to
12 contribute and want to be a part of the development of
13 their communities, and as well as education. We recognize
14 this.

15 Those points that you raised are very
16 serious points. They are good points.

17 Education happens to be one of the
18 priorities of the Commission because that keeps coming
19 up over and over in every community that we have gone to
20 across the country, whether it be on-reserve or
21 off-reserve. No matter where we have gone, education has

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 been a major concern.

2 We do have a youth worker at the
3 Commission. There has been some talk about having a round
4 table for youth. They are doing research on youth.

5 So, your comments here will be recorded
6 and will certainly be passed to the appropriate people
7 in the Commission who are dealing with these subjects,
8 education, and the alcohol -- you raised some other social
9 issues as well with the alcoholism. Those are all very
10 valid points. We are thinking about them.

11 I would suggest that some time in the
12 future, any time, if you organize yourselves with other
13 youth or even amongst yourselves, if you can think of ways
14 that might work or some kind of a recommendation of what
15 you think should be done, we would be interested in
16 receiving those kinds of proposals from you. You can do
17 that by writing or phoning, or any way that you like through
18 communication.

19 Thank you.

20 **COMMISSIONER PAUL CHARTRAND:** Thank
21 you. I will add a little bit to that. I, too, encourage

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 you to continue your communications with the Commission.
2 We have an 800 line. I think it is on the brochures that
3 we have here. If you don't find it before we leave here,
4 ask. But it is there. People don't even have to make
5 formal written presentations. Anybody can call in 24
6 hours a day and give us your views.

7 You can also use that to find out about
8 the organization of the Commission regarding special
9 concerns of young people. You can phone there to find
10 out "what are you doing" and insist that you want to know
11 what they are doing and insist that you want to be a part
12 of it.

13 If you want, write to me and let me know
14 how they reply. And if you are not happy with the way
15 they reply, let me know and we will get together and ensure
16 that young Aboriginal people in this country -- Anishnabe,
17 in this case -- have a say in the work of the Commission
18 because it is very important.

19 In particular, I am impressed by the one
20 point you have made. What about the future? What about
21 jobs? What about jobs in our community? And if we cannot

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 get jobs in our community, then we have to leave. And
2 if we do not leave, then we have to face the prospects
3 of unemployment which are not pretty.

4 We hear that in many places across
5 Canada. The severity differs from place to place. The
6 unemployment prospects differ from place to place in
7 different communities. Some communities are very remote,
8 where the unemployment is at a totally unacceptable rate.

9 You have issued a very real challenge
10 to the country. It is a very real challenge that we have
11 to face, and we have to make some recommendations that
12 make sense. If our recommendations are going to make
13 sense, they have to deal with that sort of question.

14 So I thank you for raising it and I
15 encourage you to stay involved in the best way you see
16 fit. Thank you.

17 **COMMISSIONER ALLAN BLAKENEY:** Thank you
18 very much for your presentation. I wonder if I could ask
19 a couple of questions.

20 Do many young people from Roseau River
21 go on to study at a community college or at the university

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 or any other place beyond the high school?

2 **DAWNIS KENNEDY:** Actually, I would say
3 very few. They find it really difficult moving on to other
4 schools since the academics in Ginew are very low. If
5 we train in different fields that appeal to us, there is
6 no guarantee on the reserve that there will be a place
7 for us. If we train for psychology or something, and then
8 there is no psychology department on the reserve, even
9 if we train, it is all that education wasted because we
10 won't be able to bring it into our own communities. If
11 we do use it, it will have to be outside and not for the
12 benefit of our reserve.

13 **COMMISSIONER ALLAN BLAKENEY:** I follow
14 that. I wonder whether there are opportunities as, let's
15 say, a nurse or teaching or those sorts of things on the
16 reserve.

17 **DAWNIS KENNEDY:** Most of the children
18 get sent out to different schools. Some of our students
19 are going to Montana, Kicking Horse. It's a jobs course
20 for them to get training in special fields and vocational.
21 I know they will come out here and hopefully our community

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 will be able to benefit from it.

2 **COMMISSIONER ALLAN BLAKENEY:** The next
3 question I want to ask you is about the school. There
4 is a school on the reserve.

5 **DAWNIS KENNEDY:** Yes.

6 **COMMISSIONER ALLAN BLAKENEY:** Does it
7 have a gym and some meeting rooms?

8 **DAWNIS KENNEDY:** Yes, it has a gym. I
9 think the school is very crowded. There are grades that
10 are mixed up within each other.

11 For the meeting place, I was working with
12 NADAP this summer and I organized a youth group, but we
13 are really short of places to meet. We met in the NADAP
14 building, but after when we couldn't use that, we had to
15 go into my house. It is hard, because we need a place
16 to meet and be productive, otherwise there is nowhere for
17 us to go and a lot of people get into a lot of trouble.

18 **COMMISSIONER ALLAN BLAKENEY:** Are there
19 any teachers who have enough time to be youth leaders
20 outside of school hours?

21 **DAWNIS KENNEDY:** When I was working and

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 looking for people to fall back on and to learn a little
2 bit more from, everybody kept on say, "That is not our
3 job" or "That's not my position" or "There is somebody
4 else that takes care of it".

5 We really wanted someone who was really
6 specified for the youth who we got to pick. That way they
7 would always be there for us, no matter which aspect or
8 field we would go to.

9 **COMMISSIONER ALLAN BLAKENEY:** I noted
10 your suggestion that there be a youth worker, or whatever
11 one calls it. If the money is there, it's a great place
12 to spend it; somebody who would be a youth worker, maybe
13 a physical education teacher, maybe a teacher of culture.
14 I am not sure you can get all those qualities in the same
15 person.

16 But I certainly take your point. There
17 is no doubt about it. You obviously have leadership
18 talents, but it just needs a little help, a little place
19 to meet, somebody who will give a little help and you could
20 get it going. I certainly am impressed with what you had
21 to say.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Thank you very much.

