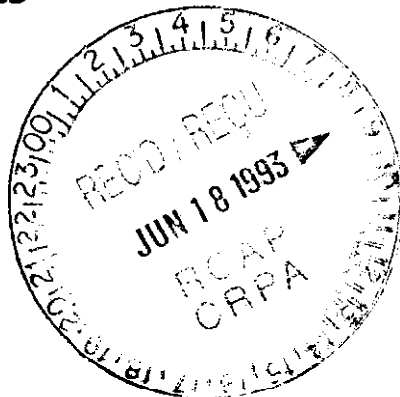


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**COMMISSION ROYALE SUR  
LES PEUPLES AUTOCHTONES**

**ROYAL COMMISSION ON  
ABORIGINAL PEOPLES**



**LOCATION/ENDROIT: VANCOUVER, BRITISH COLUMBIA**

**DATE: WEDNESDAY, JUNE 2, 1993**

**VOLUME: 1**

"for the record..."  
**STENOTRAN**  
1376 Kilborn Ave.  
Ottawa 521-0703



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Royal Commission on  
Aboriginal Peoples

1 Vancouver, British Columbia

2 --- Upon commencing on Wednesday, June 2, 1993 at  
3 8:42 a.m.

4 **MODERATOR LOU DESMARAIS:** Good  
5 morning, ladies and gentlemen. My name is Lou  
6 Desmarais. I have been asked to be the moderator  
7 for the sessions here in Vancouver.

8 To all of the people who have come  
9 here, we offer you welcome to our home areas.

10 We are a couple of minutes late in  
11 getting going so we want to proceed.

12 I would like, first of all, to  
13 call upon one of our Elders, Vincent Stogan,  
14 representing the Musqueam peoples, to lead us in a  
15 brief prayer.

16 So Vince, if you would do that for  
17 us.

18 **ELDER VINCENT STOGAN:** Welcome  
19 everyone.

20 Before we say our prayer, my name  
21 is Vince Stogan. My native name is Sim'lano (PH).  
22 I am one of the Elders from the Musqueam Nation.  
23 And it is an honour to have someone come and ask  
24 me to have the opening prayer.

25 The prayer that I am going to be

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1 saying is for all of you; that this meeting will  
2 be open; everybody will have a clear mind, clear  
3 heart of what is going to be taking place today.  
4 And the prayer that I usually say is in our  
5 language, the Musqueam language, Sto:lo language,  
6 so maybe you don't understand it, but the feeling  
7 is there.

8 Again I would like to welcome  
9 everyone. As you know, the Musqueam people used  
10 to roam all through here in the City of Vancouver  
11 a long time ago. It is a privilege to be asked as  
12 one of the Elders to come and have an opening  
13 prayer for all of you.

14 --- Opening Prayer.

15 MODERATOR LOU DESMARAIS: Thank  
16 you, Elder Stogan.

17 I would now like to call upon Ken  
18 Harris who will deliver some opening remarks,  
19 welcoming remarks.

20 Ken?

21 MR. KEN HARRIS: What I am going  
22 to demonstrate to you is what we do in our feast  
23 halls among the Gitksan, and it is a way of  
24 acknowledging guests and welcoming all those who  
25 participate. And I will explain it to those who

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1 need the explanation later on.

2 Good morning. And may God, the  
3 author of life, examine with his grace and  
4 indulgence the wisdom, the integrity of the  
5 purpose of our caucus with the Royal Commission on  
6 Aboriginal Peoples.

7 Much water has passed under the  
8 bridge since you opened your first meeting in  
9 Winnipeg, Manitoba on April 21st, 1992. In fact,  
10 much water has passed under the bridge since Jean  
11 Cabot arrived on the Atlantic shores in 1497.

12 Historians and political  
13 scientists amassed some accurate records. It is  
14 written in 1534 Jacques Cartier explored the  
15 coastal area of what he contemptuously described  
16 as the land God gave to Cain.

17 It was Cain's children then that  
18 extended the welcome mat in the St. Lawrence  
19 Valley. The Aboriginal settlements of Hochelaga  
20 welcomed or tossed out the lifeline to Montreal,  
21 and Stathacona (PH) likewise tossed out the  
22 lifeline to Quebec.

23 By 1605 the first colonial  
24 settlement is established at Port Royal in Acadia.  
25 Even then the balance of power is relatively even

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1 and stable.

2 What happened after that is a  
3 matter of record.

4 There are wars but not Indian  
5 wars. These wars left its own mark; treaty after  
6 treaty among nations -- Treaty of Utrecht, Treaty  
7 of Paris, Jay Treaty, Webster, Ashburton (PH)  
8 Treaty, Rush/Baggott (PH) Treaty, Treaty of  
9 London, and finally, the Oregon Treaty --  
10 establishes a new dominance in North America.

11 All this happening did not go  
12 unnoticed. The most resolute evidence ever  
13 recorded is the Royal Proclamation of 1763. The  
14 Royal Proclamation recognized the dominance of the  
15 Aboriginal people. And in it the royal wisdom  
16 laid down the rules for its loyal subjects.

17 In those days the Aboriginal  
18 people enjoyed a positive relationship with their  
19 partners, partners in self determination; partners  
20 in self sufficiency, and partners in healing, or  
21 in the maintenance of good health; most certainly  
22 partners in peace, order and good government.

23 At least some of our leading  
24 historians like Arthur Rae (PH), Bruce Trigger  
25 (PH), James Roger Miller (PH) called the

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1 relationship a partnership.

2 You, my dear friends, and fellow  
3 citizens of the Dominion of Canada, are now  
4 charged with the responsibility to restore peace,  
5 order and good government for the Aboriginal  
6 peoples, by restoring a healing process which will  
7 restore for the Aboriginal the choice to enjoy a  
8 positive relationship with their non-Aboriginal  
9 friends, and at the same time prosper in their  
10 self sufficiency as a result of their self  
11 determination as a citizen of the country.

12 As a resident of the City of  
13 Vancouver and an Elder of the Aboriginal peoples,  
14 I welcome the opportunity to dialogue with you.  
15 (Native language).

16 Thank you.

17 **MODERATOR LOU DESMARAIS:** Thank  
18 you, Ken.

19 The next item on the agenda is to  
20 have some opening remarks on behalf of the  
21 Commission. I would ask the Co-Chair of the  
22 Commission, Georges Erasmus, to speak now.

23 Thank you.

24 **CO-CHAIR GEORGES ERASMUS:** Thank  
25 you, Lou. I would like to welcome you all to the



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1           hearings of the Royal Commission on Aboriginal  
2           Peoples here in Vancouver.

3                         We are in the middle of our third  
4           round of hearings.

5                         As was mentioned, we began our  
6           hearings April a year ago and have had a number of  
7           rounds of hearings since then. We had hearings  
8           through to the end of June and then we had them in  
9           the fall through to just prior iud Christmas, and  
10          then began again about a month, five-six weeks  
11          ago.

12                        The Royal Commission's work  
13          includes public consultation like we are involved  
14          in now, plus a fairly large research program, both  
15          research that we are doing ourselves and research  
16          that both Aboriginal and non-Aboriginal people are  
17          doing across Canada, a program worth about \$8  
18          million was created for David Crombie to  
19          administer which assisted those organizations  
20          across the country that wanted to participate in  
21          the Royal Commission's work.

22                        We hope to have our work completed  
23          by the end of 1994. In the meantime, we will have  
24          a number of interim reports.

25                        Some of the issues we have heard

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1       about across the country that are reoccurring: we  
2       have heard over and over from people that  
3       Aboriginal peoples must have more control over  
4       their lives; that very clearly the theme of self  
5       determination or within Canada, it probably will  
6       be self government, has to be a pillar around  
7       which things move ahead.

8                     In addition, Aboriginal people  
9       have told us over and over again that they want to  
10      be as self sufficient as possible. They want to  
11      provide for themselves.

12                    In addition, another very major  
13      them we keep hearing a lot about is that there  
14      needs to be greatly improve relations between  
15      Aboriginal and non-Aboriginal people, and the  
16      relationship with the State of Canada and the  
17      governments in Canada with Aboriginal people.

18                    Finally, we have heard from all of  
19      the pain and the experience in their colonial past  
20      that Aboriginal people need time for healing;  
21      healing as individuals, family and communities.

22                    In British Columbia we expect once  
23      again to hear from some of the concerns that we  
24      have heard in the past and other parts, but  
25      obviously they will have a unique British Columbia

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1 flavour.

2 Here in Vancouver we expect to  
3 hear again the concerns of Aboriginal people in an  
4 urban setting, which means obviously the kinds of  
5 concerns Aboriginal people have when they have  
6 moved from small, isolated communities, they have  
7 come to large cities like this hoping that they  
8 would find employment and they would have a better  
9 life. Many times, instead, they end up on Skid  
10 Row; many times they will end up falling --  
11 involved in things like prostitution, doing hard  
12 drugs, and in the end will have to come in  
13 conflict with the law many times.

14 There are organizations both run  
15 by Aboriginal people and by non-Aboriginal people  
16 doing street-front work, whether it is needle  
17 exchange or try to provide housing, or to assist  
18 Aboriginal people in the transition.

19 We are aware that in Vancouver  
20 lately there has been a scare on the street of a  
21 pure form of heroin than usual and people are  
22 dying, including at least one Aboriginal person.

23 The urban situation of Aboriginal  
24 people, whether it is them dealing with AIDS and  
25 all of the problems related to AIDS, their immune

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1 system not being very strong and so they are open  
2 to diseases like tuberculosis and so forth, is  
3 something that we think is a very major challenge  
4 for the Commission.

5 Because we think it is such a  
6 serious challenge, about a year ago we had our  
7 first national roundtable on urban issues for  
8 Aboriginal people. We have a report; it is little  
9 blue book. Some copies are here; we are trying to  
10 get more; and hopefully in the next two days we  
11 will have a pile more for people who are  
12 interested.

13 That roundtable attempted to begin  
14 the dialogue that the Commission wants to have on  
15 the issues that urban people have to deal with.

16 We know that there is much  
17 research of Aboriginal people in other settings --  
18 on reserves, for instance -- and there are some  
19 major gaps in the work that has previously been  
20 done by people. One gap is on Aboriginal people  
21 living in an urban area; another is Metis people.

22 So we hope that while we are here  
23 that we will hear of some of the issues that  
24 Aboriginal people in an urban setting are facing  
25 and the solutions.

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1                   These hearings are not simply an  
2                   opportunity to list out the problems. Some of the  
3                   problems have been well described in the past. We  
4                   are far more interested in what people believe are  
5                   the long-term solutions.

6                   We will be running into many  
7                   larger issues also that are facing the Province,  
8                   issues like how Aboriginal people, if they are  
9                   going to be self sufficient, how they take part in  
10                  the larger Canadian economy; and in British  
11                  Columbia that obviously means how will Aboriginal  
12                  people take part in the forestry industry in  
13                  British Columbia, how will they take part in the  
14                  fisheries.

15                  Since there is large unemployment  
16                  in Canada, immediately upon saying such a thing,  
17                  the question arises from those people already in  
18                  those two industries, does this mean displacement  
19                  of people already dependent on the fisheries and  
20                  the forestry industries?

21                  These are very hard times in many  
22                  parts of Canada, so thus there is a heated debate  
23                  here in British Columbia about the Federal  
24                  Government's strategies in the Aboriginal  
25                  fisheries to try and increase the involvement of

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1           Aboriginal people in the fisheries.

2                           We expect to hear from all sides  
3           on these issues, and we hope that while we are  
4           here that we can assist in the debate, and that in  
5           the long run that together we can find some long-  
6           term solutions that everyone can live with.

7                           So with that I will turn the mike  
8           over to Viola to see if she wants to have a few  
9           opening comments, and once again welcome you all  
10          to our hearings here in Vancouver.

11                          We will be here for the next three  
12          (3) days.

13                          **COMMISSIONER VIOLA ROBINSON:** Good  
14          morning. I am certainly glad to be here in  
15          Vancouver once again to hear from the people here,  
16          and there is not an awful lot that I can add to  
17          what has been said, expect for the fact to  
18          reiterate that there has not been an awful lot of  
19          information on forms of urban self government.

20                          I think that across this country  
21          that has been one of the big issues that, as we go  
22          to the major cities, people are sort of falling in  
23          between jurisdictional responsibilities who really  
24          don't have a place to turn.

25                          But, having said that, we have

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1 also heard as well that there are some positive  
2 initiatives that are underway and undertaken, and  
3 particularly in the Vancouver area.

4 So with that I would like to  
5 welcome you all here and I look forward in the  
6 next two days to hear from you as to how -- what  
7 kinds of initiatives are happening and how this  
8 Royal Commission can assist in making urban self  
9 government a reality in time to come. I think  
10 there is no two ways about it. I guess there is  
11 always going to be an urban population in the  
12 cities of Canada and they have to survive, and  
13 that is what this Commission is all about. So  
14 with that I will end and look forward to hearing  
15 from you.

16 Thank you.

17 **MODERATOR LOU DESMARAIS:** Thank  
18 you, George; thank you, Viola.

19 We are going to get down to  
20 business and begin hearing some of the presenters.  
21 I understand Lizabeth Hall, Sherry Small and  
22 Dennis Fletcher are with us. If they could just  
23 come up and occupy these three (3) chairs here.

24 I understand Lizabeth is going to  
25 be talking about adoptions; Sherry Small will talk

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1 about Bill C-31; and Dennis Fletcher will be  
2 talking about the B.C. Native Housing. And we  
3 will take them in the order that I have named you;  
4 is that okay?

5 Have Lizabeth go first?

6 Sherry, do you want to go first  
7 then?

8 **MS SHERRY SMALL:** Doesn't matter  
9 to me.

10 **MODERATOR LOU DESMARAIS:** Okay. Go  
11 for it.

12 **MS SHERRY SMALL:** Good morning,  
13 ladies and gentlemen, co-chairpersons.

14 First of all, let me properly  
15 introduce myself:

16 My name is Sherry Small; I come  
17 from a village called L'Cal'Za (Native language)  
18 which is located on the Nass River. I am Nisga'a.

19 The Federal Government refers to  
20 my ancestral home as a reserve and they refer to  
21 me as a registered Status Indian living off  
22 reserve. Therefore, I am unable to exercise my  
23 birthright as a Nisga'a due to my residency.

24 With that statement I hope each  
25 and every one of you have understood the



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1 complexities of what we refer to as the Indian  
2 Act, and how not a lot of people are able to  
3 introduce themselves in a format of which I have  
4 done given that from birth the majority of our  
5 people, Aboriginal people, within Canada,  
6 originally from Canada, have been taken away the  
7 identify of their ancestral and tribal and band  
8 government recognition.

9 Before I get further into it I  
10 must apologize for not having a written report to  
11 you or a brief due to lack of human resources and  
12 time, and given your format. So I am hoping that  
13 you would accept a thorough report from me at a  
14 later date that would specifically give you  
15 scenarios with specific recommendations to various  
16 cases of which I hear on a day-to-day basis.

17 I find it very difficult at this  
18 point to format myself in a way that has been  
19 requested of me, but what I am intending to do is  
20 share with you what I do on a day-to-day basis,  
21 given the time frame; and hopefully, as you listen  
22 to what I do on a day-to-day basis, that would not  
23 be looked at as a complaint but rather as an  
24 solution, as an example of what urban self  
25 government may look like. And I won't identify a

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1 lot of the things that I would have liked to such  
2 as the legislation, the political and  
3 administration, how that would in administration.

4 I am hoping that you could pick  
5 that up from what I am about to share.

6 On a day-to-day basis I see  
7 individuals who come to me wanting to apply for  
8 their Indian status, people wanting to -- who say  
9 they are of native ancestry and want to apply  
10 under Bill C-31, people who identify themselves as  
11 Bill C-31, people who identify themselves as  
12 Metis, non-status, treaty, non-treat -- the list  
13 goes on.

14 At that point as I listed to an  
15 individual, I listen to what they say first and it  
16 comes in a coterie of problems which deals with  
17 the identity, the lack of knowledge of the history  
18 of what the Federal Government has done to our  
19 people, and the lack of knowledge of how to use  
20 the system to access what is rightfully theirs.  
21 And by doing so I assist individuals by first of  
22 all trying to help them identify their traditional  
23 territory from which they originally came.

24 Some of them may say "I am a  
25 Nisga'a but my band or my people don't want

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1 nothing to do about me," or "I am Gitksan" or "I  
2 am Ojibwa" or whatever -- due to the fact of lack  
3 of knowledge. Therefore, with that I stop them  
4 and say "First of all, you are an individual and  
5 the government is making you refer to yourself as  
6 a Bill C-31. You gotta stop that." Bill C-31 is  
7 not a person; Bill C-31 is an Act to amend the  
8 Indian Act; and many of us use that term to  
9 describe a group of people -- Bill C-31 people, or  
10 for administrative purposes or political or  
11 whatever the case may be -- that must stop. We  
12 gotta stop being lazy. And I properly identify  
13 what Bill C-31 is, referring to it as legislation,  
14 not as a group of people. People are affected by  
15 it, yes. However, they should not be labelled  
16 that way.

17 We have individualized a system by  
18 way of once -- I have sat with them and I  
19 establish a family tree with them and then we have  
20 with that -- I would be able to explain to them,  
21 "Okay, this is your name, your date of birth," and  
22 et cetera, et cetera, "...your extended family  
23 tree. Therefore, your grounds for registration  
24 is...and with that grounds of registration you  
25 need the following documentation to prove your

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1 grounds for registration to the Federal  
2 Government." It is very frustrating to do that  
3 because within in our system today we do not have  
4 any other service in Canada that does a service  
5 the way United Native Nations does. Therefore, we  
6 have a bureaucratic system of which just says that  
7 native Indians can regain their Indian status and  
8 given them an application and tell them to apply  
9 for a long-form birth certificate which frustrates  
10 the system as well as the individuals.

11 So with that in mind we respect  
12 the fact that the government is bureaucratic and  
13 we respect the fact that people do come with no  
14 knowledge whatsoever as to how to prove their  
15 native ancestry to the government through paper.  
16 So we respect that difference but we know the  
17 commonness of those differences, the goal of those  
18 -- the common goal is they want to regain their  
19 Indian status and the government wants to give it  
20 back. So we provide a service of which there is  
21 many cracks in your Indian Affairs government.

22 But once individuals -- we  
23 complete their applications thoroughly before we  
24 submit them to the system, once they have -- we  
25 have completed and submitted it we have -- we

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1 monitor those applications. We find out every  
2 three (3) months what is going on with this  
3 individuals's application and they would either go  
4 to the computer and give us that information or we  
5 would rather request of them is "No, I don't want  
6 to know what the computer says; I want to know  
7 what the file says," because there are two  
8 different approaches there. So that makes it a  
9 lot easier on the client and the system.

10                   Once an individual becomes  
11 registered as an Indian they get a letter saying  
12 "Congratulations! You are now confirmed a  
13 registered Status Indian; you are affiliated with  
14 such and such a band due to section 10 of the  
15 Indian Act; your band has gained control over  
16 membership; therefore, apply to your band for band  
17 membership." People don't understand what that  
18 means and so I explain to individuals what that  
19 letter is really saying and what they should do or  
20 on a step-by-step basis in terms of how to  
21 approach that.

22                   And given the complexity of  
23 legislation and the definitions we choose to use  
24 again or words we choose to use again with no  
25 proper definition such as bands -- Bill C-31

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1 allows bands to development band membership codes,  
2 and in the Federal Government's eyes that is  
3 control. However, through my experience in the  
4 last six (6) years that is not control -- a  
5 definition of control -- due to the fact that band  
6 membership, yes, bands can develop membership  
7 codes; however, they have to abide by the Indian  
8 Act, which there again is regulation to First  
9 Nations People how they should do things.

10                   Again, they are providing a  
11 framework of which they have to fit into.  
12 Therefore it is not total control. So how do I  
13 approach -- I explain this to clients and then I  
14 say "Okay, how do you approach your band for band  
15 membership?" I cannot -- in B.C. alone, 196  
16 bands, I cannot understand all 196 band membership  
17 codes and policies that go with that, so I use a  
18 traditional sense. How identified myself is a  
19 very traditional format. I am an individual; I  
20 belong to a village. I belong to a nation. But  
21 within that village and nation I have a mother and  
22 father of which they have brothers and sisters of  
23 which have brothers and sisters and cousins. So  
24 individual, immediate family, extended family is  
25 how I have people identify themselves in a letter.

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1 And I get them to visualize as if I was walking  
2 into your apartment or house, where you live, I  
3 walked in and said "I am going to move in." You  
4 are going to ask me "What right do you have to  
5 walk in my house like this?" I had better have a  
6 really good reason, a claim to why I have a right  
7 to move into this house.

8 You have to think that way in  
9 order to approach your band. You have to be  
10 sensitive to the fact that this is a traditional  
11 territory of which you have to show, identify, how  
12 you lay a claim to that territory.

13 And then if they reject you, then  
14 they have to have a good grounds for rejection.

15 Now, if they -- then I explain the  
16 Protest Appeal stage of which they have, they are  
17 entitled to, of which nobody else in Canada does.  
18 So we take that approach, again respecting the  
19 bands, the fact that it is -- we do have a federal  
20 legislation that blocks them and makes them at  
21 times think legislation, policies, guidelines and  
22 forget about their traditional approaches. So I  
23 encourage individuals to think about their  
24 traditional ways of life prior to contact. I make  
25 them think that way. So that "should the policies

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1 and guidelines set in place not work for you have  
2 your traditional approach ready. Use the two.  
3 Respect the fact that they are different, but also  
4 make sure that they work for your purpose."

5 With that what am I doing? I am,  
6 number one, explaining legislation, explaining why  
7 we have a political battle in terms of divide and  
8 conquer -- comes from legislation -- and how do we  
9 carry that out politically is through political  
10 games; we get carried away within a system of  
11 which we have; and then given the fact that I am  
12 giving the client -- "There is nothing wrong with  
13 the way you are. There is nothing whatsoever.  
14 This is what the law has done to you and your  
15 ancestors. This is what the political battle is.  
16 But forget all of that. This is who you said you  
17 are. This is how you fit into that." Healing  
18 them at the same time; that is an approach of  
19 healing. Taking a holistic. They just walked  
20 into my office to apply for status. I have given  
21 them much more than that.

22 The majority of my clients come in  
23 angry, swearing -- I am sure you have had your  
24 share of it through your Royal Commission. But  
25 they walk out of the office smiling and feeling a



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1 lot better about themselves.

2 The majority of them phones us  
3 back and say "Guess what? I am recognized as an  
4 Indian. Guess what? I know where I come from; my  
5 band is accepting me; and what do I do next? What  
6 are my rights and benefits?" Then I go into that.