2 **MODERATOR ROBERT HENRY:** Thank you,
3 Kathy and Dawnis.

4 At this time I would like to call up
5 Patricia Darling. She will be speaking on the topic of
6 child abuse. Accompanying Patricia is Alphonse Larocque.
7 He is the Child and Family Services worker here at Roseau.

8 **PATRICIA DARLING:** Hello. I am
9 Patricia Darling. I have an MA in clinical child
10 psychology. I have been doing some work at Roseau River.
11 I would like to talk about treatment of troubled children
12 on reserves.

13 There has been a fair amount of attention
14 given to the problems of the Native child. There are
15 numerous reports and inquiries investigating Native child
16 welfare. Most conclude that the rate of just about
17 anything indicative of poor mental health seems four or
18 five times higher on reserves than in the non-Native
19 population, like family violence, school dropout or
20 expulsion rate, foster home placements, child sexual
21 abuse, addictions, et cetera.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 There have been many recommendations
2 made and it is time to improve the situation. The causes
3 of the poor mental health seem related to destruction of
4 traditional Native culture, poverty, unemployment,
5 substandard and crowded housing, poor health care.

6 My impression is that to improve the
7 mental health of Native children, signs of emotional
8 disturbance need to be detected and treated earlier than
9 they are now. At present, there is more a crisis
10 intervention model with child protection and Child and
11 Family Services being the main focus.

12 It is proven that disturbed children,
13 when untreated, grow up into disturbed adolescents and
14 adults who then comprise the prison, mental hospital, and
15 welfare populations to a great extent. It is therefore
16 logical to provide treatment to troubled children,
17 preferably before a crisis.

18 I would like to see the principles of
19 clinical child psychology applied and adapted to the needs
20 of the reserve community to provide assessment and
21 especially treatment.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 I would like to explain what play therapy
2 is -- it is my specialty -- and give some ideas on how
3 it could be adapted to assist in maintaining and
4 strengthening Native identity.

5 First of all, what play therapy isn't
6 is anything to do with gaming. There are no roulette
7 tables. It is also not a way of training a child to
8 participate in a school play. It is a therapeutic
9 technique to facilitate a child in expressing his or her
10 feelings, fears, wishes, and conflicts. Children often
11 have difficulty expressing their feelings in words and
12 play is their natural medium of communication.

13 Through reflections and interpretations
14 of feelings, it is hoped that the child gains insight into
15 his or her feelings and conflicts. And then through
16 insight comes understanding and, hopefully, an acceptance
17 of self. The relationship between the therapist and child
18 is very important. It is through the therapist's
19 acceptance, caring, warmth and understanding that the
20 child comes to value himself or herself as an individual
21 of worth.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 I would like to say more about play
2 therapy. I want to add that after this I want to say how
3 a synthesis of play therapy with the Native reserve
4 identity seems an appropriate way of supporting the Native
5 community.

6 A child in play therapy is usually seen
7 once a week for an hour. There is a special playroom with
8 a variety of appropriate toys. The child is led to
9 understand that this is his or her exclusive time with
10 the therapist to play with the toys as he or she wishes.

11 A variety of techniques may be used, but I prefer
12 non-directive therapy where the choice and pace of play
13 is left to the child.

14 Play therapy seems to be an appropriate
15 technique for children ranging from about three years to
16 the emerging adolescent, 13 years. The child that has
17 a good deal of underlying feelings and tensions that he
18 or she cannot ordinarily express is a prime candidate for
19 play therapy. In play therapy, after the child
20 experiences acceptance by the therapist and the security
21 of the therapy atmosphere, he or she often feels safe enough

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 to express some of his or her most negative forbidden
2 feelings. This stage is often followed by the emergence
3 of more positive healthier feelings towards others and
4 more meaningful relationships can then develop. This is
5 a prime goal in the overall treatment plan.

6 Some children that benefit from play
7 therapy: there are four different kinds that I can give
8 examples of. There is the angry, disruptive, noisy child
9 that disturbs the classroom. In the beginning in child
10 therapy, this child may want to destroy toys or is abusive
11 verbally to the therapist. This gradually dies down as
12 the child is accepted by the therapist.

13 Another type of child is the withdrawn
14 and timid child who will often start out by just staring
15 around the room and not being able to choose an activity.

16
17 There is also the nervous child who talks
18 rapidly and often has psychosomatic complaints.

19 Finally, there is the relatively well
20 adjusted child who has had a traumatic experience.

21 With play therapy, you have a special

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 room where a more aggressive child can feel comfortable,
2 where things are not easily broken and that can be cleaned
3 up easily. The toys need to be durable and cheerful and
4 allow for unstructured play.

5 However, otherwise, the toys could very
6 well be determined by the reserve people. The Native
7 identity could be expressed in what the materials are,
8 what the child has to play with. Ideally, the elders and
9 others of the community would come together and decide
10 what is in the room. A child often bonds with the materials
11 in the playroom. This could be an opportunity for children
12 to get interested in the Native materials that they have
13 not experienced in their home with the loss of the
14 traditional culture in the last while.

15 The team approach used in clinical child
16 psychology would, I think, be in harmony with Native
17 traditions. Usually a therapist will come together with
18 others dealing with the child. There will be a meeting
19 with the parents and the teacher and other people relevant
20 for the child. This also could be a model appropriate
21 for the reserve and would allow for more participation

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 by Native parents and others of the community in their
2 children's welfare.

3 At present, there are not very many
4 Native people who have been able to proceed in clinical
5 child psychology to be therapists as understood in
6 mainstream society. However, if there were, for example,
7 a team approach with a non-Native person -- for example,
8 I have done that with Alphonse Larocque -- that could be
9 a beginning where the Native culture and the ideas, the
10 principles, of clinical child psychology merge together.
11 There could be solutions produced that are acceptable
12 to both.

13 Are there questions?

14 **COMMISSIONER ALLAN BLAKENEY:** Do you
15 know whether there are reserves, let's say, in southern
16 Manitoba that make use of this particular style of therapy?

17 **PATRICIA DARLING:** Only this one, as far
18 as I know.

19 **COMMISSIONER ALLAN BLAKENEY:** So it is
20 operating on Roseau River.

21 **PATRICIA DARLING:** It has been.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **COMMISSIONER ALLAN BLAKENEY:** Would you
2 care to make a comment on whether you thought that it was
3 helpful? Did it have a measure of success?

4 **PATRICIA DARLING:** My impression was
5 that it was helpful. However, it was quite a new venture.
6 I had a playroom at the school here and got to know the
7 child welfare agency and school. There were problems.
8 It finally had to stop partly because of there being no
9 funding.

10 **COMMISSIONER ALLAN BLAKENEY:** Thank
11 you.

12 **COMMISSIONER PAUL CHARTRAND:** Thank you
13 for your presentation. I have a few questions.

14 My questions are born, at least partly,
15 of my ignorance in the field of psychology. I remember
16 many, many years ago I took a few undergrad courses, maybe
17 one or two, in psychology, and I have read a few books
18 about psychology. But I want to begin with a confession
19 that I really know very little about the field.

20 I am willing to confess, too, that I am
21 unwilling to appreciate the nature of the program that

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 you are describing to us. Do you want to help me by telling
2 me again what is the goal of this program, to begin with.

3 **PATRICIA DARLING:** The goal is to help
4 a troubled child to --

5 **COMMISSIONER PAUL CHARTRAND:** What is
6 a troubled child for these purposes?

7 **PATRICIA DARLING:** I could give the four
8 examples again. For example, there is the child who is
9 aggressive in the classroom, noisy, tends to hit other
10 children when upset. That is one example. That is
11 sometimes called conduct disorder. This child may also
12 lie and may steal and show anti-social behaviour.

13 **COMMISSIONER PAUL CHARTRAND:** So you
14 react to problems in the schools. You said children who
15 are a problem in the school and you had a response to that.

16 **PATRICIA DARLING:** There is a wide range
17 of troubled children. This is one kind. I was mentioning
18 the classroom to clarify one situation where the aggression
19 often is very noticeable. It disturbs the classroom.

20 **COMMISSIONER PAUL CHARTRAND:** Do you
21 work in a school? Is this what you are saying? You had

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 an office or a room in a school.

2 **PATRICIA DARLING:** Here it was at the
3 school. That was most convenient for the children.
4 However, in a city it is often at a children's mental health
5 centre that the play therapy will take place.

6 **COMMISSIONER PAUL CHARTRAND:** The goal
7 is to do what with the troubled child?

8 **PATRICIA DARLING:** It varies, depending
9 on the problem of the child. The idea is to help the child
10 to figure out what is wrong and have the child develop
11 solutions so that the child is not upsetting the classroom.

12 **COMMISSIONER PAUL CHARTRAND:** That is
13 the part I really don't understand. Adults, it seems to
14 me, have problems and they don't have solutions. Can you
15 explain to me how you take this approach?

16 **PATRICIA DARLING:** For example, the
17 aggressive child who isn't helped when younger may assault
18 someone as a teenager or adult. That type of adult
19 certainly does get into trouble and needs to find a
20 solution.

21 **COMMISSIONER PAUL CHARTRAND:** But you

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 are not going to have your office here in a school and
2 follow a child for 16 years. I am trying to understand
3 the goals of your program, your short-term goals and how
4 you intend to reach them.

5 **PATRICIA DARLING:** First of all, the
6 child who is indicated by a teacher or parent or someone
7 comes to the playroom. I get to know the child. I try
8 to figure the child out. The child goes through a
9 process -- this is a time where the child is not needing
10 to adapt to a teacher or, for example, to quarrelling
11 parents. So, the child tends to come to more of a state
12 of relaxation where the child can figure out how to solve
13 problems more constructively than by hitting or other forms
14 of aggression.

15 **COMMISSIONER PAUL CHARTRAND:** So how
16 does play therapy help that? I still don't understand
17 that. What goes on and what does it tell you?

18 **PATRICIA DARLING:** What goes on depends
19 on the type of child. With the aggressive child, for
20 example, in the first session, the child will often come
21 in and he's expecting an adult that will react to his

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 aggression. Instead, the therapist is trained to not
2 react. I have a training to be able to observe the child
3 without reacting. Also, I usually talk with a teacher
4 or parent and have a framework within which I can place
5 the child. The teacher doesn't have the time, often, for
6 that. And the parent is often in the middle of problems.

7 A lot of children become troubled usually for a reason.

8 In the playroom, it is a time where the
9 child has an adult concentrating just on him. So the child
10 develops a relationship with an adult where a new pattern
11 is established. This tends to relax the child. In the
12 classroom situation the child is irritating the teacher.

13 The teacher has a job to do, usually to teach a lesson.

14 So there is a reaction to the child.

15 **COMMISSIONER PAUL CHARTRAND:** Let me
16 try to follow. So you want to relax a child who has
17 problems. Say he is aggressive; this is your example.
18 So for me who is not a psychologist and knows nothing about
19 this, you walk them around, hold them on your shoulder,
20 whatever. Once a child is calm, then what? What happens?

21 **PATRICIA DARLING:** The thing is, the

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 relaxation in this case is not coming through techniques.
2 That could be done. But in this case there is more of
3 a calming of emotional --

4 **COMMISSIONER PAUL CHARTRAND:** I am just
5 trying to understand what you are trying to do. Let's
6 assume that somehow the child is relaxed and is not
7 aggressive, as you said. Then what? What are you trying
8 to do?

9 **PATRICIA DARLING:** At that point,
10 usually the child will start to think about what is -- why
11 he -- this is usually not a happy child. So if there is
12 an opportunity in a relaxed mood to figure out what has
13 gone wrong in the classroom, why the child doesn't have
14 friends --

15 **COMMISSIONER PAUL CHARTRAND:** How do
16 you know that?