7 Okay, these are your rights and  
8 benefits because legislation says "once you leave  
9 the reserve these are your rights and benefits.  
10 Once you are on reserve these are your rights and  
11 benefits."

12 Education for example, post  
13 secondary education. You are eligible for it  
14 regardless of where you live. However, you may  
15 not get that money. Why? Because this is how the  
16 money flows. It comes from the federal to the  
17 provincial to your territorial to whoever its  
18 band, tribal council or other organization that  
19 administers those dollars.

20 Now, this is how much money goes  
21 into administration; this is how much money goes  
22 into the individuals who are trying to get that  
23 education. So once I explain to them the system  
24 the less frustrated they are, the more willing  
25 they are to prepare themselves to request for that

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1 kind of right.

2 So that is only one example.

3 Other things such as I hear in  
4 your Royal Commission one of the things that you  
5 want a way of -- solution -- is providing cross-  
6 cultural education. Why? As an individual who  
7 happens to be a Nisga'a, who happens to be  
8 recognized as a registered Indian, if I want to  
9 become a teacher I must attend a post secondary  
10 education institution. I have to pay thousands of  
11 dollars to do that. Not only are there tuition,  
12 there are books and supplies, but also living  
13 costs. It costs me thousands of dollars to do  
14 such a thing. So why do we have teachers today  
15 who are doing that but are being required to take  
16 cross-cultural workshops in order to be qualified  
17 to understand our people? Why?

18 I am saying why do we not make  
19 changes within curriculum -- change history, from  
20 teaching people right from nursery to finishing  
21 their master's degree, so that they are more  
22 qualified with the history of our people.

23 So that those types of -- we have  
24 differences but we also respect the commonalities;  
25 that we want to understand each other so that we

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1 can work together.

2 Given the time I have to stop now,  
3 so -- he keeps point at his wrist watch and it is  
4 bugging me, but I have to give up the rest of my  
5 time. But before I do that I hope that once you  
6 do receive my report which would be more focused  
7 and more in your framework and fit your framework  
8 and with the solutions you are looking for that  
9 you will understand where I am coming from in  
10 terms of the complexities of how I am supposed to  
11 approach this whole thing. So with that I thank  
12 you and pass it on to Liz.

13 **MODERATOR LOU DESMARAIS:**

14 Okay. Just before we go to Lizabeth, I want to  
15 apologize for having to do that to you. One of  
16 the unpleasant parts of this task I guess is  
17 prompting people about time.

18 We are going to try to stick as  
19 close to the agenda, so without any further ado I  
20 am going to ask Lizabeth Hall if she would start  
21 her presentation.

22 Between you and Mr. Fletcher we  
23 have got about a half an hour left. She can use  
24 that as a guide.

25 **MS LIZABETH HALL:** I don't think

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1 that I would have this fifteen (15) minutes if  
2 Sherry didn't give that to me. She is sharing her  
3 time and I would say thank you to that.

4 My name is Anusilayx, Elizabeth  
5 Hall, and I am a Nuxald from Bella Coola, B.C.

6 I am program manager for a program  
7 we call Family Reunification at United Native  
8 Nations. The program very generally does two (2)  
9 things:

10 It helps people who are  
11 legally adopted and people  
12 who are or were in short or  
13 long-term foster care apply  
14 for registration as a status  
15 Indian;

16 And we also help those same people search for  
17 birth family members so as to effect reunion.

18 The people who we help in our  
19 program, they come from across Canada and they  
20 come from the United States. And they come from a  
21 variety of socio-economic backgrounds. Some are  
22 homeless and some are comfortable I guess I mean  
23 to say.

24 United Native Nations has been  
25 working in adoptions for four (4) years. We

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1 started the work as a direct result of the program  
2 Sherry works in, the Bill C-31 legal assistance  
3 program.

4 In the short time that I have, I  
5 only want to be able to convince you as  
6 Commissioners -- I was told that this was a very  
7 good possibility, you could do this. In the short  
8 time I have I hope to convince you to do two  
9 things, which I am going to come to in a minute.

10 The whole presentation  
11 concentrates on legislation, adoption acts, Family  
12 and Child Services Act and the Indian Act.

13 I made a whole lot of assumptions  
14 when I was preparing it because I read your two  
15 reports that helped to -- that were supposed to  
16 help me frame presentation.

17 I know that you have some  
18 knowledge about the Family and Child Services Act  
19 and all the legislation that I mentioned, and that  
20 you also have heard from people the reasons -- a  
21 lot of the reasons why many Aboriginal children  
22 have been effectively removed and severed from  
23 their ancestral territories and their families.

24 I am not convinced, though, that a  
25 whole lot of people in Canada actually know the

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1 whole story, and I think -- and that is the main  
2 reason why I am requesting these two things I am  
3 talking about.

4 It was really difficult for me to  
5 condense four (4) years of work in post adoption  
6 into fifteen (15) minutes.

7 The one thing that sticks out for  
8 me when you are asking us to frame the issue is  
9 when you talk about reforming our relationship,  
10 the goals are to achieve equality, mutual respect  
11 and reconciliation. I began by looking at the  
12 tools that the greater society has that makes them  
13 have the advantage over Aboriginal families and  
14 children, the tools used to maintain a  
15 relationship that is unequal, disrespectful and  
16 effectively excludes the full participation of  
17 Aboriginal peoples.

18 When I was reading your reports I  
19 read excerpts from speakers, eloquent speakers,  
20 talk about other tools, what they are, how they  
21 were used and what the end results have been.

22 A primary concern to family  
23 reunification is legislation, legislation that  
24 enables non-Aboriginal peoples to become  
25 intricately involved in the lives of Aboriginal

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1 peoples, in the lives of individuals, families,  
2 cultures and whole nations.

3 The impact of federal and  
4 provincial legislation has had an immeasurable  
5 affect.

6 We all know that the current  
7 legislation is based on a standard that does not  
8 take into consideration the underlying principles  
9 and values and belief systems of Aboriginal  
10 peoples.

11 It does not respect our way of  
12 life and living.

13 I have heard countless arguments  
14 from Aboriginal and non-Aboriginal people of how  
15 the Canadian Constitution and other proposals,  
16 arguments, promises to change this, yet as a  
17 front-line worker I fail to see how all this  
18 filters down to the people that I work with.

19 In my work I talk to people on a  
20 daily basis that share this opinion with me.

21 If things are changing this  
22 question to be answered and it needs to be  
23 communicated to us in the way that we all can  
24 understand, and in such a manner for us to feel  
25 the positive impact of the changes.

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1                   Amongst other things, I am certain  
2                   that you heard about all the reasons why effective  
3                   communication is important to Aboriginal people  
4                   today.

5                   Low literacy rates and socio-  
6                   economic depression which have resulted in APATHY  
7                   amongst Aboriginal and non-Aboriginal peoples are  
8                   just some examples.

9                   I think communications are  
10                  important. When I think about our client group I  
11                  think they are important for other reasons.

12                  I only have outlined a few for you  
13                  that I would like to share with you, and these are  
14                  some of the things we have experienced in our  
15                  program, or we know is a result of family  
16                  reunification.

17                  In British Columbia the Provincial  
18                  Government has been legally adopting Aboriginal  
19                  children at least since 1957, and I only say it is  
20                  '57 because this is when the Adoption Act was  
21                  written. But I have bet adoptees which are much  
22                  older than this.

23                  Although we ask them for numbers  
24                  they say it is difficult because race was not  
25                  recorded. Although there is no way to measure I



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1       feel very comfortable in saying that at least 99.9  
2       per cent of those people who have been adopted out  
3       have been adopted out in non-native homes, and in  
4       some cases even out of this country.

5               As you can imagine, there are many  
6       problems that arise as a result of the above-  
7       stated facts and no Aboriginal government or  
8       Provincial government body has ever done anything  
9       "significant". And I use the word "significant"  
10      for a reason: to deal directly with the problems  
11      that arise as a result of these facts.

12              In B.C. we have adoptees, people  
13      who have been fostered, birth mothers, fathers,  
14      brothers, sisters, extended family members, some  
15      grandmothers, living here who are searching for  
16      lost family members.

17              You will know that in Vancouver  
18      Aboriginal peoples live here that come from these  
19      places and that is why our work extends across  
20      Canada, and of course United States.

21              Some people have tried to do work  
22      in post adoption but these people have worked in  
23      isolation of all other programs and they do this  
24      work in addition to their other jobs.

25              I think of all provinces, Manitoba

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1 speaks for itself. And as we share and  
2 communicate and exchange the experiences and the  
3 knowledge that we acquire as a result of our work  
4 we try to address some of the problems and create  
5 what we call our own path to success.

6 And the path is hindered and there  
7 is a myriad of stumbling blocks along the way.

8 When I asked myself when I found  
9 out about this what was going on, I asked myself  
10 what -- why can people do this; how could this  
11 have happened? -- and the answer always led back  
12 to legislation. It allowed people to make those  
13 decisions irregardless (regardless) of some of  
14 those provisions which said that a person, a  
15 child, has the right to have his or her best  
16 interests in the heart of that person.

17 I wanted to give you like a full  
18 profile of the client group I work with. I feel  
19 this is really important for you know. I feel it  
20 is important for Aboriginal people right across  
21 this country to know about that. And I felt  
22 pressured by the time and I wanted you to walk  
23 away today with something to read. So what I have  
24 given you is a compilation of reports that I wrote  
25 for different people at different times.

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1 United Native Nations you will  
2 hear from our president has an open-door policy;  
3 we are a non-profit society that extends our  
4 services and our assistance to people who come to  
5 us regardless of their ancestry.

6 All the program experience we try  
7 to share in these reports.

8 There are two things that I hope I  
9 am here to request of you. This is the reason  
10 why:

11 In British Columbia the Adoption  
12 Act is up for review. We are in the middle of  
13 roundtable discussions. Community members are  
14 sitting now discussing how the Adoption Act is  
15 going to be rewritten.

16 It bothers me considerably that in  
17 1993 that the B.C. Government, in spite of the  
18 fact that they have all this information in front  
19 of them, are doing this in the fashion that they  
20 are.

21 When I read in your report I was  
22 looking for information about adoption and I was  
23 looking for information and other people's opinion  
24 about what we are going to do about that. I  
25 wanted to know if anybody else felt like I did

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1 that we need something; we need legislation at  
2 least.

3 One person offered a solution.  
4 They mentioned that we need perhaps a National  
5 Indian Child Welfare Act which exists for the  
6 tribal nations in the United States.

7 But when I was thinking about all  
8 the solutions I was thinking about the people that  
9 would be affected, and I do not think that any one  
10 of us here has the capacity to actually address  
11 this unless we hear from the people themselves,  
12 the people that have been affected, that have been  
13 adopted and they have been apprehended and they  
14 had multiple homes. Some people have been adopted  
15 twice and three times. And trying to decide what  
16 we are going to do without hearing from birth  
17 mothers, grandparents and the brothers and sisters  
18 and how they have been affected.

19 I think that it is imperative that  
20 B.C. stop legislating on Aboriginal children. I  
21 want someone to stop them from doing that.

22 They have had a negative -- it is  
23 an immeasurable impact on First Nations families  
24 and children in B.C. and across this country.

25 Before anybody does anything I

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1 think that one of the things we can do is get  
2 together and talk about it.

3 I would like to know what people  
4 from the East, people from the Prairies, want to  
5 do about it. I want to hear their opinions. I  
6 want to know what they think about a National  
7 Indian Child Welfare Act.

8 One of the things I am requesting  
9 is that you hold that forum, a roundtable on  
10 adoption, and adoption-related issues.

11 The second thing is to give clear  
12 direction to the B.C. Government to stop moving  
13 towards legislating yet again our Aboriginal  
14 families and children in the Province of B.C.

15 There is a whole lot of people  
16 involved, you know, in this process. I don't like  
17 the process. It really makes me peeved and angry.  
18 And one of the things is that good intentions are  
19 not enough. I am sorry, it is not enough today.

20 I don't know what else to say  
21 except for that my intent in giving you the  
22 reports that I have given you is to try to give  
23 you some information that will help you convince -  
24 - there are so many problems -- and when Sherry  
25 was talking about the things that we do and seeing

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1 that as solutions, I really understands what she  
2 means.

3 United Native Nations has given me  
4 the opportunity to learn and to do, to act, and  
5 part of my responsibility to United Native  
6 Nations' membership is to voice those things that  
7 I learn and do every day in my work. And I take  
8 the responsibility really serious.

9 I don't think there has been one  
10 person that has walked through the doors of Family  
11 Reunification that will disagree with me about  
12 that.

13 There is only one final thing I  
14 would say. When I was reading those reports, the  
15 Overview, I couldn't hear the voice of the people  
16 that I talked to every day, I couldn't hear that  
17 voice. I always look for it when I listen to  
18 other Aboriginal and non-Aboriginal people; are  
19 they talking about it? Do they know about it? I  
20 am not convinced that you know about it. I don't  
21 think you could know about it because I haven't  
22 heard the voice of an adopted person in that  
23 report.

24 We are in the business, I think,  
25 in Bill C-31, legal assistance program and Family

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1 Reunification, we are in the business of  
2 communication; there is a lot of communications  
3 gaps. And the reason why I outlined all those  
4 things about B.C. Government, the number of people  
5 that have been adopted, where they have been  
6 adopted to, is to point out to you that those  
7 people are not in our Aboriginal community. There  
8 are many, many reasons why it is a very difficult  
9 process for them to return.

10 We have Aboriginal people who look  
11 native, who look Aboriginal, and are asking me  
12 "Liz, how does it feel? How does it feel to be an  
13 Indian?" And we give them information the best  
14 that we can. We find out -- if we are lucky we  
15 will find out what nation they come from. If we  
16 find out what nation they come from we dig around  
17 and we dig around and we bother people until we  
18 can get written or any kind of information they  
19 are willing to share with us so the individual can  
20 begin their journey back home.

21 If they are not in our Aboriginal  
22 community there is a lot of reasons why. If you  
23 have not heard from them or very many of them,  
24 there is a really good reason why. And I hope  
25 that when you read the reports that some of those

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1 things, some of those reasons will give you ideas  
2 to be more inclusive.

3 Thank you.

4 MR. DENNIS FLETCHER: Good  
5 morning. Ladies and gentlemen at the head table,  
6 at this time I would like to thank the Royal  
7 Commission to let B.C. Native Housing put forth  
8 their -- hear their complaints and their  
9 solutions.

10 You should have a background on  
11 B.C. Native Housing. I will just give you a  
12 little background on B.C. Native Housing.

13 B.C. Native Housing is a  
14 corporation which is under the United Native  
15 Nations. We have a Board of Directors that we  
16 answer to, and we also hold a General Assembly  
17 each year which we have to answer to our  
18 membership.

19 I am going to just hit some points  
20 here because I haven't got too much time.

21 I know that you guys travel across  
22 Canada and you are going to hear the same  
23 complaints and hopefully some solutions that we  
24 can work together on and you can put forth to the  
25 Government.



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1                   In 1974, the Provincial Government  
2                   and the Federal Government invented the Rural  
3                   Native House of which 20 per cent was funded by  
4                   the Federal, 25 per cent by the Provincial, which  
5                   worked fine, and then B.C. Native Housing was on a  
6                   Sustaining Grant. And we had a lot of problems  
7                   with that program. In 1986 the Provincial  
8                   Government backed out of the program which the  
9                   Federal Government then took over themselves and  
10                  we dealt with the Federal Government which was  
11                  funded a hundred per cent by the Federal  
12                  Government.

13                   And we also signed an Agency  
14                  Agreement with Canada Mortgage and Housing on a  
15                  fee-for-service, and that is the way we liked;  
16                  that anything that B.C. Housing got, we don't want  
17                  something for nothing, we want to work for it. We  
18                  want to show those other people that we got the  
19                  capability of working alongside anybody. And I  
20                  think our track record with B.C. Native Housing  
21                  throughout the Province of B.C. has proven that.

22                   We also deliver the programs to  
23                  bands through the Province of B.C. We also  
24                  deliver to regional districts. We also deliver to  
25                  municipalities on a fee-for-service.

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1                   You know, sitting back listening  
2                   hear, if you haven't got housing -- housing is one  
3                   of the main concerns for any Aboriginal people or  
4                   non-Aboriginal.

5                   We are talking about education; we  
6                   are talking about suicides; we are talking about a  
7                   lot of things.

8                   If you haven't got the housing how  
9                   can you expect our kids to get an education or to  
10                  stay at home?

11                  That is one of the main  
12                  foundations, is housing.

13                  In the Rural Native Housing  
14                  Program we, as B.C. Native Housing, as a delivery  
15                  agent, we do not just not deliver to natives; we  
16                  have to deliver to non-natives, which is a low  
17                  income. And in '86 Canada Mortgage and Housing,  
18                  we had to go out and meet with the municipalities,  
19                  regional districts, we had to do a presentation to  
20                  them to make it so B.C. Native Housing could go  
21                  and deliver it. And I will tell, boy, there was a  
22                  lot of racism. But we overcome that; we overcome  
23                  that.

24                  I know I came in when you were  
25                  remarking about negatives, and I just had to give

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1 you some of this negative stuff because it really  
2 bothers us.

3 Now we wanted to do some solutions  
4 and I am really shocked at this Government with  
5 your Minister Elmer MacKay announcing that January  
6 1st, '94 that he is going to cut all programs. My  
7 God! What is this guy thinking? And that is the  
8 urban native programs he wants cuts, the RNH, and  
9 ERP, the RRAP. I mean what is going on here?

10 If we haven't got no housing, he  
11 is affecting a lot of Aboriginal people that need  
12 housing. We have -- just in the RNH -- and we  
13 have to go into communities under 2500 -- we have  
14 got a waiting list -- it is unreal. And if he  
15 cuts these programs what is going to happen.

16 Ask yourself this question: Why  
17 are so many people in rural and remote areas  
18 moving to urban centres? Because they can not get  
19 a unit -- CMHC or the Government will not put a  
20 unit in a remote area or we have to argue like  
21 hell to get on in there. Or in a community under  
22 2500. So our people have no other choice. They  
23 figure "Well, if we can't get nothing in a remote  
24 and a rural area there must be a better life in  
25 urban centres."

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1                                   That is a big concern of mine.

2                                   And with the Government announcing  
3 these cutbacks, we have done a letter campaign; we  
4 will be going back to Ottawa and let our  
5 politicians talk on that. But it is a proven  
6 fact: give us a chance. Give the native people a  
7 chance and we will show. We don't want something  
8 for nothing. We will show that we can go out and  
9 work alongside anybody and do a good job. And it  
10 is a proven fact. And if they are worried about  
11 the dollars and money, why don't they look at  
12 their own corporation? Look and Canada Mortgage  
13 and Housing. How many people are on there for a  
14 free ride. And what is it costing the Government.

15                                  We have got a little staff and we  
16 deliver -- in 1986 we delivered 150 units with a  
17 staff of 20 people. This year we got cut back to  
18 45 for the whole Province of B.C.

19                                  I mean it is a disgrace.

20                                  So some recommendations I would  
21 like to make to the Royal Commission is if this  
22 Government gets back in again or if they don't  
23 change their mind on these programs and cut them,  
24 there is an existing program that they are still  
25 going to fund which is the old section 40 with the

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1 Province and the new one with the Federal  
2 Government -- there is a portfolio roughly of 2500  
3 units -- let B.C. Native Housing get involved in  
4 property management; let us do it.

5 Look at the offices that CMHC has  
6 got, and B.C. Native Housing -- or it doesn't have  
7 to be B.C. Housing, or any Aboriginal groups, let  
8 them have a shot at it, and we will show them that  
9 we can do the job. And they are scared, I know  
10 they are scared, and I don't blame them, because  
11 they are out to protect their own jobs.

12 I have got a couple of minutes  
13 here yet.

14 You know, I know for a fact that  
15 right across Canada, right across Canada we have  
16 got the same problems. And I know that you have  
17 got your urban groups, they are going to come on  
18 and say the same thing that I am saying.

19 Well, I have been dealing with the  
20 RNH, population under 2500, fences, that the  
21 Government put up against us, that we had  
22 overturned, and we have proven it. And I can say  
23 in front of you people and in front of this crowd,  
24 B.C. Native Housing for the Rural and Native  
25 Housing Program is one of the best delivery agents

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1 in Canada.

2 Thank you.

3 **MODERATOR LOU DESMARAIS:** Thank  
4 you very much, Dennis.

5 Just before we let you people get  
6 away there may be questions from the  
7 Commissioners.

8 **CO-CHAIR GEORGES ERASMUS:** The  
9 Family Reunification Program, do you work with  
10 people that just want to reunite with the family  
11 also, that don't know their; is that part of the  
12 program also?

13 **MS LIZABETH HALL:** Yes,

14 **CO-CHAIR GEORGES ERASMUS:** What  
15 kind of success rate do you have reuniting  
16 families? Do you have to track down government  
17 files and see if the family have left on the file  
18 approval for contact with their adopted child, or  
19 if the person ever came and sought contact; is  
20 that it? Is that how it works?

21 **MS LIZABETH HALL:** Under the  
22 Adoption Act the release of identified  
23 information, which includes birth information,  
24 parents, is sealed; and there is a process in  
25 place, usually an adoption reunion registry run by

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1 the Province for the release.

2 People who come to us come with a  
3 different array of information. Some will say "I  
4 might be native; I don't know anything; I just  
5 think I am." And then some people will have non-  
6 identified background information which is  
7 provided by the Government that will say your  
8 mother was sixteen (16) when she was born; she was  
9 five foot four, two inches, a hundred and twenty  
10 (120) pounds, was an Indian, had two brothers, two  
11 sisters. This non-identified information for a  
12 lot of people in the native community if we know  
13 where they are from is very identifying to us  
14 unofficially.

15 CO-CHAIR GEORGES ERASMUS: It is  
16 very what?

17 MS LIZABETH HALL: It is  
18 identifying to us.

19 We use that information and  
20 whatever information they come with. A lot of  
21 people have been searching for years and years and  
22 have acquired quite a bit. So it ranges, but  
23 normally the normal situation is that they have no  
24 access to any information at all except for the  
25 non-identifying information.

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1                   And oh, success. I was hoping you  
2 were going to ask me that because for the last six  
3 (6) months I have not been able to do actual  
4 searches. The program works by word of mouth  
5 which means that people come to our service  
6 because they heard about it. If we were to  
7 advertise our service we would not be able to  
8 maintain the same quality of service that we do.