17 **PATRICIA DARLING:** How do I know?

18 **COMMISSIONER PAUL CHARTRAND:** That the
19 child is trying to figure something out.

20 **PATRICIA DARLING:** Because I establish
21 a relationship with the child.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **COMMISSIONER PAUL CHARTRAND:** But how
2 do you know?

3 **PATRICIA DARLING:** Because I have
4 experience and we talk.

5 **COMMISSIONER PAUL CHARTRAND:** It's not
6 demonstrable?

7 **PATRICIA DARLING:** Sorry?

8 **COMMISSIONER PAUL CHARTRAND:** The
9 behaviour is not demonstrable? If it is demonstrable you
10 can describe it. The child is doing a particular thing.
11 The child is figuring out something, you said. Right?

12 **PATRICIA DARLING:** Yes.

13 **COMMISSIONER PAUL CHARTRAND:** What is
14 it that you observe that leads you to that conclusion?

15 **PATRICIA DARLING:** It depends on the
16 child. I wish I had a video.

17 **COMMISSIONER PAUL CHARTRAND:** Maybe in
18 this forum it's difficult. Is there literature about
19 this?

20 **PATRICIA DARLING:** Yes.

21 **COMMISSIONER PAUL CHARTRAND:** Can you

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 send us some literature?

2 **PATRICIA DARLING:** Certainly. It is
3 quite a common method of dealing with --

4 **COMMISSIONER PAUL CHARTRAND:** I
5 confess, I am totally ignorant and I cannot understand
6 at all what the program is about. What are its goals?
7 Do you have some literature that could tell us that, what
8 the goal is? What is it that you want to do? What do
9 you want to reach?

10 **PATRICIA DARLING:** Help a child to grow
11 in figuring out himself and how to deal with the world
12 in a more constructive way, so that if he is angry he doesn't
13 hit --

14 **COMMISSIONER PAUL CHARTRAND:** Maybe I
15 could use that, but I don't understand what your program
16 has to do with that. So, I would be very grateful if you
17 could send some literature. I really am unable to
18 appreciate its nature.

19 **PATRICIA DARLING:** I am sorry if I
20 wasn't clear enough.

21 **COMMISSIONER PAUL CHARTRAND:** Can you

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 do that?

2 **PATRICIA DARLING:** Yes.

3 **COMMISSIONER PAUL CHARTRAND:** I would
4 be very grateful.

5 **PATRICIA DARLING:** I brought this
6 because it was an example for me of a Native parent
7 combining her skill in making an Ojibway outfit for a doll
8 that was suitable for play therapy. It's cuddly. It's
9 sturdy. It's appealing to children. It is also an
10 anatomically correct little girl. I just thought I would
11 bring her.

12 **COMMISSIONER PAUL CHARTRAND:** This has
13 nothing to do with the idea of catharsis for adults who
14 play games, hockey, or bowling, or whatever.

15 **PATRICIA DARLING:** No.

16 **COMMISSIONER PAUL CHARTRAND:** No? We
17 are not even in the same ballpark here. Is that right?

18 **PATRICIA DARLING:** It's not for adults,
19 no.

20 **COMMISSIONER PAUL CHARTRAND:** I am
21 talking about human behaviour. Anyway, thank you very

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 much.

2 **PATRICIA DARLING:** Thank you.

3 **COMMISSIONER VIOLA ROBINSON:** I thank
4 you, too, for making your presentation. I won't ask you
5 any more questions.

6 **MODERATOR ROBERT HENRY:** Thank you,
7 Patricia and Alphonse.

8 The next speaker is Millie Nelson
9 speaking on women's issues. Sitting with Millie is
10 Councillor Martha Larocque.

11 **MILLIE NELSON:** Greetings. My name is
12 Millie Nelson.

13 I have been a member of the women's group
14 out here in Roseau River since 1975, but I have been active
15 in the area since 1969 province-wide from the north down
16 to the south here. I have also been part of the national
17 body of the Women's Coalition of Canada.

18 There are two main things that I want
19 to bring up that are still past grievances. One of them
20 was mentioned before in the earlier statements made by
21 our leaders. That was a statement made in regards to

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 violence against women and children.

2 It has been stated that there has been
3 80 unnecessary deaths in this community alone.

4 Seventy-five per cent of those 80 unnecessary deaths have
5 been women and children. We, at this very moment, on an
6 independent basis, have hired a consultant/researcher to
7 look into these deaths and get the facts of those tragedies.

8 In those cases, from my awareness and
9 my knowledge, there are some things that are still
10 unresolved that still need to be dealt with on a justice
11 level. Even as we speak now, there is not really a
12 guarantee against violence of children and women in the
13 community.

14 I am a qualified social worker. I have
15 worked with the regional Child Welfare Program for nine
16 years. Even for myself I have not even been guaranteed
17 the security of my own welfare as a result of coming to
18 investigate some cases.

19 I have been victimized by being put in
20 a position to deal with our tribal members and to bring
21 out evidence that, under the tripartite agreement,

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 disallows me to provide certain types of information on
2 certain families. Political games have been played
3 against my family as a result of some of those past
4 investigations. It is still an issue. The violence, the
5 victimization, how do we even start to deal with that?

6 We have a warrior society that is
7 established here in the community. I think that is one
8 of the greatest things that is happening so far, because
9 there, at least, if we cannot go to the province and get
10 the protection that we need or the protection within the
11 justice system that is out there that is not helping and
12 hasn't helped in the past, then I am glad and very happy
13 to see that at least those attempts are being made. That
14 is one of the things I wanted to address, the violence.

15 Although there has been talk about
16 Aboriginal peoples or First Nations peoples and their
17 inability at times to be in harmony, there have been some
18 very positive changes in the legislation concerning First
19 Nations women and families in regards to the past violence.