9                   In the reports are outlined a lot  
10 of the things that come up as a result.

11                   Some person might come in and say  
12 "I want to find my family" or "I want to apply for  
13 my status," and then after talking to them for a  
14 while we find out that there is a whole range of  
15 issues that come up. A lot of them are in need  
16 for psychological services, therapy, and what we  
17 do is we give them information that open up their  
18 options to deal with them. We don't say "You need  
19 therapy." What we do -- one of the things I tell  
20 them is that I am not a counsellor. I can't be a  
21 counsellor. I am not registered and I am not  
22 trained. But I know Ha'Win'Ok (PH) Healing Centre  
23 or other people who might be able to talk to you  
24 about that.

25                   So also the other thing is we



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1 operated with virtually no resources at all,  
2 Family Reunification, and a lot of the reunions we  
3 have had to kind of bring them together manually;  
4 we have a manual filing system. And last year  
5 using a Challenge student we had a computer  
6 program made, and the whole problem is just trying  
7 to get it -- all the data in there. So I would be  
8 able to answer success rates of people once I have  
9 all that data in there. Because it is manual I  
10 don't keep track every time there is a reunion.

11 **CO-CHAIR GEORGES ERASMUS:** But  
12 there are reunions?

13 **MS LIZABETH HALL:** Yes.

14 **CO-CHAIR GEORGES ERASMUS:** Indian  
15 Affairs, I believe, is supposed to notify status  
16 people or treaty people when they are of the age  
17 of majority that they have status; does this  
18 occur?

19 **MS LIZABETH HALL:** That is one of  
20 the first questions I ask them. I said, "Well,  
21 good gravy, you know, this person is 35, status  
22 all along, why weren't they notified?" They don't  
23 have the information; they don't have -- they say  
24 "We don't have the capacity to notify people that  
25 they are a registered Status Indian. This

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1 information is not our responsibility." And so a  
2 lot of people are registered Status Indian and are  
3 on an "A" list and their names are in Ottawa, and  
4 we found out much, much later -- well, they just  
5 didn't know. A lot of that stems from the fact  
6 that the people who adopted them didn't understand  
7 what status meant; they didn't understand the  
8 social worker; or we found that we can even  
9 document times were they were even told that they  
10 had a Status Indian child. I like the word renege  
11 because they did that in a big way at Indian  
12 Affairs.

13 **CO-CHAIR GEORGES ERASMUS:** Okay.  
14 So the Department didn't notify these people but  
15 the Department kept these people on some kind of  
16 list showing that they were ---

17 **MS LIZABETH HALL:** Called a "B"  
18 list.

19 **CO-CHAIR GEORGES ERASMUS:** So you  
20 can very quickly then find out if these  
21 individuals -- by contacting to see if they are on  
22 this list?

23 **MS LIZABETH HALL:** Probably cost  
24 six (6) weeks, six (6) to eight (8) weeks fast,  
25 yeah, six (6) to eight (8) weeks if you have the

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1 identification, which sometimes a lot of our  
2 clients don't have.

3 **CO-CHAIR GEORGES ERASMUS:** Is  
4 there a problem sometimes in that there is a name  
5 change?

6 **MS LIZABETH HALL:** No, one of the  
7 things -- when a Status Indian child is born used  
8 to be automatic registration; right?

9 **CO-CHAIR GEORGES ERASMUS:** Yes.

10 **MS LIZABETH HALL:** When they are  
11 adopted Indian Affairs is notified, all the birth  
12 information is taken from the public record;  
13 Indian Affairs in Ottawa is notified and an  
14 adoptive name goes on an "A" list. The parents  
15 are supposed to be told when that child turns 19  
16 "you write to Ottawa and Ottawa will put it on the  
17 public record," and when they put it on the public  
18 record it is the adopted name that appears on the  
19 registration.

20 **CO-CHAIR GEORGES ERASMUS:** How  
21 many people are on the "A" list?

22 **MS LIZABETH HALL:** Well, now you  
23 only get on the "A" list if your adoption was  
24 reported, and Indian Affairs actually -- Indian  
25 Affairs provides statistics on the number of

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1 people, Status Indian children who were adopted  
2 province by province. They are clearly, clearly  
3 wrong.

4 MS SHERRY SMALL: While she is  
5 doing that, if I may, one of the things -- ways of  
6 responding to that as well as to also -- might  
7 help you understand Liz's situation: number one,  
8 Liz does not have funding from the Federal  
9 Government nor the Provincial Government; neither  
10 does my program -- to operate these programs -- of  
11 which assist individuals. And neither do we have  
12 those resources, those alpha listings and other  
13 information that is required for individuals to be  
14 able to identify their families. But the  
15 governments do. Indian and North Affairs Canada  
16 has a registry list or registry -- registrar  
17 membership division -- and all of that of which  
18 they do not provide that type of service. So in  
19 that sense Liz's service is based on creativity.  
20 We don't have access to alpha listings due to the  
21 fact of confidentiality.

22 We don't have access to the non-  
23 identifiable information of which she is talking  
24 about because we are not a government-funded  
25 program.

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1 MS LIZABETH HALL: You asked for a  
2 number.

3 Between 1961 and 1990 Indian  
4 Affairs records 11,132 adoptions.

5 CO-CHAIR GEORGES ERASMUS: How  
6 much?

7 MS LIZABETH HALL: Eleven thousand  
8 one hundred and thirty-two (11,132) at a national  
9 level, and in B.C. they record 2,186.

10 This is not true. This is only  
11 recorded adoptions. And in fact they even record  
12 a very, very high number of status Indians adopted  
13 by native people. I would like to meet them. You  
14 know, I am not convinced that their records are  
15 accurate.

16 When I first started this job the  
17 vice-president, Ernie Crey, used to rant and rave  
18 and tell me thousands, thousands, and I was going  
19 "Well, you know, he is a politician. He says  
20 things like that." Now I believe it, you know. I  
21 mean word of mouth. Word of mouth people come.  
22 And I think it is the tip of the iceberg; it is  
23 just the very tip of the iceberg people.

24 One of the problems in B.C. is  
25 they say they don't record race, you know, and

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1 even if they go back in their records, the same  
2 fear I have of Indian Affairs' records, there are  
3 non-native people looking at records and making  
4 decisions about that. I am not convinced that  
5 they know how to do that. They don't know what is  
6 important to us. They don't know what kind of  
7 information is important to families and to us as  
8 individuals. Because they don't value the same  
9 things that we do. We need to go into those files  
10 and records; I think we deserve them. I think we  
11 own them; those are ours. That is what I tell  
12 them.

13 **CO-CHAIR GEORGES ERASMUS:** Okay.

14 In relation to housing, if these  
15 programs that are scheduled to be terminated  
16 January 1st, you say the only surviving one will  
17 be the old section 40 with 2500 units nationally;  
18 is that what you said?

19 **MR. DENNIS FLETCHER:** Yeah, the  
20 old section 40 and the new program, I think  
21 altogether there would be around 2000 units that  
22 would be -- the Government would still look after,  
23 eh, fund for. But what happens if they are not  
24 going to come up with any money. Say if one of  
25 our ---

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1 CO-CHAIR GEORGES ERASMUS: Could  
2 you remind us what those programs are again?

3 MR. DENNIS FLETCHER: Oh.

4 CO-CHAIR GEORGES ERASMUS:  
5 Describe them a little bit?

6 MR. DENNIS FLETCHER: Okay. It  
7 is in '86 it was the -- you automatically -- in  
8 '74, 1974, when it was a provincial and a federal,  
9 you were automatically homeowners, eh, and that is  
10 where we run into a lot of problems, in 1974,  
11 because there was a lot of people moved into those  
12 units that was never walked through the whole  
13 system: that they were homeowners; that they had  
14 to pay taxes. If something went wrong, if the  
15 well went wrong or the toilet broke down they had  
16 to fix it. A lot of them didn't even know that  
17 they had to make payments, and they lost -- and it  
18 was a one-shot deal -- and they lost them.

19 A lot of them had five (5) acres.  
20 Instead of subdividing just in the lot they put  
21 their whole five (5) acres up and lost. I mean  
22 you probably heard this right across Canada.

23 That was section 40. Then in '86  
24 the Provincial Government backed out of the  
25 program; the Federal Government came out with a

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1 new program and it was under the RNH. It was --  
2 you could either be a renter, if you qualified for  
3 a renter, with the lease with the option to  
4 purchase or homeowner.

5 We, as agents, would go out and  
6 interview the people, we would make our  
7 recommendations; they would go into the branch;  
8 the branch would have -- CMHC would have the final  
9 say. So if we put one down for homeowner they  
10 would come back -- I mean there was a lot of  
11 hurdles that we had to go through. They would say  
12 "No, we do not recommend this purchase for  
13 homeowner; we want them to go rental," and then  
14 they could go on to rental for five (5) years with  
15 twenty-five (25) per cent of their payments. So  
16 under these programs right now to this date with  
17 the 45 units that we are going to deliver this  
18 year there will be roughly, I would say, 2500  
19 units across -- in the Province of British  
20 Columbia that the Federal Government said that  
21 they would still have dollars for, maintain.

22 But what happens -- and this is  
23 some of the questions I would like to put forth  
24 too. What happens if one of our clients for some  
25 unknown reason loses that unit? Is it going to go



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1 back to the old '74 system that they haven't got  
2 the money to fix those units for another client to  
3 move in so they go on the open market? That is a  
4 possibility. I don't know.

5 In 1974 whenever one of our  
6 persons lost one of those units, the Provincial  
7 Government -- of course we were dealing with the  
8 Socreds then; that was a hell of a mess -- that  
9 they would not come up with their twenty-five (25)  
10 per cent. Some of those units in B.C. sat here  
11 for anywhere up to six (6) months to two (2) years  
12 vacant because the Provincial Government would not  
13 come up with their twenty-five (25) per cent.

14 So what happened in return, that  
15 they were put on the open market and they were  
16 sold to non-natives; those non-native contractors  
17 fixed them up and then turned around and rented  
18 them back to our people. And that is what is  
19 going to happen. I can't say for sure, but I have  
20 got a funny feeling this is what is going to  
21 happen with these existing programs.

22 And another thing like I said  
23 before, let us, let us have a look at this housing  
24 portfolio management. We have got the people.  
25 Give us a chance. We don't want nothing ---

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1                   **CO-CHAIR GEORGES ERASMUS:** If you  
2 had the program, if you had the ability to  
3 describe the kind of program you would want to  
4 have, the ideal housing program, what would it be?  
5 Would there be a multiple range of housing  
6 programs? Would there be one? What would the  
7 program look like?

8                   **MR. DENNIS FLETCHER:** Okay. I  
9 would like to -- you know, we are talking just  
10 about rural, not urban.

11                   **CO-CHAIR GEORGES ERASMUS:**  
12 Whatever.

13                   **MR. DENNIS FLETCHER:** Okay.

14                   **CO-CHAIR GEORGES ERASMUS:** Both.

15                   **MR. DENNIS FLETCHER:** And rural.  
16 We would still like to have something ---

17                   **CO-CHAIR GEORGES ERASMUS:** Start  
18 with one and move to the other.

19                   **MR. DENNIS FLETCHER:** Okay.

20                   In the rural and remote areas, we  
21 would like to have it set up so the clients can  
22 have -- okay, you would still have it set up  
23 rental with the option -- lease with the option to  
24 purchase and homeowner. That is a good system. I  
25 am not knocking that. But when the agent makes a

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1 recommendation -- because we go out and visit the  
2 client; we know if they can make their payments;  
3 we know if they can maintain a house or not.

4 I mean in the past we have  
5 delivered; a lot of our people have benefitted by  
6 these programs. But getting back to your  
7 question: yes, have it the same way -- rental,  
8 lease with the option to purchase and homeowner.  
9 Get the client involved. Let them have a little  
10 pride; that when we go into a small community you  
11 know what it is like -- when you go in a small  
12 community and all of a sudden there is a new house  
13 going up and it is a native person that it getting  
14 it and he is not doing nothing? Let them get  
15 involved. Surely to God a lot of our clients can  
16 waterproof the house; they can do the stripping.  
17 A lot of them can do cleaning. A lot of them --  
18 you would be surprised what our people can do.  
19 Let them have an idea what kind of house they are  
20 going to get.

21 We have got -- in the remote areas  
22 a lot of people don't like that stick (PH) home;  
23 they would like to do a log home and just have one  
24 big, you know, open area. That is the kind of  
25 program if we were looking after if you could

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1 convince the Government -- that's the way we would  
2 like to do it. We would like to get the client,  
3 the people involved, even the community.

4 **CO-CHAIR GEORGES ERASMUS:** Okay,  
5 let's move to the urban, what would you do in the  
6 urban?

7 **MR. DENNIS FLETCHER:** Well, I  
8 would rather not speak on the urban right now  
9 because all B.C. Native Housing represents is the  
10 rural areas. And in B.C. we have got quite a few  
11 groups in the urban centres and then they will be  
12 making a presentation to you before, so I ---

13 **CO-CHAIR GEORGES ERASMUS:** Okay.

14 **MR. DENNIS FLETCHER:** --- don't  
15 want to step on, you know ---

16 **CO-CHAIR GEORGES ERASMUS:** No  
17 problem.

18 Viola, do you have any questions.

19 **COMMISSIONER VIOLA ROBINSON:** I  
20 want to thank you for our presentations, and when  
21 you were talking about -- well first of all, I  
22 guess what is not clear in my mind is how you  
23 operate now. You say you are not funded -- I am  
24 talking about the two first presenters -- you are  
25 not funded to do the work that you are doing but

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1 yet you seem to be doing an awful lot. And I  
2 would be interested in knowing -- I think you are  
3 doing a very important job and I think it is a job  
4 that has to be done and should be done not only in  
5 Vancouver but in other cities, other major urban  
6 populations.

7 I would be interested in knowing  
8 how are you funded and what is your role now in  
9 your workplace?

10 MS SHERRY SMALL: In 1985 United  
11 Native Nations received \$2 million-odd to explain  
12 -- was it \$2 million? Two hundred? I am sorry; I  
13 am horrible with numbers, so -- I didn't spend the  
14 money either.

15 But they were only -- \$200,000,  
16 thank you -- in 1985 to disseminate information of  
17 what is Bill C-31, and that is all they did. And  
18 they held a whole lot of workshops in doing that  
19 and they had two people employed at the time.

20 Then in 1987 I came to United  
21 Native Nations as a summer student under the  
22 Challenge Program and at that point I was hired as  
23 an assistant and then became in a couple of months  
24 the coordinator. Why? Because they didn't have  
25 any more money from the Government. The

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1 Government refused to fund their program. So what  
2 did we do? We turned around to the Law Foundation  
3 of British Columbia and we applied for funding,  
4 and from that point on for the last six (6) years  
5 they were funding my program, Bill C-31. And  
6 under that program, as Liz had mentioned in her  
7 brief, was that I took Liz on as a summer student  
8 in 1988 and kept her and made her the coordinator  
9 for Family Reunification. Because we started  
10 recognizing the type of need that our people were  
11 needing.

12 So this last year, due to  
13 financial restraints of the Law Foundation, they  
14 did not fund my program or Liz. Liz has always  
15 been under my program dollars and so at this point  
16 we had to go before the Board of Directors of  
17 United Native Nations to make our claim and  
18 statement and the urgency of continuing these  
19 programs, and basically saying "Keep us on staff  
20 or else you are in an administrative nightmare  
21 because your organization has provided such  
22 thorough work," so with that the Board of  
23 Directors have directed our Executive to continue  
24 our programs as they always have been. So United  
25 Native Nations is carrying are salaries at this

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1 point and they are encouraged to seek further  
2 funding -- alternative funding. And one of the  
3 things that Liz and I have done is that we  
4 developed a proposal to the Federal Government  
5 requesting to fund our programs, and partial  
6 funding would come from Health and Welfare due to  
7 -- Liz funding not only -- program deals with  
8 registration for Indian status, but as you heard,  
9 it deals with other health issues. Therefore,  
10 with that we put Federal Government and Health and  
11 Welfare, the Province, requested funding from both  
12 those places. To date we haven't heard, although  
13 I do know they are reviewing it because I have got  
14 a lot of people inside the system who are phoning  
15 me asking me for clarification and verification of  
16 the proposal.

17 **COMMISSIONER VIOLA ROBINSON:**

18 Thank you. I guess that is unfortunate that such  
19 important work is at the -- you know, is being  
20 jeopardized, because it doesn't -- I think it is  
21 just -- it is too bad.

22 The other thing I wanted to -- and  
23 I don't think we touched on it but I think maybe  
24 it needs to be touched on -- is the fact when you  
25 are dealing with these adoptions and you are

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1 looking for statistics and data and trying to get  
2 through the Department, I suppose there is a lot  
3 of people coming to you who have never been  
4 registered or their parents haven't been  
5 registered but may be entitled to be registered,  
6 and therefore Indian Affairs has no, really no --  
7 wouldn't have information on that. I imagine  
8 there would be a lot of those kinds of applicants  
9 not only here but right across Canada. So that  
10 must really become a nightmare for you. I don't  
11 know how you would deal with that. But -- you  
12 didn't touch on it but I know there are an awful  
13 lot of people like that. So again, I guess that  
14 just reaffirms the importance.

15 The housing part of the  
16 presentation, your housing program and your  
17 delivery group, was that cost shared by the  
18 Provincial Government?

19 **MR. DENNIS FLETCHER:** In 1974 up  
20 to '86 it was.

21 **COMMISSIONER VIOLA ROBINSON:**  
22 Since '86 it has been total Federal?

23 **MR. DENNIS FLETCHER:** Federal.  
24 And we get a fee for service. Now you were asking  
25 Sherry here where does she get her funding. B.C.



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1 Native Housing is on a fee for service. We do  
2 bring in a lot of fees and you will hear it from  
3 out politicians; that we are the arm of the UNN;  
4 and, like I said, we have got a Board of  
5 Directors. That Board of Directors, they can  
6 change money around, and that is what -- B.C.  
7 Native Housing when they are on a fee for service  
8 is carrying a lot of these programs, and we go  
9 under -- if there is no more programs then all our  
10 programs are lost, if there is no funding  
11 available.

**COMMISSIONER VIOLA ROBINSON:**

12 Right. So actually the housing -- termination of  
13 that program could just collapse almost all your  
14 work, which is very, very unfortunate.

15 Well, that is the kind of  
16 information I think that we need to know and, you  
17 know, I think that any suggestions that you might  
18 have on how -- I guess you have given Georges some  
19 here on the kind of program you would like to see,  
20 but is -- the other thing I would like to know:  
21 because there is the -- the Federal Government is  
22 talking about terminating -- I don't know; are  
23 they talking about termination or just devolving  
24 the housing programs to provincial governments.  
25

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1 Are they going to stop the housing program  
2 completely or are they going to turn it over to  
3 provincial governments? Does anybody know?

4 **MR. DENNIS FLETCHER:** We got a fax  
5 from MacKay that as of January 1, 1994 the housing  
6 programs -- the Urban Native, which you will be  
7 hearing from them, will be terminated. The Rural  
8 Native Housing will be terminated, the Emergency  
9 Repair which we deliver and the RAP.

10 Now, that doesn't just include the  
11 native people; that is right across Canada.

12 **COMMISSIONER VIOLA ROBINSON:** That  
13 is for everybody.

14 **MR. DENNIS FLETCHER:** And the only  
15 ones that they are keeping on is programs for the  
16 handicapped and I believe for battered women. But  
17 I can get you that fax and give you a copy of it.

18 **COMMISSIONER VIOLA ROBINSON:** And  
19 reserves.

20 **MR. DENNIS FLETCHER:** And -- yeah,  
21 on reserves. They don't get cut at all.

22 **COMMISSIONER VIOLA ROBINSON:**  
23 Well, you know, it seems that they might be  
24 turning over housing problems to the provinces.

25 Okay, I just wanted to know that

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1 information.

2 Thank you.

3 **MODERATOR LOU DESMARAIS:** Thank  
4 you, Viola. We are going to have a five (5)  
5 minute coffee break rather than fifteen (15)  
6 minutes as originally planned. When we come back  
7 we will be hearing from the United Native Nations  
8 politicians I guess they have been called.

9 --- Upon recessing at 10:25 a.m.

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

11 **MODERATOR LOU DESMARAIS:** Okay, we  
12 are going to get going. Mr. Erasmus is conducting  
13 an interview, we understand, outside somewhere.

14 Commissioner Viola Robinson has  
15 suggested we proceed.

16 Arguing over chairs right now are  
17 people representing the political arm of the  
18 United Native Nations.

19 On my immediate left is Dan Smith,  
20 the President of the United Native Nations; to his  
21 left is Nelson Mayer, the Vice-President; and  
22 Sandy Wong is the Secretary-Treasurer.

23 I assume, gentlemen, you have  
24 sorted out amongst yourselves who is going to say  
25 what and so on?

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1                   **MR. DAN SMITH:** First of all,  
2                   thank you very much. I guess you have noticed  
3                   that United Native Nations is sharing the time  
4                   allotted here, and I note that it is ten to  
5                   eleven, so I am hoping that we have enough time to  
6                   make our presentation.

7                   We are going to be sharing this  
8                   time and we will start with Sandy Wong and then  
9                   Nelson Mayer, and I will end it off. And we will  
10                  get right to the point. So thank you.

11                  **MR. SANDY WONG:** Thank you, Danny.  
12                  I would like to begin with the  
13                  presentation on economic development, and the way  
14                  I am going to proceed with the presentation is,  
15                  first of all, present some of the more common  
16                  issues in Aboriginal economic development and then  
17                  some recommendations that we have to resolve some  
18                  of these issues.

19                  First of all, I am going to  
20                  present two global issues and then three (3) more  
21                  specific issues that relate to economic  
22                  development.

23                  The first global issue is social -  
24                  - it is called socio-economic development.

25                  A lot of people have the theory

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1 that economic development cannot occur independent  
2 of social development.

3 Social problems such as family  
4 violence, alcohol and drug abuse, spousal abuse,  
5 sexual abuse, child abuse, are commonly felt to  
6 have to be resolved parallel with economic  
7 development or there can be very little success  
8 achieving either -- in either areas.

9 Our recommendation for that is  
10 that there be some active involvement by  
11 Aboriginal people in the long term planning of  
12 social and economic development programs.

13 What we need is a comprehensive  
14 plan that incorporates both social and economic  
15 development. Both processes are intertwined but  
16 have never been planned in a comprehensive manner.  
17 Basically that is because of bureaucratic problems  
18 among the government, but there is really no  
19 reason why it can't be done.

20 The second issue that I would like  
21 to speak to, Global Issue, is education.

22 Education is one of the most  
23 severe obstacles restricting the ability of  
24 Aboriginal people to participate in Canada's  
25 economy.

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1                   Increased literacy and high levels  
2 of education attainment can greatly accelerate  
3 Aboriginal economic development.