20 I am glad now that sometimes that right to the woman making
21 a statement on violence that is bestowed on them has been

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 taken away and that the right has been given on to the
2 onus of the justice-makers in that area. It is a very
3 traumatic thing for any woman to go through that. It is
4 very overwhelming and they are very vulnerable.

5 Roseau, being like all other Native
6 communities in Canada, are dealing with that same issue,
7 but not as much now that we have attempted to organize
8 our groups here in the community.

9 Those are some of the needed-to-be-said
10 positive changes. However, our history will certainly
11 come about in that area. We are looking into the past
12 and looking at ways to attempt to resolve those issues.

13 Because of the fact that the majority
14 of our women have died tragically, we now have children
15 in the community who have no parents. They have to live
16 this, and they are becoming parents themselves. As a
17 women's group, we attempt to address through
18 information-sharing or just ordinary community support
19 to the children of those victims. It is there. There
20 is something happening. There is some communication.

21 That doesn't rule out the fact, though,

StenoTran

DECEMBER 8, 1992**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 that as women we still are part and continue to be part
2 of -- the fact is that right now we are into this inquiry
3 and more and more women and children are coming forth with
4 child abuse. There is something like 31 cases before the
5 courts at this moment that require provincial family
6 intervention where a decision needs to be made over
7 guardianship of our children. I don't see that process
8 being absolutely necessary. However, I do see some areas
9 in which the community itself can act on ensuring the
10 continual adequate care of children.

11 We always talk about justice and having
12 some kind of tribunal or some kind of court for our own
13 people. Our family court in the community is an open court
14 where we have provincial judges coming in and sitting in
15 our cases that the child welfare agency has to bring forth.

16 They are open courts. There needs to be more closed
17 cases. In some cases, there has to be. There needs to
18 be also the elders in part of that decision-making process.

19 I still see kids, Native children, that
20 are within the child welfare system today out there. And
21 it is very sad to see our children out there prostituting

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 themselves in the streets of Winnipeg.

2 There are just so many other issues that
3 we can get into that are symptoms of the dysfunction and
4 breakdown in the lives of First Nation people. But they
5 do concern me because we are dealing with the legalities
6 of those issues all the time. It seems like there is not
7 one place to go to in terms of having that power to deal
8 with those issues.

9 We have ourselves signed up with so many
10 things. We have the tripartite agreement on child
11 welfare. I am completely dissatisfied with that whole
12 process, but it is something we have to live with until
13 the process is developed whereby we are able to deal with
14 those things ourselves. That is going to take many years.

15 I just wanted to point out those areas,
16 the child welfare and the violence against women. I will
17 close off with that.

18 **MODERATOR ROBERT HENRY:** Are there any
19 comments from the Commissioners?

20 **COMMISSIONER VIOLA ROBINSON:** We want
21 to thank you for coming forward with your presentation.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 You have hired a consultant to do some
2 research into the tragedies. When do you think that is
3 going to be completed?

4 **MILLIE NELSON:** We haven't set a
5 deadline, except that we hope that the research or the
6 information that we do have is as factual as possible,
7 like getting autopsy reports and everything surrounding
8 the deaths of the individuals.

9 **COMMISSIONER VIOLA ROBINSON:** Once you
10 get this report, is this report going to include
11 recommendations?

12 **MILLIE NELSON:** It is something that the
13 community has to address and deal with. It is something
14 that we definitely don't want repeated. These tragedies
15 are unreal.

16 **COMMISSIONER VIOLA ROBINSON:** I guess
17 the fact that you do know -- you are saying 75 per cent
18 of the 80 deaths were women and children and they were
19 unnecessary. You know that.

20 **MILLIE NELSON:** Yes.

21 **COMMISSIONER VIOLA ROBINSON:** What I am

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 trying to find out is the research. You are going to try
2 to get the facts, what caused them, to support what you
3 think or what you say. Is that it?

4 **MILLIE NELSON:** Yes. I believe that as
5 a community we can deal with that. Whatever resources
6 are required to resource the issues in that information,
7 then that is something that we will attempt to do at least
8 at the community level. Again, though, some of that
9 information will be addressed with the mandated agencies.
10 We will be sending them copies of the reports. This is
11 an independent study.

12 The study itself will also reveal that
13 the tragedies are followed by the fact that we have no
14 control. We had no control then over the lives of our
15 people.

16 **COMMISSIONER VIOLA ROBINSON:** Can you
17 tell me a little more about this tripartite system? You
18 said you are in a tripartite child welfare process and
19 it is not working. What does that involve?

20 **MILLIE NELSON:** Right now we have 31
21 family cases before the courts. Because of our child

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 welfare agency organization, we have a legislation to carry
2 out and that is the Child and Family Services of Manitoba.

3 Also with the federal government, the Department of Indian
4 Affairs, they provide us with our operative grants.

5 We get 33 per cent from the Province of
6 Manitoba to carry out their legislation and 66 per cent
7 from the Department to operate, to carry out child welfare
8 services in our community.

9 What the community is starting to
10 address is getting our own child welfare services
11 exclusively for Roseau River First Nations people. That
12 is something that we are just starting to address now.
13 It is going to take years to develop because of the clan
14 system of government.

15 **COMMISSIONER VIOLA ROBINSON:** This
16 tripartite process, does it involve all the bands in
17 Winnipeg?

18 **MILLIE NELSON:** No, it does not. Only
19 the seven bands.

20 **COMMISSIONER VIOLA ROBINSON:** Just the
21 seven bands. But is there an agreement now where child

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 welfare has been taken over by some of the First Nations
2 already?

3 **MILLIE NELSON:** We are operating under
4 section 7 of the Child and Family Service agreement, which
5 is to establish a local child welfare committee. We do
6 have those committees in place in each of the communities,
7 as well as one at the regional level. But we are saying
8 we are not satisfied with that. It has taken away our
9 power to legislate, to control our own child welfare
10 services.

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

13 **COMMISSIONER PAUL CHARTRAND:** I will be
14 very brief. I have two or three things. First I want
15 to thank you very much.

16 One of the labels you associated with
17 your presentation is women's issues. I want to tell you
18 that one of the points in our mandate is to examine
19 so-called women's issues. We have a director of so-called
20 women's perspective at the Commission. I don't know if
21 you have heard from her. Her name is Deborah Hanley.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 I am telling you this in order to give you the information
2 and to encourage you to do whatever you see fit to work
3 with the Commission. You may contact us and follow up
4 in whichever way you wish, by telephone. I said before
5 there is an 800 line. I want to tell you that and encourage
6 you to work with the Commission as you see fit.

7 Also, with respect to research, you said
8 you were involved in some research here. The Commission
9 has a large research function, assisted by an intervenor
10 participation program which has distributed funds,
11 including funds which have already been allocated to
12 various organizations, the Assembly of First Nations, for
13 example.

14 These are opportunities which are
15 available to provide us with information of all sorts.
16 And I want to stress that they exist now while we are doing
17 our work rather than finding out about it later. I want
18 to ensure that you know what possibilities now exist to
19 bring these issues before us in as complete a way as
20 possible, hopefully, complete with recommendations that
21 you think we ought to make because that is important.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 We want to know if you think we are doing the right thing
2 and, if not, what should we be doing. And I invite you
3 to tell us in as much detail as you wish.

4 I have a lot to learn about many, many
5 issues, so let me ask a very small question. You referred,
6 among other things, to a terrible problem of child abuse.

7 Are you able to assist us in assessing the existing
8 programs, things that are being done with respect to that,
9 with the program that was previously described to us, this
10 play therapy? Is this a part of your program? Or are
11 you a part of it?

12 If you are able to assist us in
13 understanding it, at least I would be grateful in trying
14 to understand the nature of this program.

15 Thank you.

16 **MILLIE NELSON:** Those programs are new
17 in the community. Because of the newness it is very hard
18 to assess whether or not they are going to be successful.

19 Again, we have our child welfare committee in place and
20 they are overlooking that.

21 My own opinion is that at least we have

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 the resource. We didn't have those types of resources
2 in the past. We never had. At least now we have something
3 established that will enable the disclosures and the
4 healing that is necessary. As to the specifics in that
5 child abuse program, I am not aware of it in terms of the
6 play therapy. But like I say, it is a new program. It
7 is very hard to give an opinion on that.

8 **COMMISSIONER ALLAN BLAKENEY:** I want to
9 repeat what Commissioner Chartrand has said about sending
10 information you may have to the Commission.

11 We are aware from what we are hearing
12 across Canada that the problem of abuse of women and
13 children is a significant problem. It is a significant
14 problem all over Canada for everybody, Aboriginal and
15 non-Aboriginal. But it certainly is, if the information
16 we are getting is correct, a significant problem in
17 Aboriginal communities.

18 We are having difficulty getting
19 information, and that is thoroughly understandable. It
20 doesn't reflect well on a community to give out this
21 information at Public Hearings. I would have great

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 difficulty getting information at a Public Hearing in
2 Saskatoon for the white society, because this is not the
3 sort of thing people want to talk about.

4 Nonetheless, it is a serious problem.

5 If you can send some information by mail, you can be
6 assured of confidentiality if you mark it that way. It
7 is of assistance to us.

8 The figures you give are pretty
9 frightening. Eighty unnecessary deaths. Over about what
10 period of time would that be?

11 **MILLIE NELSON:** As far as our
12 information and research goes, we are looking at 1952 up
13 until the past couple of years, about two years ago.

14 **COMMISSIONER ALLAN BLAKENEY:** So it is
15 quite a long period of time, but that doesn't make the
16 figures much less -- you talked about a consultant being
17 hired. May I ask who hired the consultant?

18 **MILLIE NELSON:** That is something we
19 have done independently.

20 **COMMISSIONER ALLAN BLAKENEY:** Who are
21 the "we" in this case?

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 **MILLIE NELSON:** I am talking about my
2 family in particular. We just hired someone. We needed
3 this information. We didn't want to go through the process
4 of applying for grants. It is something that we put our
5 efforts together for.

6 It is like going on a fact-finding
7 mission and we needed someone who would be from off the
8 community that had knowledge and expertise to get that
9 information for us.

10 **COMMISSIONER ALLAN BLAKENEY:** I don't
11 want to put words in your mouth, but I thought I heard
12 you saying that women were discouraged from reporting facts
13 that they knew, that you yourself were discouraged from
14 proceeding with the investigations. Victimized, I think,
15 was the word you used.

16 I understand what happens in a
17 community. This is resurrecting problems that people
18 hoped had been forgotten about -- had been lived through.
19 Let's put it that way. Your approach was that until this
20 was out in the open, the problem couldn't effectively be
21 dealt with. Again, I am sort of putting words in your

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 mouth, but would that be fair?

2 **MILLIE NELSON:** Yes.

3 **COMMISSIONER ALLAN BLAKENEY:** Without
4 stigmatizing anybody in this process, because that is not
5 our purpose, there has been a bit of a breakdown. Lots
6 of communities have this, so this is not targeting Roseau
7 River.

8 Would you say that the breakdown has been
9 because of a failure of the band authorities, or the child
10 welfare people, or the RCMP, or some governments, either
11 Manitoba or Indian Affairs, to fully assume their
12 responsibilities? How do you target this? Or if you
13 don't want to answer that, although I invite you to do
14 so, who needs to do something so it doesn't happen again?

15 Let's put it that way.

16 **MILLIE NELSON:** I think that one of the
17 things that we have addressed earlier is that we at the
18 community level need to have that empowerment, and we are
19 assuming that. Even though we are assuming that process,
20 the realities are that we have to live with the fact that
21 the RCMP will always be a part of these cases, that they

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 will deal with it at their level which, in my opinion,
2 has been unprofessional. The staff themselves don't have
3 the training and are dealing with families within a
4 non-Native perspective. Those are my opinions.