4                   Our recommendation for that is  
5 basically the same recommendation that almost any  
6 person speaking on any subject related to  
7 Aboriginal people speaks about, and that is  
8 development of an education curriculum, that  
9 creates positive learning environments that  
10 respect and promote Aboriginal values, traditions  
11 and language.

12                   Next, I would like to turn to some  
13 more specific issues related to economic  
14 development. The first one is the issue of off-  
15 reserve funding.

16                   Most Aboriginal people now live in  
17 urban areas, but the majority of the Federal  
18 Government's funding for Aboriginal economical  
19 development is available only for projects on  
20 reserve.

21                   Our recommendation is that the  
22 playing field be made level and that there be more  
23 government funding be made available for  
24 Aboriginal economic development in the urban  
25 areas.

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1                   The second issue is Access to  
2 Government Programs.

3                   Statistics indicate that off-  
4 reserve urban Aboriginal people have the lowest  
5 utilize rate of government economic development  
6 programs. Obviously there is a reason for that,  
7 and one of the reasons is the lack of  
8 infrastructure that can provide business advisory  
9 services in the urban centres.

10                  On-reserve organizations through  
11 the programs, through INAC, such as CEDO (PH),  
12 have funding to assist in these advisory services  
13 and which gives reserve populations better access  
14 to most programs, because they have  
15 infrastructures in place.

16                  Our recommendation is that  
17 existing off-reserve urban economic development  
18 organizations be adequately funded to develop  
19 infrastructures that will assist entrepreneurs in  
20 the development of opportunities.

21                  The implementation of business  
22 advisory services through economic development  
23 offices will provide both pre- and post-  
24 capitalization planning which is essential to the  
25 development of off-reserve businesses.

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1                   We feel that type of  
2 infrastructure has yet to be developed in most  
3 urban centres.

4                   Our last issue is Lack of Equity,  
5 and that is an issue that is not only common to  
6 off-reserve, but on-reserve as well.

7                   One of the most common problems  
8 facing Aboriginal people with business ideas and  
9 opportunities is a lack of equity that is  
10 necessary to leverage government assistance,  
11 because with most government programs you require  
12 a certain percentage of equity.

13                   Often the equity required is a  
14 relatively small amount, but more oftentimes than  
15 not it is a major obstacle and stumbling block in  
16 starting a business.

17                   Our recommendation is the  
18 establishment of some type fund that will provide  
19 limited equity for the establishment of small  
20 businesses.

21                   For example, equity contributions  
22 of even as little as one thousand dollars  
23 (\$1000.00) or less. I mean we have so many people  
24 that are looking for loan amounts of five  
25 thousand, ten thousand dollars.



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1                   This amount seems quite minor, but  
2                   creates an opportunity for employment and provides  
3                   not only a monetary reward but also creates self  
4                   esteem which contributes to social development.

5                   To summarize our report for  
6                   economic development in the urban centres:

7                   Canadians are migrating to urban  
8                   centres as never been and the trend really shows  
9                   no sign of reversing itself. Not only are  
10                  Canadians migrating to urban centres; Aboriginal  
11                  people are too.

12                  Aboriginal people faced with  
13                  shortages of opportunities in rural communities  
14                  are moving to urban centres hoping to improve  
15                  their lifestyle.

16                  The burgeoning Aboriginal  
17                  communities have placed a strain on the resources  
18                  of urban organizations who are faced with cutbacks  
19                  annually.

20                  The statistics indicate that the  
21                  resource allocation to urban groups should be  
22                  increasing, but, instead, the resource base is  
23                  being eroded by a federal government who doesn't  
24                  recognize any responsibility, or very little  
25                  responsibility, to Aboriginal people who are non-

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1 status or off-reserve.

2 The recent focus on economic  
3 development has basically on the reserve level or  
4 towards status people.

5 But we really feel that the  
6 greatest opportunity for Aboriginal people to  
7 participate in Canada's economy lies in the urban  
8 centres.

9 The establishment of Aboriginal  
10 businesses in urban centres can create wealth  
11 which can benefit the whole Aboriginal community  
12 and create communities which can take pride in  
13 themselves and their traditions.

14 Once again I want to emphasize  
15 that the major problem in establishing these  
16 Aboriginal communities, these healthy Aboriginal  
17 communities in urban centres, is a lack of  
18 adequate funding for urban organizations to  
19 maintain and establish infrastructures and to  
20 create and nurture infrastructures required to  
21 ensure future services and programs that  
22 adequately meet the needs of off-reserve  
23 Aboriginal people.

24 One of the other things we also  
25 have to stress is that this funding cannot just be

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1 on an ad hoc basis as much funding has been in the  
2 past. But on a long-term basis it allow for long-  
3 term comprehensive planning.

4 The whole short-term objective in  
5 economic development is to create a partnership  
6 with government to coordinate the delivery of  
7 programs, encourage community, cooperation, and  
8 consultation and joint planning in all areas of  
9 Aboriginal economic and social development.

10 Also, all federal/provincial  
11 programs must be made more accessible to all  
12 Aboriginal people, not just Aboriginal people  
13 defined by INAC or any other group.

14 The long-term objective is to take  
15 full responsibility for educational, cultural and  
16 economic institutions.

17 Thank you.

18 **MR. NELSON MAYER:** To begin,  
19 first, I would like to welcome Georges and Viola  
20 to Vancouver, and I would like to say to both of  
21 you that it is really nice to see you both again.  
22 And that at first, when I heard about the Royal  
23 Commission on Aboriginal Peoples, I was pretty  
24 sceptical about anything really concrete being --  
25 and ending as a result of this process, because I

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1 have seen in my years involvement, as you have,  
2 both of you, as past national leaders, both for  
3 the AFN and for the Native Council of Canada,  
4 endless rounds of discussion where very little  
5 ever gets accomplished. But the fact that the  
6 past president of the AFN and the past president  
7 of the Native Council of Canada are involved in  
8 the process, and the commitment that I have seen  
9 both of you dedicating your lives to, to the  
10 Aboriginal movement, is why I am willing to say I  
11 am looking forward to the best in these rounds in  
12 hearings and in some of the solutions that are  
13 going to be presented.

14 I am not sure if the solutions I  
15 have in mind on some of the social conditions that  
16 affect us are in your minds viable, but I know  
17 that it is my firm belief and other people that I  
18 have talked to that these types of things need to  
19 be looked at and a way needs to be found. And the  
20 introduction from my brief -- and my brief is  
21 brief -- is for today's urban Aboriginal  
22 population.

23 We continually address many social  
24 illnesses that are a direct result of the  
25 colonization process, the colonization process

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1 that includes legislation and policy in all areas  
2 affecting our lives.

3 Historically, the non-Aboriginal  
4 governments of Canada -- and I include provincial  
5 as well as federal -- have had a policy of  
6 assimilation and oppression for Aboriginal  
7 peoples.

8 The social problems that were  
9 created as a result of these policies and the  
10 blatant racism by some of the non-Aboriginal  
11 community have had a tremendous affect on the  
12 health and wellbeing of the Aboriginal community.

13 And I start with education  
14 because, to me, the most outstanding contributor  
15 in the struggle that we as Aboriginal people face  
16 is the educational system.

17 The history of education for  
18 Aboriginal people is rooted in paternalistic  
19 policy. There is no need to restate the impact of  
20 the residential experience.

21 Canadian culture places great  
22 emphasis on the value of education, but our  
23 history, okay, or history, is supposedly written  
24 by the victors, okay.

25 We have never been conquered; we

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1 have never surrendered; but we have never had a  
2 say in the curriculum and the education in terms  
3 of history books that are being taught in schools.

4 One needs only to review the  
5 existing books utilized by the education system  
6 that teaches the history of the development of  
7 this country to see the detrimental impact they  
8 have on both Aboriginal and non-Aboriginal  
9 children.

10 The influence of the stereotypical  
11 and discreditable portrayal of the Aboriginal  
12 people on school-age children is dangerous.

13 Present-day studies confirm that  
14 the beliefs and values of children are firmly  
15 established by the time they reach thirteen (13)  
16 years.

17 These entrenched attitudes shape  
18 the relationships between Aboriginal and non-  
19 Aboriginal adult members of the population.

20 Because of these false  
21 conceptions, Aboriginal organizations pursue  
22 extensive processes to attempt to reeducate non-  
23 Aboriginals about Aboriginal peoples, and the  
24 issues we face through numerous cross-cultural and  
25 Aboriginal awareness workshops.

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1                   But this process of reeducation or  
2 sensitization is successful on a select few. Not  
3 only is the interest not always there but it is  
4 difficult to change people's attitudes.

5                   The few that we do manage to reach  
6 are usually liberal-minded people who probably do  
7 not substantially contribute to the prejudices we  
8 face. How then can we improve the condition of  
9 Aboriginal people and develop an effective  
10 relationship between Aboriginal and non-Aboriginal  
11 people.

12                   My recommendation is that in terms  
13 of a viable solution it is indisputable that there  
14 must be a revision of the history books used in  
15 the public school system at all grade levels.

16                   The revision must include an  
17 accurate portrayal of our nations, our economic  
18 and governing systems, our culture, and our  
19 traditional and contemporary practices.

20                   It is my firm belief that with  
21 this revision we will see increased pride and  
22 positive identity amongst Aboriginal people and a  
23 diminishment of discriminating behaviours in  
24 generations to come.

25                   I reflect back on my own school

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1 days, and up until I was in grade 5 all of my  
2 friends called me Nelson, because that is what  
3 they knew me as. But upon taking grade 5 history  
4 books with the pictures of the brave missionary  
5 Brebeuf being scalped by the Mohawk warriors,  
6 okay. And as a result of that suddenly my name  
7 changed and friends, who had been friends with me,  
8 you know, prior to school. Suddenly I was  
9 "Chief," "Geronimo," "Apache," "Blackfoot," "Wagon  
10 Burner." And as children, as a child of 10 years  
11 old that hurt and I couldn't understand why.

12 The second point to address in  
13 terms of addressing the social problems we face is  
14 the adequate resources.

15 Presently many Aboriginal  
16 organizations are aspiring to gain control over  
17 their services and programs from the design to the  
18 delivery stages.

19 When a government department  
20 shifts programs to Aboriginal control, only the  
21 program delivery dollars are transferred. We have  
22 seen this time and time where there is seldom the  
23 transference of administrative dollars that are  
24 necessary to run programs successfully.

25 I will give you an example:



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1                   Here in the Vancouver area there  
2                   is a group that was called the District Advisory  
3                   Board to CEIC, or CJS's, Job Strategies, and the  
4                   whole Pathways to Success Initiative, and we were  
5                   developing our district advisory board to change  
6                   from an advisory board structure to a management  
7                   structure and to be a Vancouver Sunshine Coast  
8                   Aboriginal Management Board Society, which it has  
9                   in fact become.

10                   The biggest stumbling block in our  
11                   negotiations was over the area of the amount of  
12                   moneys that the existing regional office and staff  
13                   were administering and delivering in terms of  
14                   employment and training dollars, and I will use a  
15                   figure of approximately \$4 million is what the  
16                   cost was.

17                   When we began the negotiation to  
18                   have the control of those programs or those  
19                   dollars passed over to the Aboriginal community,  
20                   the first thing that happened was again, as it  
21                   happened to bands -- and we know that through  
22                   fishing negotiations and other areas -- no  
23                   administrative, no operating and management  
24                   dollars.

25                   Governments have the existing

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1 infrastructure with their staffing levels, all of  
2 their materials and supplies and all of their  
3 resources that are required to deliver these  
4 programs.

5 When it was being transferred over  
6 to us we were refused the administration dollars.  
7 We were told we would have to utilize the program  
8 service dollars to make up our administrative  
9 structure.

10 What that amounted to is a  
11 decrease in resource allocation to Vancouver  
12 Sunshine Coast District.

13 We have had again to become very  
14 creative in terms of working around those types of  
15 things and investigating situations of secondment.  
16 But these are only band-aid solutions.  
17 Consequently, program dollars are used to cover  
18 administrative costs which in turn reduces the  
19 quantity and quality of essential programs  
20 available to the Aboriginal communities.

21 In order to maximize the quality  
22 and effectiveness of any service, programs must be  
23 transferred to Aboriginal people for control with  
24 adequate financial resources, including  
25 administration costs.

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1                   The second point with respect to  
2                   the adequate resourcing, is that few Aboriginal  
3                   organizations -- for our Aboriginal organizations  
4                   in the urban setting it is a constant struggle for  
5                   both financial and human resources.

6                   We must regularly contend with the  
7                   needs and demands of the urban Aboriginal  
8                   population while exhausting meagre resources,  
9                   coinciding with the justification of expenditures  
10                  to our funding sources.

11                  It is a continual struggle for  
12                  survival.

13                  Contention and competition amongst  
14                  Aboriginal people ensues due to the limited  
15                  availability of resources. The unity of our  
16                  people becomes jeopardized.

17                  Aboriginal organizations never  
18                  have the time or resources to allow for research  
19                  and development, policy analysts or long-term  
20                  planning.

21                  Most urban Aboriginal groups are  
22                  not in the position to establish a comprehensive  
23                  strategy that identifies where they will be in  
24                  five (5) years time, ten (10) years time or twenty  
25                  (20) years in the future. We don't have that.

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1                   A viable solution is the need to  
2                   allocate specific dollars that allows for urban  
3                   Aboriginal organizations to establish a long-term  
4                   planning process.

5                   The last point for me is with  
6                   respect to Legislative Control, and I am not a  
7                   writer, and I don't like this process, I will be  
8                   quite honest with you, with microphones and with  
9                   audiences and with recorders. I would feel much  
10                  more comfortable inviting both of you, or anyone  
11                  here in the audience, to come to our organization  
12                  and walk around, be introduced to the staff, and  
13                  sit there and talk and really have some good  
14                  dialogue and communication between ourselves.  
15                  Because this legislative control in terms of  
16                  putting it down on paper, I didn't know how to put  
17                  it down and I didn't know how to make any type of  
18                  recommendation that would make sense. Because of  
19                  legislative control over Aboriginal people's lives  
20                  is something that is forever going to make me  
21                  angry and emotional.

22                  A significant part of the  
23                  confusion and obstacles encompassing Aboriginal  
24                  people today is the question of status, or being  
25                  registered.

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1                   Precise definitions have set the  
2 boundaries of inclusion and exclusion of official  
3 Indians.

4                   Legislative authorities affect  
5 every aspect of our lives, and the authority of  
6 the Indian Act only superimposes that control,  
7 control which is often conflicting.

8                   People who make the conscious  
9 choice to migrate to Canada from other countries  
10 do so willing to abide by the Canadian laws  
11 already in enforced. We were not given that same  
12 choice; we were not given any choice at all. We  
13 were dispossessed of our own laws and government  
14 systems in our own territory. And this affects me  
15 personally with respect to the Bill C-31  
16 legislation.

17                   My name is Nelson Mayer. My Cree  
18 name is Kalmeekowahpenotek (PH); my community is  
19 Pine Bluff which is in the middle of Cedar Lake.  
20 It was missed in the registration process. So as  
21 a result I have aunts and uncles that are living  
22 on reserve with their status; I have my mother who  
23 is applying for her status.

24                   I am not. I spoke to a friend on  
25 the phone when he was opening his mail and he was

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1 very happy to inform me that he had just received  
2 his status, official letter from the Department,  
3 from the Government stating "You are now  
4 officially recognized as an Indian by the  
5 definition of the Indian Act." And, I am telling  
6 you, it bothers me to have other -- some  
7 government body say -- send me a letter and say  
8 "Yeah, Nelson, you are Cree." I know who I am; I  
9 know where I am from; I know my family  
10 relationships; and I know my culture.

11 In terms of a viable solution --  
12 and I am not even sure how to say this -- but it  
13 is that -- I believe that legislative authorities  
14 cannot be granted to us, because to me I see that  
15 like some outside force or group of people giving  
16 something to us that we already have.

17 What we have is that inherent  
18 right to self government.

19 The Aboriginal people of Canada  
20 should have the right to choose their political  
21 structure and determine the economic and social  
22 systems under which they live. The right to self  
23 government is essential to our survival as  
24 Aboriginal peoples.

25 Every point in my brief has been

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1 expanded on previously by our staff. They have  
2 told you the programs, the very good programs they  
3 are running; how we are requiring to utilize  
4 dollars from -- that we make from delivery of a  
5 housing program to supplement a family  
6 reunification and a Bill C-31 program.

7 We spend all our efforts on trying  
8 to meet the needs of our clients and then we are  
9 asked to come and give briefs -- prepare -- and I  
10 turn to our staff and I say "Do you have the  
11 time?" as I watch them dealing with their clients,  
12 trying to prepare reports, trying to do the best  
13 they can for the urban Aboriginal community.

14 If I walk into -- and if you were  
15 to walk into any urban Aboriginal organization and  
16 check out Vancouver Native Health or Haweenok  
17 (PH), or any of the Aboriginal organizations, they  
18 do the best they can with meagre resources.

19 Thank you very much.

20 MR. DAN SMITH: Thanks, Lou.

21 It seems like Old Home Week up  
22 here sitting beside Viola and Georges, and I would  
23 also like to add my thank you to the Royal  
24 Commission on Aboriginal Peoples, as well as to  
25 our respected elder, Vince Stogan, and Ken Harris

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1 from Gitksan.

2 I am Haleekulous (PH) from  
3 Leekwidok (PH) commonly known as Campbell River.

4 The anthropologist that went  
5 through the first time, they referred to us as  
6 Kwadulus (PH) people within the Kwadulus (PH)  
7 territory.

8 My given name is Dan Smith and I  
9 am happy to be here, so I will just get right to  
10 the point, and also thank the people that have  
11 made the time and taken the time to be here, as  
12 well as the media. Because I think it is very  
13 important that the media be here to listen to the  
14 people in the communities and look at the  
15 similarities of Aboriginal conditions, non-  
16 Aboriginal conditions.

17 The question that has to be  
18 answered is, "Why, for God's sake, was there ever  
19 an Indian Act implemented?"

20 So on behalf of the United Native  
21 Nation's Society of B.C., the Board of Directors  
22 and membership, I am pleased to offer to the Royal  
23 Commission on Aboriginal Peoples our input on  
24 viable solutions and to address the issues  
25 confront off-reserve Aboriginal people.



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1 I would like to start my  
2 presentation with a quote from Elder Vernon Cooper  
3 of the Lumbee Tribe in North Carolina who said:

4 "These days people seek  
5 knowledge, not wisdom.  
6 Knowledge is of the past;  
7 wisdom is of the future."

8 This principle should guide us in  
9 our discussions today. We have the knowledge;  
10 what we need now is the wisdom to bring us to a  
11 successful conclusion.

12 The UNN membership includes status  
13 and non-status, Metis and Inuit Aboriginal  
14 peoples.

15 UNN has an open-door policy that  
16 does not discriminate or deny membership.  
17 Unfortunately the same cannot be said for  
18 governments, Federal or otherwise.

19 This is the root of the problem  
20 for Aboriginal people off-reserve.

21 Canada's deplorable history in  
22 terms of its dealings with Aboriginal peoples is  
23 common knowledge.

24 But what is not common knowledge  
25 is that there is a whole segment of Aboriginal

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1 people whose needs and concerns are not being  
2 addressed because there is minimal consideration  
3 when policies and legislation are implemented.

4 This situation will be complicated  
5 by the fact that the Aboriginal population off-  
6 reserve is increasing dramatically.

7 Census Canada figures indicate the  
8 Aboriginal population has increased nationally by  
9 41 per cent from 1986 to 1991.

10 In B.C., the Aboriginal population  
11 was 126,625 in 1986. That figure increased to  
12 169,035 in 1991 which represents a 33 per cent  
13 increase over the five-year period.

14 There was a national announcement  
15 that B.C. is experiencing a 13 per cent population  
16 increase of people migrating to the province  
17 seeking employment and other opportunities. It is  
18 assumed Aboriginal people will represent a large  
19 proportion of these people.

20 We in the United Native Nations  
21 (UNN) share the responsibility and are accountable  
22 to each other and our membership; consequently we  
23 prefer to share the opportunity and time to  
24 present our information of solutions as a team.

25 Our team has prepared their

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1 presentations individually, based on their  
2 personal experience, and have agreed the best  
3 approach is to speak fro the heart as did our  
4 ancestors and Elders.

5 Due to the lack of financial  
6 resources and the fact that UNN's three  
7 applications to the Royal Commission's Intervenor  
8 Funding Program were not approved, we were not in  
9 a financial position to hire additional staff to  
10 prepare an in-depth and more detailed  
11 presentation.

12 At this time, I want to sincerely  
13 tank the United Native Nations' staff, Board of  
14 Directors, membership and volunteers for their  
15 support to United Native Nations and other  
16 Aboriginal organizations.

17 Our heartfelt thanks to Bernice  
18 Pilfold, respected Elder, and Tom Pilfold, (her  
19 late husband), of Prince Rupert, B.C. who chose  
20 the name "United Native Nations" for this  
21 organization.

22 I also want to thank our ancestors  
23 and Elders for their unwavering courage, knowledge  
24 and wisdom.

25 At this time, Commissioners, I

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1 would like to continue on with the introduction,  
2 but I am not going to read the body of the  
3 presentation where I illustrate some examples of  
4 the inadequacies but some examples of some of the  
5 Federal Governments dedication/allocation of  
6 fiscal resources to the Department of Indian  
7 Affairs and others.

8 Off-reserve Aboriginal peoples in  
9 Canada are forced to fight twice as hard to  
10 protect and secure their inherent rights because  
11 of non-Aboriginal government policies, practices  
12 and legislation which translates into systemic  
13 genocide.

14 There is no other way or words to  
15 describe the purpose and intent of the  
16 Government's Indian Act of 1876 which continues to  
17 divide Aboriginal families and extended families  
18 and, ultimately, Aboriginal nations into sectors  
19 of status and non-status, on and off-reserve.

20 Over the course of history the  
21 Federal Government's Indian Act denied full  
22 citizenship of birthrights to all Aboriginal  
23 peoples.

24 Recent amendments such as the Bill  
25 C-31 have only exacerbated this situation. The

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1 so-called democratic process that the Government  
2 of Canada imposed upon Aboriginal First Nations  
3 weakened our traditional governments.

4 The B.C. Association of Non-Status  
5 Indians was founded in 1968-69 to combat these  
6 past injustices and to organize and oppose the  
7 1969 "White Paper" presented by Prime Minister  
8 Trudeau to the Government of the day.

9 The United Native Nations Society  
10 of B.C. was founded by the B.C. Association of  
11 Non-Status Indians Membership in 1976-77 to  
12 eliminate the stigma of "non-status Indians" but,  
13 more importantly, to establish an (Aboriginal)  
14 organization with an "open-door" policy that was  
15 inclusive of status and non-status, Metis, on and  
16 off-reserve and Treaty Aboriginal peoples.

17 We fully recognize Aboriginal  
18 ancestry as opposed to the "Indian Act of 1876"  
19 that recognizes Aboriginal ancestry through  
20 government registry.

21 United Native Nations represents  
22 the interests and concerns of seventy-five  
23 thousand (75,000) off-reserve Aboriginal peoples  
24 in B.C., with twenty-eight thousand (28,000)  
25 registered members.

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1                   We are the largest political off-  
2 reserve Aboriginal organization with a twenty-four  
3 (24) year history in British Columbia.

4                   We are proud of our organization  
5 and its open-door policy and our objects reflect  
6 our concerns for all Aboriginal peoples.

7                   As I mentioned, I will then go  
8 through -- the objects of our society are there.

9                   I continue on with:

10                  Why is there so much fear among  
11 successive governments to do what is right for all  
12 Aboriginal people in Canada?

13                  I cannot emphasize enough that the  
14 Federal Government's policy and legislation and  
15 practices has successively created an uneven  
16 playing field among Aboriginal people who reside  
17 in urban, remote and isolated communities in B.C.  
18 and across Canada.

19                  To illustrate the Government's  
20 known practice I offer the following known facts:

21                  Ladies and gentlemen,  
22 Commissioners, what I have done is illustrated on  
23 one side of the Aboriginal agenda that was  
24 announced on September 25, 1990 during the Oka  
25 Crisis when Prime Minister Mulroney announced his

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1 agenda that would have four (4) pillars: one was  
2 land claims; the other was economic and social  
3 conditions on-reserve; the other was addressing  
4 the concerns of Aboriginal people in contemporary  
5 Canadian life; and the fourth was: better  
6 relationship between Aboriginal peoples and  
7 governments.

8 The illustration that I have  
9 provided is for from 1990 to 1992, a period of  
10 three years or two years, and the dedication of  
11 fiscal resources to the four (4) pillars.

12 There is a minimal amount of  
13 fiscal resources that has been dedicated and  
14 allocated to the off-reserve Aboriginal people.  
15 And I present that to you for your information  
16 rather than read through it. I know that time is  
17 getting on, and I think that I want to get to our  
18 "Viable Solutions" which is at the back. But  
19 prior to that, just to touch on a few things with  
20 respect to improving conditions on-reserve, there  
21 was an announcement to dedicate \$250 million over  
22 six (6) years for the infrastructure of on-  
23 reserve.

24 Increased post-secondary education  
25 funding -- as an example: \$320 million over the

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1 next five (5) years -- now totals \$1.1 million for  
2 those five (5) years.

3 I just want to spend a bit of time  
4 on Aboriginal fisheries strategy which the Co-  
5 Chair, Georges Erasmus, had mentioned.

6 June 1992, the Department of  
7 Fisheries and Oceans announced its five (5) year  
8 Aboriginal fishery strategy.

9 It said that it was going to  
10 create two thousand (2000) jobs for Aboriginal  
11 people, which is true.

12 Those two thousand (2000) jobs  
13 required training and development opportunities  
14 for the Aboriginal people.

15 They went over to the Canada  
16 Employment and Immigration Commission to utilize  
17 the Pathways of Success. None of those two  
18 thousand (2000) jobs will ever reach Aboriginal  
19 people who reside off-reserve.

20 We, the off-reserve Aboriginal  
21 people, are not in any way denying there is an  
22 urgent need for fiscal arrangements between  
23 governments and Aboriginal people on-reserve. In  
24 fact, we applaud any positive action taken to  
25 eliminate the social and economic poverty that our



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1 brothers and sisters experience on-reserve.

2 The reality experienced for off-  
3 reserve Aboriginal peoples -- and I will read  
4 this:

5 I realize there is no need to tell  
6 you as Aboriginal leaders appointed to this  
7 Commission about the realities of the on and off-  
8 reserve situations Aboriginal people face in their  
9 daily lives.

10 At this point it is more for the  
11 official record and future reference for ourselves  
12 and the Royal Commission.

13 The reality in today's world is  
14 that the on-reserve Aboriginal population has at  
15 its disposal Federal Departments to facilitate and  
16 expedite their aspirations and endeavours.

17 The Federal Department of Indian  
18 and Northern Affairs Canada allocates a major  
19 portion of their fiscal resources to on-reserve  
20 programs and/or policy development, utilizing  
21 other Federal Departments' expertise such as  
22 Fisheries and Oceans, Health and Welfare,  
23 Employment and Immigration to advance and enhance  
24 employment training and development opportunities.

25 The same scenario is being used

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1 when other Federal Departments announce  
2 enhancement strategy on reserve initiatives.

3 There is little evidence that  
4 equal fiscal treatment and consideration has been  
5 provided to the Aboriginal off-reserve population.

6 As an example, the establishment  
7 of the B.C. Treaty Commission excludes off-reserve  
8 Aboriginal participation.

9 In addition, the Federal  
10 Government of Indian and Northern Affairs Canada  
11 provides First Nations summits for on-reserve  
12 groups -- eight hundred thousand dollars  
13 (\$800,000.00) of fiscal resources for meetings and  
14 to prepare their initiatives and strategic plans.

15 The \$800,000.00 is a special  
16 reserve in addition to what bands and tribal  
17 councils receive in their respective annual  
18 operations budget.

19 I want to emphasize that there is  
20 an urgent need for non-reserve Aboriginal people  
21 to be treated equally and fairly. After all, we  
22 are working toward the same end, and while being  
23 Aboriginal people, whether they reside on or off-  
24 reserve.

25 The majority of bands, tribal

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1 councils and treaty areas do not have the capacity  
2 or infrastructure to address off-reserve  
3 Aboriginal issues and concerns.

4 These tasks are usually assumed,  
5 not by choice, by urban-based Aboriginal  
6 organizations like the United Native Nations and  
7 its subsidiary, the B.C. Native Housing  
8 Corporation.

9 Both the UNN and B.C. Native  
10 Housing Corporation have provided housing  
11 assistance to Aboriginal groups in establishing  
12 Aboriginal housing societies or by providing  
13 direct housing ownership to Aboriginal families in  
14 B.C.

15 Historically, off-reserve  
16 Aboriginal people have had to look after  
17 themselves individually, and then over a period of  
18 time organize into groups for mutual support.

19 Self determination for individuals  
20 and families is the foundation of Aboriginal  
21 people both on and off reserve.

22 Self government is being in  
23 control of the decision-making process and policy  
24 development is the goal Aboriginal people promote  
25 to non-Aboriginal governments to ensure a

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1 prosperous future for Aboriginal people.

2 I now have sixteen (16) viable  
3 solutions to present to you.

4 1. Stop trying to convince non-  
5 Aboriginal people about what our  
6 rights are. Exercise them. Just  
7 do it.

8 2. Mandate Federal and Provincial  
9 Governments to recognize and  
10 accept traditional Aboriginal  
11 governments; not jus legislated  
12 forms of governments according to  
13 their guidelines.  
14 Numerous studies on Aboriginal  
15 people have been conducted at the  
16 federal and Provincial levels.  
17 Some are general and some are  
18 issue specific -- the list of task  
19 forces, special inquiries and  
20 commissions are endless.

21 3. Mandate...Analyze the Penner,  
22 Berger, Coolican, Lysk and Pearse  
23 Reports to extract the positive  
24 and supportive recommendations for  
25 resolution of Aboriginal issues

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- 1 and concerns for on and off-  
2 reserve Aboriginal people.  
3 The Royal Commission reinforce and  
4 incorporate previous  
5 recommendations into their report  
6 to the Government.
- 7 4. Mandate the Federal Government to  
8 establish a separate Federal  
9 Department staffed with Aboriginal  
10 people and fiscal resources to  
11 facilitate and expedite off-  
12 reserve Aboriginal peoples  
13 concerns in all areas.
- 14 5. Mandate the Federal Government to  
15 eliminate interprovincial barriers  
16 that financially tax or restrict  
17 Aboriginal business opportunities.
- 18 6. Mandate the Federal and Provincial  
19 Governments to establish an Urban  
20 Aboriginal Treaty Commission in  
21 B.C.
- 22 7. Mandate the Federal Government to  
23 amend the Indian Act to include  
24 anyone of Aboriginal ancestry to  
25 eliminate the divisions among

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- 1 families and extended families.
- 2 8. Mandate the Federal Government to
- 3 dedicate fiscal resources to off-
- 4 reserve Aboriginal organizations
- 5 to establish Aboriginal language
- 6 and cultural institutions.
- 7 9. Mandate the Federal Government to
- 8 establish a process that provides
- 9 equitable access and equal
- 10 treatment for fiscal and program
- 11 initiatives for off-reserve
- 12 Aboriginal people.
- 13 10. Mandate the Federal Government to
- 14 designate and allocate Crown lands
- 15 and buildings to off-reserve
- 16 Aboriginal organizations to
- 17 utilize according to their needs.
- 18 11. Mandate the Federal Government to
- 19 implement Chapter 26 of Agenda 21,
- 20 Recognizing and Strengthening the
- 21 Role of Indigenous People and
- 22 their Local
- 23 Communities....supported and
- 24 passed by the United Nations
- 25 Conference on Environment and

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- 1 Development at the Earth Summit,  
2 Rio de Janeiro, Brazil, June 1992.
- 3 12. Mandate the Federal Government  
4 (Canada Employment and Immigration  
5 Commission) to dedicate fiscal  
6 resources to off-reserve  
7 Aboriginal organizations to  
8 establish Aboriginal Canada  
9 Employment Centres staffed by  
10 Aboriginal personnel to serve  
11 clients.
- 12 13. Mandate the Federal Government to  
13 implement the Jay Treaty.
- 14 14. Mandate the Federal Government to  
15 initiate an inclusive process  
16 where urban Aboriginal  
17 organizations to access an  
18 adequate percentage of the  
19 Economic Regional Development  
20 Agreement between Federal and  
21 Provincial Governments.
- 22 15. Mandate the Federal Government to  
23 dedicate adequate fiscal resources  
24 to urban Aboriginal organizations  
25 to establish Recreation and

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1 Cultural Institutions for Elders,  
2 Youth and Women with a focus to  
3 careers in sports and related  
4 activities.

5 16. Mandate the Federal Government to  
6 implement into the current  
7 education curriculum, a process to  
8 educate non-Aboriginal people  
9 about our culture, traditions,  
10 governments and Canada's lawful  
11 obligation to Aboriginal people  
12 from contact to date.

13 That is the written recognition,  
14 and I recognize that Commissioner Viola Robinson  
15 had asked a question about maybe emphasis being  
16 placed on urban self Aboriginal government.

17 We maintain that all of what we  
18 have presented is self determination; that it is  
19 part and parcel of Aboriginal self government  
20 whether it is on-reserve or off-reserve.

21 With respect to protocol, we as  
22 Aboriginal First Nation peoples from our  
23 respective Aboriginal First Nations reinforce and  
24 support the goals and objectives of our people at  
25 home to initiate and implement Aboriginal self



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1 government in that sense.

2 We also want to advocate the  
3 initiation and implementation of Aboriginal self  
4 government in the urban areas off-reserve.

5 I thank you for the time, and I am  
6 sorry for having taken so long, but I think these  
7 are very important issues, and we welcome any  
8 questions, clarification.

9 Thank you.

10 **CO-CHAIR GEORGES ERASMUS:** I would  
11 like to thank the three of you for your  
12 presentations, very interesting presentations,  
13 very adequate.

14 I was just wondering about some of  
15 the remarks you made in relation to the  
16 applicability to off-reserve. I realize that in  
17 the northern agreements that are being signed that  
18 -- perhaps there is no reference to off-reserve --  
19 but since there are no reserves in the north it is  
20 a little -- I have tongue-in-cheek to say it is  
21 not off-reserve. In the NWT there is only one  
22 small reserve in Hay River for instance. The  
23 Inuit settlement can't really be considered an on-  
24 reserve settlement. I just wanted to make those  
25 comments.

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1                   You have quite a few  
2                   recommendations. I wouldn't mind having some  
3                   clarification.

4                   In relation to, for instance, the  
5                   Treaty Commission in British Columbia, I realize  
6                   that urban organizations, off-reserve  
7                   organizations, don't have an up-front role, but  
8                   would not your members of any given nation -- for  
9                   instance, let's talk about the Nisga'a, for  
10                  instance. If they are at the table, wouldn't the  
11                  settlement be for all the Nisga'a, whether they  
12                  are living in the Nass Valley or not; or whether  
13                  they are in Vancouver or Yellowknife or Toronto or  
14                  Ottawa. So what role should an urban organization  
15                  play in the specific negotiation on a nation-to-  
16                  nation basis of these particular nations?

17                  **MR. DAN SMITH:** Thank you for the  
18                  question; I welcome that; because I think the  
19                  Nisga'a are a very, very progressive First Nation  
20                  peoples and, as indicated by Sherry Small, yes, we  
21                  -- for an urban organization I would say that we  
22                  would be supportive -- we are supportive of the  
23                  negotiations. We are a complementary to providing  
24                  a service to any Aboriginal person from a First  
25                  Nation whether it is within the Province of

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1 British Columbia or outside the Province.

2 As the presentation with respect  
3 to Bill C-31 rights and benefits or for the  
4 adoptees who may not have access to the First  
5 Nation, recognizing that the Indian Act continues  
6 to divide Aboriginal families and extended  
7 families, they may not have direct access to a  
8 particular First Nation.

9 So not knowing what their rights  
10 or benefits are, we at times step in to work along  
11 with the First Nation to ensure that the right of  
12 the individual Aboriginal person is being  
13 considered during those negotiations. And, as I  
14 said, the Nisga'a are a good example; they are one  
15 of many First Nations that are including  
16 Aboriginal first people from their First Nation  
17 who choose to live away from home, for whatever  
18 reasons. So there are these supportive  
19 activities.

20 So our role as urban organizations  
21 is one of supportive as well addressing the socio-  
22 economic conditions.

23 **CO-CHAIR GEORGES ERASMUS:** Okay.

24 Another idea you have here I am  
25 kind of interested in. You suggest, perhaps, a

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1 Federal Department to deal with off-reserve  
2 Aboriginal peoples. We have had a lot of  
3 discussion about the present Indian Act and the  
4 present Indian Affairs. The overwhelming view is  
5 that both should be done away with at some point.

6 The debate is about what should  
7 replace the Department and the Indian Act.

8 This idea of creating yet another  
9 Federal Government Department to deal with Indian  
10 people once they leave their reserve and everyone  
11 else kind of runs counter to what we have been  
12 hearing today, which is to have a mirror image of  
13 the Indian Affairs but for those Indians once they  
14 go back to the reserve you have another Federal  
15 Department deal with them, and then when they get  
16 off the reserve, then you have another Federal --  
17 it doesn't seem to jive with what we have been  
18 hearing.

19 What we have been hearing is:  
20 rather than having the Federal Government assume  
21 control over Aboriginal people, what should be  
22 being done is the strings should be cut and  
23 Aboriginal people should be self governing. And  
24 if there is a role for government, what it should  
25 be is a supportive role and they should be playing

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1 the fiduciary trust role that the Constitution and  
2 Treaties have provided for them.

3 MR. DAN SMITH: Thank you.

4 I recognize that it requires  
5 clarification and it is there to stimulate one's  
6 thoughts with respect to -- what is the situation  
7 for off-reserve Aboriginal people? The reality is  
8 there is no department that we can go to and,  
9 grant you, historically the Department of Indian  
10 Affairs has had that control.

11 Until such time as there is the  
12 will of government for the resolution of land  
13 settlement and the inclusion of an inherent right  
14 and recognize Aboriginal self government, in the  
15 short term we still require some interaction with  
16 the Government itself. That interaction may be  
17 through something similar that was established,  
18 the interlocutor, within the Federal Government  
19 itself.

20 Also recognizing, whenever you  
21 access any fiscal resources from the Federal  
22 Government there is going to be a monitoring body  
23 of one kind or another.

24 The Financial Administration Act  
25 at this point and time dictates that as well as

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1 Treasury Board. So they want -- the general  
2 public wants to know what is happening with their  
3 tax dollars and we recognize that. So some form  
4 of Ministry at this point.

5 Because -- I say that, separate  
6 Federal Department, because my fear is that the  
7 Government of Canada may lump us into the  
8 multicultural activity of Secretary of State, and  
9 we are not part of a minority group; we are  
10 Aboriginal First Nation peoples.

11 **CO-CHAIR GEORGES ERASMUS:** How do  
12 you deal with the concerns of Metis people? They  
13 have told us over and over again they don't want  
14 to be lumped in with other Aboriginal people; they  
15 want to be able to run their own show, run their  
16 own programs; they are against a static (PH) line.

17 Would this temporary Federal  
18 Department deal with them, or someone else deal  
19 with them?

20 **MR. DAN SMITH:** As I see it, it  
21 would be inclusive. At this point, as we  
22 mentioned, United Native Nations has an open-door  
23 policy.

24 **CO-CHAIR GEORGES ERASMUS:** Yes.

25 **MR. DAN SMITH:** We represent the

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1 interests of Metis people and their concerns.

2 Within our organization -- well,  
3 first of all, let me clarify:

4 We use the term "Aboriginal" as  
5 defined within the Constitution, s. 35, and in  
6 doing so we have had discussions with at least one  
7 Metis organization and clarified our position that  
8 if an individual chooses to belong to our  
9 organization and they are Aboriginal ancestry,  
10 they are a member.

11 We do not -- we represent the  
12 interests and concern of individual Metis people  
13 as opposed to an organization.

14 We are non-partisan in terms of  
15 supporting various Metis organizations. That is  
16 not consistent with our principle of unity that  
17 our ancestors and elders promoted. So we have  
18 maintained that non-partisan role or to encourage  
19 unity. So when an individual Metis person comes  
20 to us for that, for any kind of a service, we  
21 provide that in support of Metis organizations.

22 **CO-CHAIR GEORGES ERASMUS:** All  
23 right.

24 Shifting to the economic ideas,  
25 the equity issue, the lack of equity:

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1                   In other parts of the country one  
2 of the ways the Federal Government has tried to  
3 deal with lack of equity has been to create these  
4 Aboriginal capital corporations; "ACC" they known  
5 as.

6                   Do you believe that that is a  
7 viable way of dealing with the urban needs?

8                   There are also these small micro-  
9 economic organizations created where you have a  
10 number of people that create a little club, a  
11 little loan club, and they start with a small  
12 amount of capital, the banks are involved for a  
13 small bit of capital and then one individual will  
14 borrow a very small sum of money; we are talking  
15 about micro loans kind that you are talking about,  
16 and everyone shares the responsibility in the club  
17 for that particular loan. And it is a revolving  
18 fund, and if the first loan is paid off a larger  
19 loan is possible and so forth. They seem to --  
20 they work well in Third World countries and they  
21 seem to be working well on reserves.

22                   For instance, would either one of  
23 those two ideas work in this case or are you  
24 talking about something different?

25                   MR. SANDY WONG: I am talking



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1 about the same. I am talking basically about the  
2 same thing.

3 Micro lending circles work very  
4 well, and you hit the point on the head when --  
5 they do work well in Third World countries and  
6 they do work in on-reserve situations. But off-  
7 reserve it is a different story. Because you need  
8 a group of people; right? You need a community.

9 **CO-CHAIR GEORGES ERASMUS:** You  
10 need a community?

11 **MR. SANDY WONG:** And in the urban  
12 centres oftentimes there is not that sense of  
13 community, okay?

14 So they work well in certain  
15 situations, but they haven't proven toward urban  
16 settings yet.

17 As far as ---

18 **CO-CHAIR GEORGES ERASMUS:** Excuse  
19 me. Has anyone tried in an urban ---

20 **MR. SANDY WONG:** Not as far as I  
21 know; not as far as I know.

22 As far as the Aboriginal Capital  
23 Corporations go, ACCs were set up to do something  
24 total different and they weren't set up to provide  
25 equity to native entrepreneurs. They are set up

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1 to provide loans.

2 Now, as an applicant, if I were to  
3 go to an ACC as applicant for a loan, I would  
4 still require some equity myself. And usually the  
5 equity requirement to any -- if you go to any  
6 lending agency that is an Aboriginal Capital  
7 Corporation, Aboriginal Business Development  
8 Program, bank or anything, it is usually about  
9 minimum 20 per cent.

10 What I am talking about is it will  
11 work very well in lending circles because a lot of  
12 the people that we see that want to start  
13 businesses, usually they require less than five  
14 thousand dollars (\$5000.00). I mean it is a  
15 business that they work at themselves; they work  
16 at home. It is usually arts or crafts related.  
17 And I mean so what are they looking at in terms of  
18 equity? They are looking at five hundred, a  
19 thousand dollars. That is a very small amount.  
20 And if they can establish it, I mean it goes a  
21 long ways towards creating self esteem and pride  
22 in themselves and things like that.

23 CO-CHAIR GEORGES ERASMUS: Okay.

24 Go ahead.

25 MR. DAN SMITH: In answer to your

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1 question I think the closest that we have gotten  
2 to that point was the establishment of the B.C.  
3 Native Credit Union, and we found that our  
4 experience was basically this:

5                   Aboriginal people are the poorest  
6 of the poor within an urban area. Very difficult  
7 for them to go to and deposit any kind of savings.

8                   We were caught in a catch 22 that  
9 if we didn't have chequing -- first of all, we had  
10 to have a million dollars in deposit to provide  
11 chequing services to our members. We couldn't get  
12 the million dollar deposit so we couldn't provide  
13 the chequing, and then the B.C. Native Credit  
14 Union basically went by the wayside, and I think  
15 Lou probably knows more on that.

16                   **CO-CHAIR GEORGES ERASMUS:** In  
17 relation to your submission on education, one of  
18 the things you submitted was a revision of  
19 history.

20                   It is really a revision we are  
21 talking about or is it, you know, additional  
22 perspectives of the Aboriginal people that have  
23 been left out?

24                   **MR. NELSON MAYER:** It could be  
25 either, George; either revision or addition.

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1 I mean if you take a look at the  
2 existing -- take a look at a history book, just  
3 grab one and take a look at it, and you will read  
4 about the early explorers. I mean you know the  
5 situation; you read about the early explorers and  
6 suddenly they came, and there is mention of  
7 encounters with Aboriginal peoples and then it  
8 stops; that is all you hear.