5 **COMMISSIONER ALLAN BLAKENEY:** That is
6 the child welfare staff you are speaking of.

7 **MILLIE NELSON:** Yes. And I don't think
8 it is necessary to have 31 cases before the courts.
9 Thirty-one out of 31 of those cases we have children that
10 are deemed out of control, and I don't believe that is
11 so. I don't think we need to lock up our kids any more.
12 We didn't need to place them off the reserve. I think
13 our resources are here.

14 Like I am saying, the process is
15 developing where our families are becoming stronger and
16 becoming a unit. That itself is taking its time, but
17 families are healing. Because of that process, we have
18 that Child Welfare Program, the legislation to deal with
19 it that are affecting the 31 cases before the courts now.

20 **COMMISSIONER ALLAN BLAKENEY:** Are there
21 foster homes on the reserve?

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 **MILLIE NELSON:** I would say there are
2 good foster homes on the reserve.

3 **COMMISSIONER ALLAN BLAKENEY:** That are
4 being used?

5 **MILLIE NELSON:** That are being used.

6 **COMMISSIONER ALLAN BLAKENEY:** But not
7 enough for the 31. Without asking you to commit again,
8 if, say, 20 of those are going to end up off the reserve,
9 where are they likely to end up?

10 **MILLIE NELSON:** The older ones, as far
11 as my knowledge and information from the Child Welfare
12 Program, the adolescents are in facilities, in
13 institutions off the reserve. For the younger ones, the
14 majority of them are in the community. We are just now
15 in the process of developing our resources for those
16 families that need that. But like I say, the family
17 break-up is happening definitely within the individual
18 family, but it is also being enabled by the Child Welfare
19 Program and all the other issues that surround that.

20 **COMMISSIONER ALLAN BLAKENEY:** One last
21 little area of inquiry here. Would you think that a

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 band-controlled police arrangement would work better than
2 the RCMP policing the reserve? As you are aware, some
3 bands in Manitoba have their own policing. We are trying
4 to reach for how to respond to this problem which, as I
5 say, is distressingly common.

6 **MILLIE NELSON:** That is something that
7 we attempted to address 10 years ago when we had our first
8 case come out in the open. Within that, the child welfare,
9 at least, are Native controlled, our DOTC program.

10 In the past, we have had RCMP come in
11 and question the offenders. It was totally unethical.
12 They dragged the offenders right out of the homes. It
13 just led to more resistance. Cases were being thrown out
14 of court because of lack of evidence. There was an
15 enforcement by the RCMP. I don't see that happening, at
16 least with the Tribal Police. I would see them enabling
17 a communicative process.

18 We know about that, but that is something
19 that even our Tribal Police -- they don't have the full
20 mandate to go in a home and investigate some of those cases.

21 **COMMISSIONER ALLAN BLAKENEY:** Is there

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 a well organized women's group that offers some support
2 to victims of spousal abuse?

3 **MILLIE NELSON:** I would say there is at
4 this time. There is. There hasn't been because one
5 family was always afraid to go into another family and
6 provide that support. But yes, there is that support
7 there. But it is still a shame to have to send the family
8 or a woman off the reserve for her own safety.

9 **COMMISSIONER ALLAN BLAKENEY:** Is there
10 a shelter on the reserve, or a reasonable equivalent?

11 **MILLIE NELSON:** No, there isn't.
12 However, because of the extended family and because of
13 the support by the community, that doesn't have to happen
14 anymore. We don't have to send a woman with eight children
15 off the reserve for her own safety. That was a very
16 rampant, very common concern that we had in this community
17 up until recently.

18 **COMMISSIONER ALLAN BLAKENEY:** So there
19 has been substantial movement in the right direction.

20 **MILLIE NELSON:** Yes, there has been.

21 **COMMISSIONER ALLAN BLAKENEY:** Thank you

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 very much.

2 **MODERATOR ROBERT HENRY:** Thank you,
3 Millie and Martha.

4 At this time, Elder Rosie Nelson would
5 like to say a few words to the Commissioners.

6 **ELDER ROSIE NELSON:** My white woman's
7 name is Rose Nelson, Treaty No. 313. I get \$5 a year for
8 an Indian. That's it. Now I am going to talk in my own
9 language.

10 **(Translated from Ojibway):** Jenowick
11 (PH) is my Indian name. I am of the lynx clan.

12 I have been here all my life. I was born
13 on this reserve. I went to school nine years. When I
14 was in grade 3 I was sent to a different school half a
15 day. In the evening I worked. When I was the age of 16
16 I was sent home, in 1938. I was let off across the river.
17 The next day I slept in a bush at night. In the morning
18 I looked for my dad and I found my dad. Then I learned
19 from that time in my life I have suffered.

20 I married Ed Nelson. We had children.
21 I had five children from Edward Nelson. We have suffered

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 lots on this reserve trying to raise my children. I never
2 drank. When Edward was with me I never drank. He always
3 worked when he was alive. When he was working he got run
4 over by a potato truck.

5 Then I came back to the reservation.
6 When Edward died I left there. I stayed with a different
7 man. This man abused me. We didn't have any money to
8 live. I lived with this man 21 years, my husband. Then
9 one day I said that I wasn't going to take any more abuse.
10 I chased him away from my home. I suffered. In the
11 winter we stayed in a tent and I kept my children.

12 Today this is why I speak. Today I do
13 not want my children to live in a tent the way I did.
14 The money that comes into the reserve, we do not get any
15 of it, just the people who work in the office. We just
16 get welfare, very minimal help. This is why I always like
17 to speak out, although people say -- I want to tell you
18 how hard it is to raise children on this reserve. I worked
19 in the beet fields to make a little bit of money. In the
20 treaty we used to get five dollars and \$15 for the kids.
21 At that time I only had three children.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 Today when I am old, I wish my people
2 would get something out of this.

3 **(End of Translation)**

4 It is getting better for my children and
5 all the children that are on the reserve if you just let
6 it go. Let us go and be self-government because it was
7 there all this time. When I had 12 kids --

8 I am starting to speak English because
9 I am mad.

10 I think self-government was always here.
11 That is what I tell my kids. There was nobody to look
12 after us or feed us or do anything for us. Now you white
13 people think we have something and you jump at us.

14 With self-government we would do all
15 right. We had been doing that all the years I have lived.
16 I have been self-governing myself, my children. Sure.
17 I have been doing that. Nobody ever came to me and handed
18 me a box of bread or something to eat. No way, because
19 I am an Indian. I lived all my life, I worked all my life.
20 Nobody ever paid me. That is what I want to try to get
21 through to you. I think the Indians have been living

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 self-government all this time.

2 The Indian Affairs handout is just a
3 little something that they don't need. That is what I
4 think. For me, I am old now. I am not afraid to say
5 anything. But I wanted to talk in my own language, but
6 I can't find those words that quick. I have to talk a
7 long time to try to explain what I think.

8 If you would just let us Indians alone,
9 I think we would make it instead of your government dollars.

10 You think gaming -- we set up a Gaming Commission, and
11 they think we are having money. It's not that. We don't
12 get money. I don't get paid for sitting there. No way.

13 What I say is if you people think we are making lots of
14 money, it's not that. We are handing out money to the
15 ones that really need it in certain programs for children,
16 not for us.

17 I think we have been living
18 self-government all my life. Gaming was in our Indian
19 ways. Anyway, we always gambled. So, I think that is
20 what I want to say. I just wanted you to know what I think.

21 I have been sitting there as a

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Commissioner. What my Indian people are saying I have
2 heard it. I sit at the meetings. I go there every
3 Tuesday. I don't want to ask my people any questions
4 because I know what they would answer.

5 That is all we want. Just maybe with
6 a little help from somebody else we will get where we want
7 to go for our children. Not for me or the ones that are
8 old. It's for the poor people. When that money comes
9 from Indian Affairs, sure we get it. I don't know who
10 gets it. The Chief, I guess. Those are the only ones
11 that get paid from that. What do the rest of the poor
12 people get? Nothing. You ask them and see how much we
13 get from the money sent from Indian Affairs. It's nothing.
14 That's true. Maybe one or two or their relatives. I
15 don't know what is going on. We're broke. I don't know
16 where it went.

17 That is all I want to say. Sometimes
18 when I talk about my children I want to cry. That is all
19 I want to say.

20 **MODERATOR ROBERT HENRY:** Thank you,
21 Elder Rosie.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 I will go to the Commission members to
2 say their closing comments.

3 **COMMISSIONER PAUL CHARTRAND:** I want to
4 take a bit of time to make some closing remarks on behalf
5 of myself and my colleagues on the Commission, although
6 they may wish to say something themselves after.

7 So ends another Hearing of the Royal
8 Commission on Aboriginal Peoples. As we have stated, it
9 is our job to make recommendations to the federal
10 government. We are not a part of the government. We
11 expect to make our report in 1994.

12 We have heard here, as we do in the
13 different places that we go to across Canada, some
14 important issues, some very serious issues, some of which
15 make us sad, some of which are uplifting and inspirational.

16 In any case, we have received many statements here and
17 also many documents today with which to feed our process
18 of inquiry. Because of that, we wish to extend our thanks
19 to the many people who have made it possible.

20 I would like to start by offering our
21 expression of thanks to the Elder and Commissioner of the

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 day, Rose Nelson, who honoured us with her presence and
2 with her participation here this afternoon.

3 I want to thank also our moderator Robert
4 Henry for undertaking the job and doing it with the skill
5 and competence with which he has done it. Thank you,
6 Robert.

7 I want to thank other people. We have
8 our staff here. In the corner looking innocent against
9 the wall under a poster is Bernie Wood, the team leader,
10 and a team leader in more ways than one. Some of you may
11 know Bernie Wood as the terror of local teams in old timers'
12 hockey tournaments.

13 There is also Laurie Fenner with Public
14 Participation sitting next to him. Next to them is an
15 Ojibway, Don Kelly, with the communications people.

16 Thank you to Linda Jordan also from the
17 Secretariat part of the Commission.

18 Thank you to Ernie Blais on the other
19 side of the room, our regional representative, and another
20 individual who is, I am assured, well known in these parts,
21 as they say in the movies.

StenoTran

DECEMBER 8, 1992

**ROYAL COMMISSION ON
ABORIGINAL PEOPLES**

1 Thank you also to Elaine Simpson, our
2 community representative.

3 Thank you also to the various other
4 people and the media. I should mention particularly the
5 people from the National Film Board. Some of these people
6 with camera equipment are from the National Film Board.

7 They go across the country documenting the work of the
8 Royal Commission with a view to making a documentary film.

9 Some of you who have been here might end up in the movies
10 some day. We know the power that these people have, at
11 least us on the Commission, because I am sure that when
12 they are done they are going to have a huge and interesting
13 bank of film with us in less than flattering positions.

14 I want to thank also the reporter who
15 takes down the literal transcript of what is being said,
16 the lady in the corner there who is repeating every word
17 I am saying through that large ice cream cone stuck in
18 her face, as someone has described it. I know that Allan
19 Blakeney and I have been very worried that these reporters
20 will choke, but they have assured us that they do quite
21 well. We thank you very much.

StenoTran

DECEMBER 8, 1992

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

1 I hope I have not forgotten anyone. It
2 is not my intention to do so. We are grateful to everyone
3 who has assisted us. In particular, we are grateful to
4 all the community people and the other people who have
5 come to assist us in our Hearing here today.

6 Thank you. Megwetch.

7

8 **(Closing Prayer)**

9

10 --- Whereupon the Hearing adjourned at 6:00 p.m.