9 CO-CHAIR GEORGES ERASMUS: Yes.

10 MR. NELSON MAYER: And then you go  
11 to the point where suddenly when more settlers are  
12 coming and then they were settling this new  
13 country, this new country, formation of a country,  
14 suddenly the savages attack and we are wiping out  
15 the poor settlers. And then it goes a little bit  
16 further on and there is nothing. So if you think  
17 about the impact -- I am talking like very young  
18 children who start sitting there and what is their  
19 image about Indians? They don't know anything  
20 about Indian people; they know very little.

21 How many bureaucrats have you sat  
22 across from, George, who knows absolutely nothing  
23 about Aboriginal people.

24 CO-CHAIR GEORGES ERASMUS: But  
25 that is the point I am talking about. You say --

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1 what you are talking about is the story of people  
2 who have recently come to travel and it is the  
3 other side of the story, types of perspectives  
4 that have not been provided.

5 **MR. NELSON MAYER:** Well, I would  
6 say a truer picture of the history of the  
7 development of this country, okay? And a truer  
8 picture is not what is portrayed in the current  
9 education system. And whether that includes the  
10 introduction of curriculum that is developed by  
11 our own writers or our people who become part and  
12 parcel of curriculum that must be part and parcel,  
13 whether they get to their courses in Canadian  
14 studies on the history of this country, it is not  
15 that difficult to do.

16 **CO-CHAIR GEORGES ERASMUS:** Are we  
17 really talking about truth or are we talking about  
18 different perspectives? Because let's just go  
19 back to the summer of 1990 for instance and the  
20 Oka incident and the closure of the Mercier  
21 Bridge. If you went to Chateaugay and asked them  
22 for their perspective of what went on, it would  
23 not be the same story that the people in Kanawake  
24 would tell you; and, you know, it would be the  
25 same event; they would all be describing it

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1 differently.

2 The problem with history is if you  
3 are only taught one perspective you don't get the  
4 balance. So the problem surely with what has been  
5 happening in history is we have not been able to  
6 get a balanced story.

7 MR. NELSON MAYER: Okay. And  
8 that's, like I say, that is what it would really  
9 be nice to have, someone like you, Georges,  
10 actually to be at UNN to carry on a whole lot of  
11 interesting dialogue and discussion.

12 Okay, if that is the point of us  
13 getting into the school system and being able to  
14 give that perspective, okay, that alternative  
15 perspective. Do you know how we are invited into  
16 the schools now is to come and give a one-hour  
17 talk to whether that is university classes or, you  
18 know, grade school. I mean there is not a lot you  
19 can do in terms of one hour, so I am talking about  
20 school boards actually designating part and parcel  
21 curriculum development within the schools that  
22 addresses that.

23 Some of the school districts here  
24 in B.C. that have approached our organization have  
25 developed advisory committees trying to look at

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1 development of curriculum, when what we are  
2 finding because the advisory committees are part  
3 and parcel teachers and, you know, maybe one or  
4 two Aboriginal people are part of this advisory  
5 committee; they turn around and their idea, the  
6 school district, is "if we can get this money, I  
7 mean, well, we will hire a native teacher and  
8 there we have got native curriculum developed,"  
9 you know, or "we will put on cultural week," or  
10 "we will put on a heritage day," or something like  
11 that. So there is ---

12 **CO-CHAIR GEORGES ERASMUS:** Okay.  
13 Thank you for your comments.

14 Viola, do you have any questions  
15 or comments?

16 **COMMISSIONER VIOLA ROBINSON:** I  
17 have a few I guess.

18 First of all, I want thank you for  
19 your excellent presentation. I must say that in  
20 all of our travels throughout the urban centres  
21 this is the first real presentation we have had  
22 that is quite thorough and explains the situation  
23 of urban people quite thoroughly. And I want to  
24 first of all to -- I am very disappointed in your  
25 intervenor funding that you say that you had

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1 applied two or three times and you weren't  
2 approved; I am really disappointed in that, and  
3 unfortunately that program has terminated, and it  
4 is really unfortunate that happened.

5 The first comment I want to make I  
6 think is -- let me see, talking about previous  
7 reports here. In some of your solutions you say  
8 that "analyze Penner, Berger, Coolican," and all  
9 those different reports. Well, that is in fact  
10 happening with the Royal Commission. We are not  
11 going to do -- we don't want to do studies on  
12 things that has already happened. We want to  
13 start where these reports left off. So all of  
14 those things are happening.

15 Your comment about the first  
16 viable solution, you say "Stop trying to convince  
17 non-Aboriginal people about what our rights are.  
18 Exercise them. Just do it":

19 One of the problems that -- and I  
20 don't know, I stand to be corrected -- but one of  
21 the problems that I have seen that Aboriginal  
22 people in this country have been experiencing so  
23 much difficulty in achieving recognition and  
24 support and even racism is a fact that people are  
25 very ignorant about Aboriginal peoples issues and



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1 the Royal Commission is to improve that  
2 relationship, and what we are trying to do through  
3 these kinds of forums is to educate the public and  
4 try to bring the public along as we move towards  
5 formulating recommendations, because we know that  
6 in the end of the process when the report is final  
7 and when we go to have the recommendations  
8 approved we are going to need the support of not  
9 only the Aboriginal community of Canada but, as  
10 well, the non-Aboriginal community. so it is very  
11 important that our recommendations get understood  
12 by Canadians in general.

13                   Could you tell me why you make  
14 that statement of "Stop trying to convince non-  
15 Aboriginal people..." Maybe you can clarify that  
16 for me. Maybe it means -- it is confusing to me.

17                   **MR. DAN SMITH:** Okay. Thank you  
18 for asking the question, and I guess it was just  
19 my humorous way of saying "okay, let's do it."  
20 But it is a message that is going to -- that is  
21 directed to all people: Aboriginal, non-  
22 Aboriginal, on-reserve, off-reserve, treaty, non-  
23 treaty, status, non-status, Metis, Inuit.

24                   We have an inherent birthright as  
25 Aboriginal people. We know from the teaching of

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1 our parents, from our elders and our ancestors,  
2 whether we are status or non-status; we know that.  
3 Somewhere along the lines some problems came about  
4 that have created a division among Aboriginal  
5 people.

6 My dream sometimes, and quite  
7 often, is can we work together as Aboriginal  
8 people on-reserve/off-reserve, status/non-status,  
9 Metis? Can we work together in coexistence with  
10 non-Aboriginal people?

11 If unity is an individual  
12 aspiration or a collective aspiration, why is it  
13 we cannot do these things together? So let's just  
14 do it.

15 Do we need the will of government  
16 to be able to exercise the philosophy and  
17 principle of togetherness? No.

18 What we need is respect for each  
19 other and our differences and to exercise that.

20 So I am sorry if I am going on,  
21 but it is basically ---

22 **COMMISSIONER VIOLA ROBINSON:**

23 Okay. Thank you.

24 The other point I wanted to make  
25 and you sort of, I guess, answered it, is that we

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1 have heard in a lot of places across the country,  
2 and particularly in British Columbia, that we want  
3 traditional governments, we want our traditional  
4 governments recognized; we want to go back to our  
5 traditional way of governance, and this is coming  
6 from the communities and traditional people.

7 We hear that; some are saying "get  
8 rid of the Indian Act; we don't believe in these  
9 Indian Act types of governance; we should go back  
10 to our cultural, traditional way we know and we  
11 should be able to do that," and going back to the  
12 nationhood.

13 Let's say if the Indian Act and if  
14 we were to listen to the majority of people who  
15 told us scrap, get rid of Indian Affairs and the  
16 Indian Act and if that were removed -- the other  
17 thing we hear is that it has caused division  
18 amongst our people; it is the policies that --  
19 divide-and-conquer policies that have separated  
20 our people and has created the divisions and all  
21 the problems that have evolved out of our -- from  
22 social problems and all kinds of problems have  
23 happened because of the policies that have come  
24 down, if those were to be removed. And then we  
25 talk about nationhood, we want to be as a people

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1       like the Nisga'a and the Haida, and where I come  
2       from, I happen to be a Micmac, we could be a  
3       Micmac nation, if we were to do that, have that  
4       authority to control ourselves in our own way of  
5       thinking, and we have been told in British  
6       Columbia that is the way the people here think as  
7       nations of people. And you seem to think there is  
8       nothing to stop that, that can happen now if we  
9       were to just go ahead and exercise and to do that.  
10      And would that kind of a system or would that kind  
11      of a governing system, would that work? Would  
12      that be a solution for some of the problems that  
13      affect off-reserve people?

14                        We hear sometimes people say --  
15      Indian governments say "we want to provide  
16      services for the off-reserve, we want to extend  
17      services, we want to help our people, but we can't  
18      because of the policies and because of the way we  
19      are funded and the way we are forced to limit our  
20      services to a community." If those limitations  
21      were taken away would that assist or could that  
22      work?

23                        MR. DAN SMITH: Just some  
24      clarification with respect to getting rid of the  
25      Indian Act.

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1 I think that we are working  
2 towards that with our self-government approach  
3 both on and off-reserve.

4 At this point in time and history  
5 the Indian Act is the only protection that  
6 Aboriginal people feel is there for resolution of  
7 inherent right and self government and then  
8 eventually taking over -- taking control.

9 The ideal position and situation  
10 would be this: any particular First Nation, if it  
11 had access to all of its natural resources, there  
12 was some form of monetary or compensation, yes,  
13 they could have the infrastructure to provide  
14 service programs to the individual Aboriginal  
15 person who chooses to live away from home.

16 There is a "but", and that is why  
17 I am saying why is it we cannot work together.  
18 There is a "but" in terms of rights and benefits  
19 for those Aboriginal people who may not be  
20 recognized as an Aboriginal person because of  
21 registry. So that has to be resolved.

22 We have to, as Aboriginal people,  
23 clean up our own house, join together anyone of  
24 Aboriginal ancestry from that First Nation in  
25 order to move ahead; and so in answer to your

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1 question, yes, it is possible. But in the meantime  
2 we still have to address the issues and concerns  
3 that our Aboriginal people are facing off-reserve.

4 So what you are stating is the  
5 desired goal; what we are stating is a need for  
6 the short term.

7 **COMMISSIONER VIOLA ROBINSON:**

8 Thank you.

9 Your last recommendation here is  
10 to mandate the Federal Government to implement  
11 into the current education curriculum a process to  
12 educate non-Aboriginal people about our culture,  
13 traditions, governments and Canada's lawful..." I  
14 guess that would be -- education is under  
15 provincial legislation so I guess that would be  
16 something that -- have you tried? Have you been  
17 working with the Provincial Government or  
18 Department of Education or the school system to  
19 have more input into the administration of  
20 education?

21 **MR. DAN SMITH:** Yes, we have  
22 tried, and in many areas we have been successful  
23 with respect to say just for Vancouver itself.  
24 The establishment of the Native Education Centre  
25 is one institution that we would support,

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1 reinforce and advance.

2 Other institutions like the  
3 Vancouver Aboriginal Centre which is a stabilized  
4 institution in terms of its physical location and  
5 its longevity within the City of Vancouver could  
6 very well provide that.

7 I am talking about all levels with  
8 respect to the Federal Government to implement  
9 this kind of curriculum, and it addresses the  
10 situation of Aboriginal people not being informed  
11 about Canada's lawful obligation to Aboriginal  
12 people.

13 Because the existing education  
14 system from kindergarten to grade 12, post  
15 secondary and college provides very little  
16 opportunity for non-Aboriginal students to learn  
17 about the history of Aboriginal people, the  
18 various cultures, traditions, and provides very  
19 little opportunity with respect to Canada's lawful  
20 obligation, fiduciary responsibility, what the  
21 Constitution means. So given that we are  
22 outnumbered at the post-secondary areas as well as  
23 the education system, the non-Aboriginal person is  
24 developing and they soon become leaders and make  
25 decisions based on the education system, when it

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1 comes to Aboriginal issues and concerns, how can  
2 they make informed decisions about Aboriginal  
3 issues and concerns. So that is basically what I  
4 have been trying to encourage, is that it would  
5 cover all levels. Because the Federal Department  
6 has certain responsibilities; there are public  
7 schools, provincial schools on reserves that can  
8 very well accommodate these areas.

9 Yes, we look in the urban area as  
10 establishing a process where more Aboriginal  
11 people become involved in the school board system,  
12 but ideally we want to establish our own education  
13 systems based on our population needs within the  
14 communities.

15 **COMMISSIONER VIOLA ROBINSON:**

16 Okay. Thank you.

17 **MODERATOR LOU DESMARAIS:** Thank  
18 you very much.

19 We have run out of time. It is  
20 now five after.

21 What we are going to do -- and I  
22 have conferred with the next group that was due to  
23 present just before lunch -- we are going to stop  
24 here and have some lunch and come back at one  
25 o'clock and we will hear from the group



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1 representing the Vancouver Native Housing Society;  
2 there are two presenters there.

3 In the meantime, just before  
4 everyone breaks, I wonder if any other presenters  
5 for this afternoon are here could they come and  
6 see me before going for lunch.

7 So we stand adjourned to one  
8 o'clock.

9 Thank you.

10 --- Upon recessing at 12:07 p.m.

11 --- Upon resuming at 1:10 p.m.

12 **MODERATOR LOU DESMARAIS:** Okay, we  
13 are going to start the afternoon's presentations.  
14 We have with us Barb Charlie and Fern Chingose  
15 representing Vancouver Native Housing.

16 Without further ado, take it away.

17 **MS BARBARA CHARLIE:** Thank you,  
18 Lou.

19 I would like to thank George and  
20 Viola for being here in Squamish Territory,  
21 Quasnanoknoklut (Native Language), Capilano  
22 family, Squamish people.

23 My name is Micnaklut (PH) of the  
24 Capilano family, Squamish Nation. I am better  
25 known to many as Barbara Charlie, General Manager

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1 of Vancouver Native Housing, and I appreciate the  
2 chance on behalf of the Board of Directors and my  
3 staff of being able to do a presentation to  
4 yourself in regard to some concerns that we have.

5 Vancouver Native Housing Society  
6 was incorporated as an urban, non-profit housing  
7 society in 1984.

8 The primary objective of the  
9 Society is provide affordable housing appropriate  
10 to the needs of low income families of native  
11 ancestry in the urban setting.

12 The Society manages ten (10)  
13 apartment blocks which have 306 units in the  
14 downtown east side part of Vancouver.

15 We are in the process of starting  
16 construction of our eleventh building in July of  
17 this year.

18 The ten (10) projects are funded  
19 by Canada Mortgage and Housing Corporation and our  
20 eleventh building, the seniors building, is funded  
21 by B.C. Housing and Management Corporation.

22 I have a staff of twenty-nine  
23 (29). We are 95 per cent staffed by native  
24 Aboriginal people.

25 The overall management of the

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1 Society is done by a nine (9) member Board of  
2 Directors on a volunteer basis.

3 They send their apologies that  
4 they are not able to be here, the President or any  
5 of the Board Members, because they all have other  
6 commitments, and so they ask that Fern and I come  
7 in and do the presentation to you today.

8 Native Aboriginal people move into  
9 the urban setting due to the lack of housing on-  
10 reserve or in their own areas, lack of education  
11 services or lack of employment on their  
12 reservation settings.

13 In the City of Vancouver we do,  
14 and can continue to, provide safe, affordable,  
15 clean, well-maintained living conditions for  
16 native Aboriginal peoples.

17 The Vancouver Native Housing  
18 Society has a proven track record with both our  
19 funders and our tenants that we are a well-run,  
20 well-managed society.

21 As a housing society we are not  
22 merely landlords, but provide many other services  
23 to our tenants, and that is why I have Fern  
24 Chingose with me today. She is our tenants'  
25 relations officer within the Society.

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1                   The positive effects of CMHC  
2                   funding a small administrative staff for our  
3                   Society is a very cost-effective decision on their  
4                   part.

5                   We work with our tenants and act  
6                   as a resource to them.

7                   We refer them, if necessary, to  
8                   social services, family assistance programs,  
9                   sometimes drug and alcohol programs, mental health  
10                  programs, and work with the elementary schools.

11                  We draw on services such as UNN  
12                  presented to you this morning also, and we network  
13                  through Fern Chingose and myself with a lot of the  
14                  other urban groups that proudly coming before you  
15                  within these next two (2) days.

16                  So we are really doing  
17                  preventative work with our tenants before they  
18                  reach a crisis situation.

19                  The Federal Government has  
20                  steadily decreased native Aboriginal housing  
21                  commitments from a high of 1,100 units in 1986 to  
22                  750 in 1992.

23                  We have an active waiting list in  
24                  one housing society of 1600 at the present time,  
25                  and they are still walking in the door.

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1                   Now CMHC has decided to eliminate  
2 all unit allocations as of January 1, 1994.

3                   When native Aboriginal people do  
4 not have decent accommodation for themselves or  
5 their families, it creates stress on their every  
6 day lives.

7                   When they are on low income jobs,  
8 on social assistance or low band education funding  
9 and they have to pay exorbitant rents, it again  
10 creates stress on them.

11                   We assess rents at a quarter of  
12 their income per month.

13                   Some single parents are on an  
14 education fund from their band through DIA of  
15 eight hundred to a thousand per month, and a one-  
16 bedroom apartment in Vancouver rents out at -- on  
17 the market, regular market, at six hundred per  
18 month. So you can imagine them trying to exist on  
19 that.

20                   We feel that, you know, we are  
21 helping people like this on an ongoing basis and  
22 that is something that our society feels -- we do  
23 not judge people whether they are status, non-  
24 status or -- as long as they are Aboriginal  
25 people. And our main concern is ensuring that

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1 families have a decent roof over their heads, and  
2 we as a society do maintain good living conditions  
3 for them.

4 We would like to present our  
5 situation, concerns and positive solutions where  
6 possible.

7 The time frame given to us by  
8 yourselves and Herman Thomas is a very tight one,  
9 but as soon as you let me know -- I did this  
10 summary for you but I wasn't able to do the full  
11 package I would like to have done, but we will  
12 follow up with that more in-depth package after.

13 Those were our main concerns; that  
14 we do provided housing for any people coming in  
15 the urban setting for Aboriginal people coming  
16 into the Vancouver urban setting, and our concern  
17 is, you know, governments make the distinction  
18 between status and non-status or whatever. And,  
19 like I said earlier, that is not the way we look  
20 at it.

21 We look at their need and we try  
22 to make sure that each one of our buildings have  
23 good representation of single-parent families,  
24 people upgrading their education. And a statistic  
25 that Fern Chingose, who is with me, provided me

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1 with, is that once -- our first building opened in  
2 '84 and 70 per cent of those tenants are still in  
3 that building today.

4 We do not have a very high  
5 turnover of tenants. We need more units.

6 And something I would like to  
7 refer you to is a report done by your Aboriginal -  
8 - the Standing Committee on Aboriginal Affairs  
9 that Ethel Blondin is on; that is a good report,  
10 to my point of view, and if I had been able to do  
11 a more in-depth presentation to you today I would  
12 have referred to some of the facts in that.

13 And Robert Skelly is also on that  
14 committee, and that reflects some of the concerns  
15 that we as urban housing societies have, and what  
16 we are going through with the cutbacks at CMHC,  
17 that situation is getting very stressful. It is  
18 hard on us as a staff. Even yesterday I had an  
19 applicant crying because she was being -- she had  
20 already been evicted; her mother is staying with  
21 another relative, and I don't know where she was  
22 staying, and we don't have any apartments to give  
23 anyone. And so I would like to have a strong  
24 emphasis on that, that there is a value in funding  
25 more housing units for urban native groups.

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1                                   We are the only ones who can run  
2 them.

3                                   I don't know if CMHC thinks they  
4 could, but I do not believe they can.

5                                   I said that at the symposium that  
6 United Native Nations had here in the springtime.

7                                   As a native staff we work together  
8 with our tenants. We try to enable them, you  
9 know, to be independent, not dependent on us.

10                                  Our Society believes that the  
11 first primary concern should be the matter of them  
12 trying to keep the roof over their head. And,  
13 like I say, we have the building manager living  
14 right in the building so they keep the building  
15 clean. We have security on at night seven (7)  
16 nights a week from ten until six. Because  
17 downtown east side, that is a high crime area.  
18 So, you know, we make every attempt to keep the  
19 safety of our tenants the primary reason for  
20 Vancouver Native Housing. And we are very  
21 concerned at the cutbacks that are taking place as  
22 of January 1st. So that is why my Board of  
23 Directors, you know, asked me to come in and speak  
24 to you today. And, as I say, I am a Squamish Band  
25 member, and even there is no housing there for me.



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1 I am living in an apartment off-reserve.

2 My daughter is a band councillor.  
3 She is living off-reserve because there is no  
4 housing for her.

5 So whether you are on-reserve or  
6 off in the urban setting, it's a primary need, and  
7 if you have that roof over your head that is  
8 reasonable rent, that doesn't take away from your  
9 food and enables you to be able to raise your  
10 family in a happy, safe setting. But if all  
11 members are stressed out, you don't have enough  
12 money for food because you are paying it all on  
13 rent, that is something we as a staff try to  
14 ensure happens for our people. We are all very  
15 dedicated, hard-working staff. We have  
16 maintenance, maintenance crew; they keep up the  
17 buildings so they do not become ghettos. And we  
18 try to maintain the repairs on an ongoing basis.

19 So that was my main concern, is  
20 the cutbacks in funding.

21 We work very closely with the  
22 other housing societies in B.C. We work in --  
23 there is twenty (20) of us throughout B.C. Urban  
24 Native Housing groups and we work with B.C. Native  
25 Housing too. So, you know, and share with one

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1 another and try to support one another, because it  
2 is a difficult job.

3 So that is all I had to say on my  
4 official presentation, and if there are any  
5 questions I would be glad to ---

6 CO-CHAIR GEORGES ERASMUS: Thank  
7 you.

8 MS BARBARA CHARLIE: Fern, did you  
9 want to say anything?

10  
11 MS FERN CHINGOSE: No.

12 CO-CHAIR GEORGES ERASMUS: Were  
13 you going to add anything?

14 MS FERN CHINGOSE: Pardon?

15 MS FERN CHINGOSE: No. I just  
16 wanted to reiterate to what Barbara is saying, the  
17 growing need in this large city.

18 If you look at ---

19 CO-CHAIR GEORGES ERASMUS: Could  
20 we ask some questions?

21 MS FERN CHINGOSE: Oh, sure.

22 CO-CHAIR GEORGES ERASMUS: Those  
23 points were made earlier.

24 MS FERN CHINGOSE: Okay.

25 CO-CHAIR GEORGES ERASMUS: Could

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1 you describe how the actual program that is going  
2 to end, how does it actually work now? What does  
3 CMHC actually do for the units that are built now?  
4 Do they provide a hundred per cent funding; do  
5 they provide part funding and you go get a  
6 mortgage? What actually occurs?

7 **MS BARBARA CHARLIE:** Yes, that is  
8 going to continue. Like I say, I have a staff of  
9 twenty-nine (29), so thirty (30) with myself, and  
10 we are -- that includes ten (10) building  
11 managers, ten (10) weekend relief building  
12 managers. Administration staff is seven (7). And  
13 they fund us for those positions. That will  
14 continue because the buildings have to be  
15 maintained.

16 But the only cutback which ---

17 **CO-CHAIR GEORGES ERASMUS:** Maybe I  
18 didn't make my self clear.

19 **MS BARBARA CHARLIE:** Oh, okay.

20 **CO-CHAIR GEORGES ERASMUS:**  
21 Previously when an apartment block was going to be  
22 built ---

23 **MS BARBARA CHARLIE:** M'hm.

24 **CO-CHAIR GEORGES ERASMUS:** ---  
25 what was the actual program? What did they do?

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1 If a unit was going to cost a hundred thousand  
2 dollars each and you were going to build ten (10)  
3 units, did they give you a million dollars; or did  
4 they give you a down payment so you have got to go  
5 to the bank and get a mortgage? how did it work?

6 MS BARBARA CHARLIE: Oh, you put  
7 it out to tender.

8 CO-CHAIR GEORGES ERASMUS: M'hm.

9 MS BARBARA CHARLIE: And like we  
10 are just putting a new building up next month and  
11 it is going to be forty (40) units.

12 CO-CHAIR GEORGES ERASMUS: M'hm.

13 MS BARBARA CHARLIE: And we have  
14 to come in within a certain cost MUP.

15 MS FERN CHINGOSE: Unit maximum  
16 price.

17 MS BARBARA CHARLIE: Cost.

18 And that is something set up by  
19 CMHC. And we have to stay within that cost. So  
20 it is put out to tender and we had five (5) bids  
21 come in and then three (3) of them came fairly  
22 close as to what the architect had estimated. So  
23 you select on of them..

24 CO-CHAIR GEORGES ERASMUS: Is it a  
25 hundred per cent funded by Central Mortgage and

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1 Housing; do they provide the down payment and you  
2 go to the bank for ---

3 MS BARBARA CHARLIE: Oh, you go to  
4 the bank for a mortgage.

5 CO-CHAIR GEORGES ERASMUS: So all  
6 of these units actually have mortgages on it which  
7 you are paying with the rent ---

8 MS BARBARA CHARLIE: That's right.

9 MS FERN CHINGOSE: That's right,  
10 yes.

11 CO-CHAIR GEORGES ERASMUS: So how  
12 much actual dollars do they give you; is it a ten  
13 (10) per cent, twenty (20) per cent -- did they  
14 just give you the down payment? How does it work?

15 MS BARBARA CHARLIE: It is a  
16 hundred per cent financing, CMHC, but when we are  
17 talking about maximum unit ---

18 CO-CHAIR GEORGES ERASMUS: How can  
19 it be a hundred per cent financing if you go to  
20 the bank?

21 MS BARBARA CHARLIE: Well, they  
22 carry the mortgage for us. But getting back to  
23 the MUPs, for one bedrooms, two bedrooms, three  
24 bedrooms, four bedrooms, they all vary and the  
25 amount that is allowed per unit for that actual

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1 construction, so the forty-unit building that we  
2 are going to be receiving came in around \$3.2  
3 million was it?

4 MS FERN CHINGOSE: M'hm.

5 MS BARBARA CHARLIE: And so that  
6 would be -- the actual construction of the  
7 building -- would be provided by CMHC.

8 CO-CHAIR GEORGES ERASMUS: Well,  
9 the banks provide it, I guess.

10 MS BARBARA CHARLIE: Yeah, the  
11 bank does. But I mean they do the development  
12 moneys and basically ---

13 MS FERN CHINGOSE: Yeah, the  
14 development money.

15 CO-CHAIR GEORGES ERASMUS: Who  
16 owns the building?

17 I understand the bank has a big  
18 interest, but I mean who is the other owner? Is  
19 it Central Mortgage and Housing? Is it the Urban  
20 Housing ---

21 MS BARBARA CHARLIE: We have a  
22 contract with them; that, you know, there is a  
23 non-profit society in place.

24 CO-CHAIR GEORGES ERASMUS: Do you  
25 own the building with the bank?

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1 MS BARBARA CHARLIE: Yes. Not  
2 often the land, though.

3 CO-CHAIR GEORGES ERASMUS: I am  
4 sorry?

5 MS BARBARA CHARLIE: Not often the  
6 land, though. Like the City bought the land and  
7 then are leasing it to us.

8 CO-CHAIR GEORGES ERASMUS: So  
9 there is long-term leases?

10 MS BARBARA CHARLIE: Yeah.

11 CO-CHAIR GEORGES ERASMUS: When  
12 the mortgage is paid in 20-25 years, you will  
13 actually own the buildings?

14 MS BARBARA CHARLIE: Yes,  
15 Vancouver Native Housing will own the building.

16 I would like to say that a lot of  
17 our buildings are -- the land was purchased so  
18 just recent, though, it is changing that whereby  
19 the leasing arrangement is happening now.

20 CO-CHAIR GEORGES ERASMUS: Your  
21 first unit was built ten (10) years ago just  
22 about?

23 MS BARBARA CHARLIE: M'hm.

24 CO-CHAIR GEORGES ERASMUS: So a  
25 large portion of the mortgage must be paid off now

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1 in that case?

2 MS BARBARA CHARLIE: They are  
3 usually the 35-year mortgage type situation.

4 CO-CHAIR GEORGES ERASMUS: Thirty-  
5 five (35) year mortgage?

6 MS BARBARA CHARLIE: Yeah.

7 CO-CHAIR GEORGES ERASMUS: At some  
8 point your equity I guess is going to increase  
9 with paying down the mortgage.

10 Has there been anyone doing any  
11 calculating of how you could go back to the bank  
12 and get additional mortgages, get a down payment  
13 out of what you now have so you can build more  
14 units with your existing equity?

15 MS BARBARA CHARLIE: CMHC, when  
16 they made the announcement of this program  
17 cutback, 19 of the 20 societies were in Prince  
18 George and this is what they were saying, that  
19 they will be looking at alternative ways of coming  
20 up with funding. Because they aren't going to  
21 come up with new dollars. And I think that may be  
22 something -- they didn't say it, but that might be  
23 something that they are looking at too.

24 CO-CHAIR GEORGES ERASMUS: But  
25 your housing association hasn't looked at that?



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1 MS BARBARA CHARLIE: No, we  
2 haven't. We are only nine (9) years old.

3 CO-CHAIR GEORGES ERASMUS: Okay.  
4 Viola, do you have any questions?

5 COMMISSIONER VIOLA ROBINSON: No,  
6 I don't think I do have any questions.

7 All you have is just the ten (10)  
8 units, the ten (10) buildings ---

9 MS BARBARA CHARLIE: Oh, with 306  
10 units, yeah. Three hundred and six (306)  
11 apartments.

12 COMMISSIONER VIOLA ROBINSON: In  
13 the area --

14 MS BARBARA CHARLIE: In the ten  
15 (10) buildings.

16 COMMISSIONER VIOLA ROBINSON: That  
17 is out of the ten (10) buildings?

18 MS BARBARA CHARLIE: Yes.

19 COMMISSIONER VIOLA ROBINSON: But  
20 you don't buy houses and rent them out?

21 MS BARBARA CHARLIE: No.

22 COMMISSIONER VIOLA ROBINSON: Oh,  
23 okay. Because I know some housing groups do that.

24 MS BARBARA CHARLIE: Lu'ma does.

25 COMMISSIONER VIOLA ROBINSON: Oh,

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1           okay.

2                           **MS BARBARA CHARLIE:** They will be  
3 here tomorrow.

4                           **COMMISSIONER VIOLA ROBINSON:** So  
5 it is just the buildings. Okay.

6                           **MS BARBARA CHARLIE:** Yes. The  
7 land cost is so high that it is better to build  
8 apartment blocks.

9                           **MS FERN CHINGOSE:** I think Lu'ma  
10 is an older society than we are.

11                           **COMMISSIONER VIOLA ROBINSON:**  
12 Okay, that is good. Thank you.

13                           **MS BARBARA CHARLIE:** Okay.

14                           **CO-CHAIR GEORGES ERASMUS:** Thank  
15 you for coming before us and explaining the  
16 situation.

17                           **MODERATOR LOU DESMARAIS:** Thank  
18 you, Barb and Fern.

19                                   Our next presenter is Professor  
20 John Borrows with the Native Law program at the  
21 University of B.C., and he is the gentleman on my  
22 right here.

23                                   I must say, he is the youngest  
24 looking professor I have ever seen in my life.

25                                   I am going to turn the floor over

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1 to you, sir.

2 PROFESSOR JOHN BORROWS: Thank  
3 you. My students say the same thing.

4 As mentioned, my name is John  
5 Borrows, and I am an Anishnabe, a member of the  
6 Chippewa, of the Nawash First Nation in Southern  
7 Ontario. The land we call home is on the northern  
8 tip of the Niagara Peninsula known on the maps as  
9 Cape Croker.

10 There are about 1600 members of  
11 community and 800 live off-reserve, and I am now  
12 one of that 800.

13 I am a recent transplant to  
14 British Columbia and now am an Assistant Professor  
15 of Law at the University of British Columbia Law  
16 School and the Director of the First Nations Law  
17 Program there.

18 The First Nations Law Program is a  
19 legal education program. Education is one of the  
20 keys to improving First Nations positions in  
21 Canada.

22 I want to demonstrate to you how  
23 programs like the First Nations law program speak  
24 directly to the points the Commission outlined in  
25 Focusing the Dialogue.

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1 I will be speaking today about  
2 education within the university setting as we know  
3 it which is controlled by non-native people.

4 I will be submitting that First  
5 Nations must be more fully accommodated within  
6 these institutions.

7 This is not to suggest that there  
8 is no place for a separate First Nations  
9 controlled and run university. In fact, I would  
10 support such concepts because they can run  
11 parallel to the universities currently out there.

12 What I am suggesting, however, is  
13 that much more can be done within the current  
14 structures to allow First Nations to have greater  
15 participation, and I will speak about one attempt  
16 to do this.

17 The First Nations Law Program is  
18 one model that could be copied and implemented in  
19 other educational institutions with other  
20 disciplines.

21 We need First Nations programs in  
22 medicine, architecture, engineering, business,  
23 community planning, dentistry, et cetera.

24 I know that these programs are in  
25 their infancy in some places, but the promise of

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1 the national acceptance, encouragement,  
2 development and transmission of such programs is  
3 that this can help individuals heal and facilitate  
4 communities' self determination.

5 In saying this, I realize that  
6 what I am proposing is but one aspect of the many  
7 elements that need to be developed.

8 The foundation for what I am  
9 presenting starts with better elementary and  
10 secondary school education.

11 I am positive others have spoken  
12 about this.

13 However, while it is of course  
14 critical to have a good foundation when you are  
15 building something, it is also essential to put  
16 the roof on and complete the structure.

17 I will be speaking about that part  
18 of education which can complete the structure.  
19 That is post-secondary education for First Nations  
20 people.

21 Canada should actively contribute  
22 to this.

23 The factors that compel these  
24 actions are the treaty commitments in many places  
25 in Canada and the need for Canada to discharge its

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1 fiduciary obligations to First Nations.

2 Education is an Aboriginal and  
3 treaty right that should be recognized and  
4 affirmed.

5 I want to begin by summarizing my  
6 points.

7 From pages 9 to 19 of your report,  
8 Focusing the Dialogue, you develop a theme of  
9 public education as being one of the critical  
10 elements in defining a new relationship with  
11 Canada.

12 The basic point made there is that  
13 as people come to appreciate First Nations people,  
14 racism can be gradually counteracted and a  
15 reformulation of the relationships of power can  
16 occur.

17 The First Nations Law Program  
18 attempts to fulfill this goal as many of our  
19 future politicians and leaders are exposed to  
20 First Nations people at the law school and learn  
21 both formally and informally the error of many  
22 stereotypes and misconceptions about Aboriginal  
23 people in history.

24 Furthermore, many of the First  
25 Nations law students who have graduated from the

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1 program have been leaders that have helped to  
2 redefine relationships; people like David Joe, a  
3 negotiator for the Yukon Indians; Chief Edward  
4 John, a member of the B.C. Treaty Commission Task  
5 Force; Bill Wilson, a member -- former and long-  
6 time Vice-Chief of the AFN in B.C. and Penny  
7 Desjarlais, Legal Advisor for the MCC during the  
8 Charlottetown Accord, are but few of these people.

9 Second, and again in Focusing the  
10 Dialogue, while asking for solutions aimed at  
11 facilitating self determination the Commission  
12 makes reference to the need for constitutional  
13 amendments, an extension of the treaty process and  
14 the creation of political accords.

15 These items cannot be accomplished  
16 on the scale that is necessary without more of our  
17 people understanding the legal and political  
18 implications that such processes involve.

19 In order to have a greater  
20 equality of bargaining power, many more First  
21 Nations people in Canada must receive a type of  
22 education in different disciplines that the First  
23 Nations Law Program helps to offer.

24 Third, the Commission's report  
25 also refers to the need to have further solution-

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1 oriented dialogue on self sufficiency.

2 There is much talk about access to  
3 land and resources and strengthening tradition  
4 economies. This talk must be punctuated with  
5 technical understanding on both sides of the  
6 debate about what the different concepts mean and  
7 what their implications are.

8 The First Nations Law Program  
9 exposes First Nations students not only to  
10 conventional, black letter law concepts of modern  
11 commerce, but also attempts to critically analyze  
12 these concepts and define more culturally  
13 appropriate ways to development.

14 Finally, the Commission wanted to  
15 hear further dialogue on healing. The First  
16 Nations Law Program can directly contribute to  
17 this process as self esteem if built through  
18 participation in the law school experience.

19 As you can appreciate, healing  
20 needs to be holistic, and these students'  
21 experiences in law school must be connected to the  
22 communities that they will eventually serve.

23 As such, though it is not fully  
24 reality at our school yet, we are initiating a  
25 full-term clinical program for students to



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1 participate in the healing of themselves and their  
2 communities through serving them and learning in  
3 the process.

4 I will now demonstrate to you how  
5 the four (4) objectives the Commission identified  
6 are accomplished through describing the First  
7 Nations Law Program.

8 This program has been in existence  
9 since 1975 and has graduated over 100 Aboriginal  
10 law students. This represents approximately one-  
11 third of all the Aboriginal law graduates in  
12 Canada. These students take the same courses and  
13 are evaluated and graduate on the same basis as  
14 non-native students in the school.

15 All the experiences and  
16 opportunities available to other law students are  
17 open to First Nations students' participation.

18 However, being admitted to UBC in  
19 the First Nations' category, there is also a  
20 broader range of alternatives that you may find at  
21 other law schools.

22 I want to explain these.

23 First, the Program permits the law  
24 school to consider factors other than the Law  
25 School Admissions Test (LSAT) and their grade

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1 point averages in making decisions about First  
2 Nations people's admissions.

3 This is done in recognition of the  
4 need to have a greater representation of First  
5 Nations people in law school and the legal  
6 profession, and the need to consider cultural bias  
7 and educational obstacles that some First Nation  
8 students may have encountered.

9 These considerations have allowed  
10 the school to admit students with significant  
11 personal experience and impressive scholastic  
12 achievement.

13 Other educational programs can be  
14 similarly proactive to diversity the student body  
15 to legitimately include First Nations students.

16 I don't want to suggest by my  
17 presentation that we need thousands of lawyers  
18 (it's probably one of the curses of western  
19 society that we need to be careful of). But we do  
20 need more Doctors of medicine, social works, MBA's  
21 and others.

22 I am merely showing that  
23 affirmative action could work at other schools,  
24 and I would hope that the Commission recommend  
25 that money and resources be put towards these

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1       developments.

2                       Federal departments could fulfill  
3       their treaty obligations and fiduciary role with  
4       First Nations through greater contribution to  
5       First Nations post-secondary education.

6                       Second, the First Nations Law  
7       Program offers academic and personal support for  
8       students who find a need for assistance in these  
9       areas throughout the year. Individual tutors and  
10      group tutorials are available if students request  
11      them. We have had many different types of  
12      tutorials in operation this year which I think  
13      people found helpful.

14                      Those who did not feel tutorials  
15      would suit their learning style are, of course,  
16      under no obligation to participate.

17                      My point here is that once  
18      students are admitted under First Nations  
19      Programs, the school itself cannot remain static.  
20      It needs to take steps to encourage those who are  
21      experiencing cultural dissonance in their new  
22      setting.

23                      After all, schools are there to  
24      educate. Public educational institutions need to  
25      take this type of responsibility along with First

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1 Nations to ensure that they are responsive to the  
2 people's needs once they are admitted.

3 Third, the First Nations Law  
4 Program attempts to facilitate educational  
5 experiences that would be relevant to those who  
6 decide that they would like to do some of their  
7 work with First Nations communities when they  
8 graduate. Six courses help to meet this  
9 objective:

- 10 1) First Nations and the Law,  
11 which is a survey course
- 12 2) First Nations and Economic  
13 Development
- 14 3) First Nations Self-Government
- 15 4) Treaties and Land Claims
- 16 5) First Nations and Criminal  
17 Justice, and
- 18 6) International Indigenous  
19 Issues.

20 Four professors who have  
21 significant experience in dealing with First  
22 Nations legal issues teach these courses.

23 As people take these courses they  
24 will have an opportunity to be exposed to many  
25 innovative ideas and develop their own scholarship

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1 in response to the issues raised.

2 We are also working to further  
3 develop the clinical experiences to augment the  
4 issues addressed in the above courses. The  
5 students are interested in developing working  
6 relationships with other First Nations groups  
7 within Vancouver and British Columbia that would  
8 be related to their educational experience at the  
9 school. As such, I am attempting to identify  
10 groups that students could be involved with to  
11 assist them in their legal challenges.

12 With this involvement, students  
13 would have an opportunity to reflect upon how they  
14 plan to use their legal education once they have  
15 completed law school. And it would also provide  
16 students with an opportunity to research areas of  
17 laws that are important to First Nations  
18 communities.

19 As our communities are self-  
20 governing, though this point was not always  
21 recognized in the past, students may work in  
22 helping organizations that represent First Nations  
23 to redefine the manner in which they relate to  
24 other organizations and communities, and even in  
25 how they relate to the laws of Canada.

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1                   And as you take this into just  
2 different disciplines -- for instance, medicine --  
3 there could be clinical experiences with medicine  
4 in the community where First Nations are involved  
5 in their own hometown, their home places.

6                   About two-thirds of the students  
7 that participate in these classes and educational  
8 experiences are non-native. This represents a  
9 terrific opportunity to develop new relationships  
10 by overcoming racism and shifting the imbalance of  
11 power as they are exposed to these students and  
12 the ideas taught in the classes.

13                   There needs to eventually be more  
14 Aboriginal professors in all disciplines to  
15 facilitate this experience. Currently there are  
16 only four (4) Aboriginal law professors in Canada:  
17 Mary-Ellen Turpel, Patricia Montour, Darlene  
18 Johnson and myself.

19                   Fourth, the First Nations Law  
20 Program had 48 (Aboriginal) students enroled this  
21 year in the Law School. This was by far the  
22 largest number of First Nations individuals  
23 enroled in a law school in Canada.

24                   These people were form all across  
25 Canada and represented over 25 First Nations.

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1 I expect that we will have been  
2 fifty (50) and sixty (60) First Nations students  
3 at UBC law school next fall.

4 The advantage of so large a group  
5 of First Nations students is that they provide a  
6 friendship and support network as they go through  
7 school.

8 There is a recognition by the  
9 Program and other students that there will  
10 continue to be diversity in the student body as  
11 each person brings a different background and  
12 Aboriginal affiliation to the group. These ties  
13 are varied because of historical definitions  
14 or contemporary factors, and these create  
15 different perspectives on what it means to be a  
16 First Nations person. Within these differences,  
17 First Nations students meet and work together in  
18 the First Nations Law Student Association. This  
19 group plans social functions and raises First  
20 Nations issues in the law school.

21 I think it is important as  
22 educational programs develop like the one I am  
23 describing that the administrators do not  
24 stereotype what an "Indian" is and thus stifle  
25 First Nations peoples diversity and individual

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1           creativity. I would encourage the Commission to  
2           recognize the importance of First Nations peoples  
3           coming to educational institutions in large  
4           numbers so as to create a critical mass to be able  
5           to undertake the initiatives required.

6                         Finally, there are other resources  
7           on the campus that make UBC people's choice of law  
8           school. We have just recently completed our First  
9           Nations House of Learning, a \$5 million longhouse  
10          structure to create greater educational  
11          opportunities and experiences for First Nations on  
12          campus.

13                        The law school also sets aside  
14          moneys and bursaries to assist the students.

15                        The attractiveness of designated  
16          universities that choose to replicate the model I  
17          am suggesting in different faculties could  
18          increase as special First Nations housing is also  
19          created.

20                        A real disincentive for many  
21          students in the transition from their community to  
22          school is lack of housing. This transition could  
23          be eased as places are built and set aside for  
24          them.

25                        The Commission could recommend



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1 that DIA or CMHC designate a certain portion of  
2 their budgets for such projects, and we could work  
3 in combination with the other housing  
4 organizations in town.

5 First Nations communities could be  
6 provided with resources to devote to schools which  
7 meet their objectives, and this could create  
8 partnerships and ensure that academic programs  
9 remain rooted in community goals.

10 Now that I have explained to you  
11 the benefits of the First Nations Law Program and  
12 how it can contribute to a new relationship, self-  
13 determination, self-sufficiency and healing, I  
14 want to suggest that the works that such programs  
15 participate in should expand well beyond the  
16 traditional boundaries of knowledge in each  
17 program's respective field.

18 The Commission should recommend  
19 that money be set aside and budgetary allocation  
20 for such developments and that the communities be  
21 involved with the universities to accomplish this.

22 For example, medical schools could  
23 learn much from First Nations healing. Social  
24 work schools could develop First Nations social  
25 helping skills. And business schools could learn

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1 and teach First Nations business practices.

2 I want to demonstrate what I mean  
3 by this by reference to law.

4 Canadian law schools have offered  
5 courses in First Nations law for at least 25  
6 years. These courses were innovative at the time  
7 they were initiated because they explored law in  
8 its social context.

9 These courses accomplished this  
10 objective by illustrating the partiality of common  
11 law interpretation and identifying the difficulty  
12 in cross-cultural litigation through identifying  
13 cases where a particular group of people were  
14 disadvantaged by the application of law.

15 Even today these courses continue  
16 to occupy an important place in any law school  
17 curriculum as they provide an example of how law  
18 has failed to comprehend and protect the rights of  
19 people with cultural differences.

20 But despite the many excellent  
21 courses that have been taught in this area it is  
22 time that these offerings were expanded to include  
23 those practices and precedents which guided and  
24 continue to inform our people as First Nations in  
25 contemporary decision-making.

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1                   The teachings of First Nations law  
2 would serve at least three (3) purposes in First  
3 Nations communities. I hope the Commission will  
4 recommend that this similar teaching in various  
5 fields be required in universities.

6                   First, the teachings of First  
7 Nations law would support assertions of our  
8 inherent right to self-government. As we  
9 demonstrate that the principles which inform  
10 decision making are still based in our traditions,  
11 we can more firmly argue that these things have  
12 not been extinguished, and thus should be  
13 recognized and affirmed as Aboriginal rights under  
14 s. 35(1) of the Canadian Constitution.

15                   Second, teaching First Nations law  
16 would increase the precedential pool for many of  
17 the criminal justice initiatives that are underway  
18 in Canada by contributing to the storehouse of  
19 legal principles that could be available to  
20 resolve these disputes.

21                   Finally, teaching First Nations  
22 law would be a support to the growing number of  
23 First Nations law students who want to learn ideas  
24 that are relevant to their people should they  
25 decide to undertake the practice of law in their

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1 communities.

2 I want to suggest that the library  
3 that contains First Nations law is in the minds of  
4 our Elders  
5 and in the books of our artists.

6 Research must be undertaken to  
7 uncover these precedents by speaking to those  
8 respected people in our community who possess a  
9 memory and understanding of the myths, legends,  
10 tales and stories that have been preserved.

11 Once these stories are told they  
12 must start to take a more central place in our  
13 conversations and writing so that they might be  
14 reasserted into every day discourse and regain the  
15 credibility and familiarity which would allow them  
16 to be authoritative in providing guidance in  
17 answer to our disputes.

18 I now want to give you one example  
19 of this by taking a story from our people  
20 involving Nanabush and his encounters with the  
21 deer. This story, by the way, is from my great,  
22 great, great grandmother.

23 In the distant mists of time, the  
24 Anishnabe Nation rendered its judgment in the case  
25 of Nanabush v. Deer. The decision signifies an

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1 important principle in the development of First  
2 Nations resource law. After weighing strong  
3 competing factors, the Elders of the Nation  
4 proclaimed an important societal legal position  
5 with respect to natural resource use. Natural  
6 resource use of First Nations is defined by the  
7 Elders in reference to the competing use of third  
8 parties. Resource law in the Anishnabe First  
9 Nation has always stressed the significance of the  
10 intersection of relationships in the natural and  
11 human world. This case provides the Elders with  
12 an opportunity to illustrate this principle.

13 This comment will examine the  
14 Nanabush decision to demonstrate the implications  
15 which this case has for the use of resources  
16 situated in our territories that are subject to  
17 the competing claims of third parties.

18 The Facts:

19 Nanabush was journeying through  
20 the forest when he saw a deer coming towards him  
21 to get a drink. Nanabush stopped the deer and  
22 said "What is the matter with your eyes? They  
23 look so very red. They certainly must be quite  
24 sore. I have some medicine here for sore eyes."  
25 The deer answered that his eyes were not sore and

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1           that their redness was their natural condition.  
2           Nanabush interjected "I never saw them like they  
3           are today. My eyes were sore like that for some  
4           time, but I cured them with this." Nanabush  
5           showed the deer some berries he had in his hand.  
6           Finally he persuaded the deer to take some of the  
7           medicine. He took a handful of berries and rubbed  
8           them in the deer's eyes. The deer's eyes became  
9           very painful and he dropped to the ground. As the  
10          deer was down, Nanabush pounded the deer with a  
11          club and killed it. He then dressed the deer and  
12          roasted it, leaving only the head for his  
13          grandmother.

14                           When Nanabush sat down to eat, he  
15          saw a tree nearby, and every time the wind blew,  
16          one of its branches would screech. Nanabush  
17          didn't like this, and he said to the branch "Don't  
18          you bother me, just when I want to eat, for I am  
19          very hungry." But each time, just before he took  
20          a bite, the branch began to screech. So, Nanabush  
21          got up and climbed into the tree to take off the  
22          branch that was screeching. But, just as Nanabush  
23          broke off the branch, his wrist got caught between  
24          two branches and he was compelled to hang in the  
25          tree for some time.

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1                   As he was there, unable to free  
2 himself, he saw a pack of wolves running along the  
3 river. They were just about to run by when  
4 Nanabush shouted out "Run right on, do look in  
5 this direction." When they heard this, the wolves  
6 said, "Nanabush must have something there, for he  
7 would not tell us to run ahead if he didn't." So  
8 they all went to Nanabush and found, and ate, all  
9 the deer that had been roasted. When they were  
10 finished, Nanabush said again, "Now go right  
11 ahead, don't look in the tree there," so the  
12 wolves looked up and saw the deer's head hanging  
13 in the branches. They pulled it down and ate all  
14 the meat that was on it. Just as the wolves were  
15 leaving Nanabush managed to release his wrist and  
16 come down from the tree. He could not find the  
17 slightest piece of deer meat. He turned the head  
18 around but could find nothing.

19                   Then Nanabush thought of the deer  
20 brains. So he transformed himself into a very  
21 small snake and burrowed his way into the head.  
22 He ate all the deer brains, but when he tried to  
23 get out, he found that he was unable to do so. So  
24 he transformed himself into Nanabush again. But  
25 now he had a deer head on his head. With this he

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1 went to the river, but there he came upon some  
2 people who mistook him for a deer. They gave  
3 chase to him and he ran away. In running, he  
4 tripped, and fell down. The deer head struck a  
5 stone and broke open, and thus he was freed again.

6 Now the issues:

7 Do Nanabush's actions violate the  
8 imbalance required by law in the relationship  
9 between humans and animals.

10 The Anishnabe attributed some of  
11 their society's afflictions to the misbalance of  
12 the hunting relationship between humans and  
13 animals. Nanabush was in violation of these  
14 principles because he failed to respect the  
15 dignity and body of the deer. The court arrived  
16 at this conclusion by accepting the earlier case  
17 of Crow, Owl, Deer et al v. Anishnabe.

18 Now, in the Crow case the deer,  
19 moose and caribou left the land of the Anishnabe  
20 and were captured by the Crows. The Crows kept  
21 them in confinement and the Anishnabe eventually  
22 discovered this and went to battle against the  
23 birds. There was a long and bitter battle in  
24 which neither side could prevail over the other.  
25 All during the battle the deer look on with



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1        seeming indifference to the outcome. Eventually a  
2        trace was called and the Anishnabe met with the  
3        Crow and Deer in council. They asked "Why are you  
4        unconcerned with our efforts to rescue you from  
5        your forced confinement? We have endured  
6        hardship, and risked death on your behalf. Still  
7        you appear indifferent." The Chief Deer replied  
8        "You have assumed wrongly that we are here against  
9        our wishes. On the contrary, we chose to remain  
10       here and are quite content. The Crows have  
11       treated us better than you ever treated us when we  
12       shared the same country with you."

13                                The Anishnabe were astonished and  
14       asked the Deer how they had offended The Deer  
15       spoke sadly "You have wasted our flesh; you have  
16       despoiled our haunts; you have desecrated our  
17       bones; you have dishonoured us and yourselves.  
18       Without you we can live. But without us, you  
19       cannot live." The Anishnabe then asked how they  
20       should make amends, they said their indifference  
21       was not ill will. They (Anishnabe) asked "How  
22       shall we atone for your grief?" The Chief Deer  
23       answered "Honour and respect our lives, our  
24       beings, in life and in death. Cease doing what  
25       offends our spirits." The Anishnabe promised and

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1 the Crows released their captors from bondage.

2 The Crow case has application to  
3 the Nanabush case as it is clear that Nanabush  
4 broke the law by disregarding the promise of  
5 respect. Nanabush's method of killing the deer,  
6 the way in which his actions caused the deer to be  
7 despoiled by the wolves, and the breaking of the  
8 skull of the deer all point to the creation of an  
9 imbalance in the relationship of human to animal  
10 and constitute a violation of Anishnabe resource  
11 law.

12 Nanabush's violation and the  
13 subsequent imbalance has important consequences  
14 for Anishnabe people in the use of their land. If  
15 resources are not honoured and respected, there is  
16 the eventual consequence that these resources will  
17 no longer be in our lands. When these resources  
18 are gone, no matter what they are, our people will  
19 not longer be able to sustain themselves because  
20 as the case states: while the resources have an  
21 existence without us, we have no existence without  
22 them.

23 I am hoping that this is one  
24 demonstration of what can be accomplished in many  
25 disciplines in many different programs across this

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1 country to reinfuse First Nations and Aboriginal  
2 peoples with the tools that they need to be able  
3 to meet the difficulties they face.

4 I have sought to demonstrate how  
5 the Royal Commission's encouragement of resources  
6 being devoted to First Nations education programs  
7 can provide solutions to the dilemmas we face  
8 regarding self-government.

9 I have demonstrated how the First  
10 Nations Law Program is one such model that  
11 attempts to produce this result.

12 To summarize then the  
13 recommendations that I have put forward, I would  
14 suggest that the Commission:

15 strongly encourage Parliament  
16 and the Legislatures to set  
17 aside money in their budgets  
18 to universities and colleges  
19 to create First Nations  
20 education programs that meet  
21 First Nations objectives.  
22 Affirmative action and  
23 traditional learning of First  
24 Nations materials should be a  
25 part of the mandate of these

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1 programs. Resources should  
2 be made available to make  
3 better use of this public  
4 resource for First Nations.

5 The factor that compels these  
6 actions are treaty commitments in many places in  
7 Canada and the need to for Canada to discharge its  
8 fiduciary obligation to First Nations.

9 That is my presentation, if there  
10 are any questions.

11 **CO-CHAIR GEORGES ERASMUS:** Thank  
12 you. That is an intriguing kind of way of making  
13 a presentation.

14 I think the presentation is  
15 extremely well done. It presents its case  
16 extremely well, about how the First Nations Law  
17 Program of the University of British Columbia has  
18 really assisted in creating a body of Aboriginal  
19 people that now have legal training. The evidence  
20 really certainly speaks for itself.

21 You mentioned four (4) people that  
22 are law professors. I can think of at least two  
23 (2) more: Paul Chartrand, who is the Commissioner  
24 from Winnipeg.

25 **PROFESSOR JOHN BORROWS:** Yes.

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1                   **CO-CHAIR GEORGES ERASMUS:** And I  
2 guess Leroy Littlebear.

3                   **PROFESSOR JOHN BORROWS:** Yes, they  
4 teach law; there is no doubt about that. I was  
5 referring to people that were in law schools that  
6 grant LLB degrees.

7                   **CO-CHAIR GEORGES ERASMUS:** Right.

8                   **PROFESSOR JOHN BORROWS:** Yes.

9                   **CO-CHAIR GEORGES ERASMUS:** Well, I  
10 don't have any questions. I think your  
11 presentation really speaks for itself, how, if the  
12 same kind of First Nations educational program was  
13 involved in the other disciplines, would create a  
14 larger return of Aboriginal people, no question  
15 about it.

16                   Viola, do you have any comments or  
17 questions?

18                   **COMMISSIONER VIOLA ROBINSON:**

19 Well, it is just that I, too, think, you know,  
20 that the presentation was extremely well done and  
21 you have given us -- I think that those are good  
22 recommendations.

23                   I would just like to ask you about  
24 the program itself on how it is resourced as far  
25 as funding.

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1 I know there is are universities  
2 in other places in Canada who probably have some  
3 desire to implement something similarly, but they  
4 don't have the financial means to do it.

5 PROFESSOR JOHN BORROWS: Yes.

6 COMMISSIONER VIOLA ROBINSON: How  
7 is this one supported?

8 PROFESSOR JOHN BORROWS: This is  
9 taken out of the hard money of the university's  
10 budget.

11 In the past, when Sam Stevens was  
12 the former Director, it was funded on a three-year  
13 contract basis through the Department of Indian  
14 and Northern Affairs, but three years ago there  
15 was a decision to create a tenure track position  
16 to be the position that I now occupy, and they  
17 took that out of the hard resources of the  
18 university. And they also funded a secretary on  
19 that same basis. And the bursary money that I  
20 mentioned to you as well is from the general  
21 bursary funds of the university. I think one came  
22 to us from the Law Foundation of British Columbia,  
23 but instead of devoting that to other within the  
24 law school they decided to strictly target First  
25 Nations students for that.

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1 I think that is the kind of  
2 commitment that the universities need to make  
3 because otherwise you are always on soft money and  
4 you are not able to development the program in the  
5 way you choose.

6 COMMISSIONER VIOLA ROBINSON: I  
7 agree with you. I think they have to make the  
8 commitment and they have to stand behind it,  
9 because there are some universities where they  
10 have tried and they had to have external funding.

11 PROFESSOR JOHN BORROWS: Yes.

12 COMMISSIONER VIOLA ROBINSON: And  
13 when that external funding goes, they say they  
14 have commitment but yet there is nothing, nothing  
15 there ---

16 PROFESSOR JOHN BORROWS: That's  
17 right.

18 COMMISSIONER VIOLA ROBINSON: ---  
19 so that is very, very important.

20 PROFESSOR JOHN BORROWS: Yes.

21 COMMISSIONER VIOLA ROBINSON: So I  
22 think this university is very unique; one of the  
23 unique universities in Canada that offers that and  
24 gives a commitment with the support; that it is  
25 very encouraging.

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1                   **PROFESSOR JOHN BORROWS:** Yes. And  
2 I think there are compelling reasons for it: as I  
3 mentioned, the treaty rights to education and the  
4 fiduciary obligation that exists.

5                   I mean these universities should  
6 be put in the position where they are to live by  
7 these obligations that they have assumed as  
8 Canada.

9                   **COMMISSIONER VIOLA ROBINSON:** And  
10 the other thing I just wanted to allude to just  
11 for a second is your recommendation for CMHC -- I  
12 guess you heard -- I don't know if you were here  
13 this morning about the trauma that all the housing  
14 groups are in since they are terminating  
15 everything.

16                   **PROFESSOR JOHN BORROWS:** Yes.

17                   **COMMISSIONER VIOLA ROBINSON:** And  
18 I don't know what is going to happen there.

19                   **PROFESSOR JOHN BORROWS:** I  
20 appreciate there will be great difficulties there,  
21 but it seems to me that there is land on the  
22 university to be able to do these things and  
23 agreements and negotiations can be worked between  
24 the funders and the university. And perhaps, you  
25 know, universities build residences anyway; there



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1 could be some sort of partnership between these  
2 community organizations like Lu'ma and their  
3 friends that just spoke before to find some  
4 creative solutions to this shortage of money that  
5 is there, and a partnership might be one way of  
6 doing that.

7 **COMMISSIONER VIOLA ROBINSON:**

8 Well, I guess if it is going to happen it will  
9 probably happen there.

10 Thank you.

11 **PROFESSOR JOHN BORROWS:** Great.

12 Thank you.

13 **CO-CHAIR GEORGES ERASMUS:** Thank  
14 you.

15 **MODERATOR LOU DESMARAIS:** We are  
16 now going to hear from the Mennonite Central  
17 Committee of British Columbia; Mr. Darryl Klassen  
18 and Mr. Eric Gilman will be making the  
19 presentation.

20 And I wonder, gentlemen, if I  
21 could get you seated on the right here where  
22 Professor Borrows was before.

23 I will get you to introduce  
24 yourselves; or Darryl, perhaps you can introduce  
25 yourself and your colleague and then just carry

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1 on.

2 MR. DARRYL KLASSEN: My name is  
3 Darryl Klassen. I am with the Mennonite Central  
4 Committee, B.C., and I will let Eric introduce  
5 himself.

6 MR. ERIC GILMAN: I am Eric  
7 Gilman; I am a voluntary service worker with the  
8 Mennonite Central Committee of B.C.

9 MR. DARRYL KLASSEN: We have tried  
10 to shorten our presentation here a little bit in  
11 the interest of time, so I believe you -- the  
12 Commissioners have copies. We will skip around a  
13 little bit. I will try to keep you posted on  
14 where we are.

15 We would like to thank the  
16 Commission first for the opportunity to make this  
17 submission, and for their leadership in broadening  
18 the dialogue to include all Canadians. We believe  
19 strongly that a new relationship must begin  
20 through dialogue, cooperation, and mutual respect.  
21 It is our hope that our voice will contribute a  
22 positive part to this dialogue.

23 The Mennonite Central Committee is  
24 a relief, service and development agency of North  
25 American Mennonite and Brethren in Christ

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1 Churches. MCC was born in 1920 in response to  
2 hunger and related human need brought on by war  
3 and revolution in Russia and the Ukraine.

4 Our work then was primarily to  
5 send food and material aid.

6 In 1940, MCC began a growth period  
7 in response to the agony of war and a concern for  
8 peace.

9 Human suffering called for a  
10 compassionate response.

11 Alternative service opportunities  
12 were found for conscientious objectors during the  
13 war and relief and refugee programs were  
14 established in Europe at the close of the war.

15 In the fifties and sixties MCC  
16 programs expanded in Asia, Africa, and Latin  
17 America. Today, MCC has more than 900 volunteers  
18 serving two to three-year assignments in some 50  
19 countries, including volunteers and staff in North  
20 America.

21 Our assignments include  
22 agricultural development, water conservation,  
23 health, formal and informal education, economic  
24 and technical projects, church-related programs,  
25 social services, and peace-making.

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1                   There is an excerpt in here from  
2 the statement that MCC made to Aboriginal people  
3 last year to the quin-centennial of Columbus  
4 "discovery," and I won't read that.

5                   I also have copies of that  
6 available if you would like the entire copy,  
7 although I don't think I brought any.

8                   If you skip down to the bottom,  
9 then, of the page.

10                  That statement concluded -- I will  
11 just read the final, the conclusion:

12                   "We join you, the Aboriginal  
13 people of the western  
14 hemisphere, in celebrating  
15 your valiant survival against  
16 500 years of conquest. We,  
17 of non-Aboriginal heritage,  
18 pledge to join you in working  
19 toward a new chapter of  
20 honourable co-existence."

21                  Your relationship with Native  
22 communities in B.C. has been a continuing one for  
23 almost 20 years.

24                  To those which we haven't yet met  
25 we extend the hand of friendship in hope of being

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1 mutually enriched.

2 If we have had some good  
3 experiences and have some positive stories to  
4 tell, then we must also say that there have been  
5 setbacks and disappointments. Often these have  
6 been due to our own misunderstanding and weakness.

7 What successes there have been  
8 must be credited to the people with whom we have  
9 worked. We can only receive with humility their  
10 generous acceptance, trust and friendship.

11 One more comment is necessary  
12 before we proceed to the purpose of this  
13 submission.

14 What we have to say today grows  
15 out of grass-roots, shoulder to shoulder working  
16 with Native people.

17 Our observations and  
18 recommendations are based on this experience.

19 While we do not address the big  
20 issues directly in this submission (land claims,  
21 self-government, etc.), we are convinced that  
22 resolution of these issues is necessary. Nothing  
23 we say should be construed in any other way.

24 We are in full support of serious  
25 and immediate negotiation to settle these long

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1 outstanding grievances.

2 And we will focus a little on our  
3 experience then at this point.

4 In the following section we would  
5 like to reflect on two different Native  
6 communities with whom we have worked.

7 In order to respect their autonomy  
8 and our friendship, we will use pseudonyms for the  
9 purpose of telling this story.

10 With community one, Sunnyside  
11 let's call it, our work has primarily revolved  
12 around small-scale economic development projects.

13 We are presently beginning our  
14 fourth year of working with these people.

15 With community two, Ocean Village  
16 let's call it, our relationship has existed for  
17 some 20 years. In that time we have worked  
18 together on a number of different projects and  
19 agendas. For the purpose of this presentation we  
20 would like to limit our comments to band efforts  
21 in education.

22 Sunnyside is the first community.

23 Before I proceed to tell you the  
24 story of Sunnyside, I should give you some  
25 background on the MCC Native gardening program.

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1                   In 1976 Ojibwa elder Joseph McKay  
2                   of Sachigo Lake, Ontario invited MCC to send  
3                   someone to help reintroduce gardening to his  
4                   community. He was concerned that this traditional  
5                   activity was in danger of being lost. He was also  
6                   look for a way for members in the community to  
7                   obtain good, inexpensive food. MCC responded by  
8                   sending a volunteer gardener.

9                   The program was a success and  
10                  since then MCC has sent 200 gardeners to 45 native  
11                  communities across Canada.

12                  Volunteer gardeners have worked  
13                  with families or groups of families in preparing,  
14                  planting gardens and harvesting.

15                  In recent years we have also  
16                  broadened the focus of our annual one-week  
17                  gardening orientation to include representatives  
18                  from Native communities. This has improved the  
19                  program in a number of ways. It has contributed a  
20                  healthy and practical cross-cultural component to  
21                  the group dynamics of the orientation.  
22                  It has also allowed us to extend gardening  
23                  promotion to communities where there is  
24                  considerable interest, but where we might be short  
25                  of volunteers.

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1                   Prior to being invited to send  
2 garden promoters to Sunnyside, we had significant  
3 discussing with band leadership around our church-  
4 based mandate and our principles of interaction.

5                   We stressed that MCC volunteers  
6 are placed in communities to work with, not for  
7 the people. The project is a two-way affair. And  
8 we will have more to say about that a little  
9 later.

10                  The band provides housing for the  
11 volunteers, makes available rototillers and helps  
12 promote local interest. Families provide tools  
13 and pay for seeds. MCC provides volunteers to  
14 assist the families in the selection of garden  
15 plots, fence building, tilling, seeding, and all  
16 that other stuff.

17                  Above all, we stressed local  
18 accountability. The project is not that of MCC,  
19 but belongs to the community.

20                  And we will skip over some of this  
21 here which is more or less the story. I would  
22 just stress that over the three summers that we  
23 have had gardeners working in the community, a  
24 very good relationship of trust, I think, and of  
25 sharing has developed.



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1 Bottom of page 5: I would just  
2 stress that the other thing, that what having  
3 volunteers working at the grass-roots -- no pun  
4 intended -- in Native communities has done is that  
5 the volunteers have gotten involved in all kinds  
6 of other activities there.

7 We don't prescribe their agenda  
8 and what it is to be. They are to be responsive  
9 to agendas that arise in the community.

10 Top of page 6: Over the past  
11 three years -- this is the fourth summer there has  
12 been the beginning of a small market garden, and a  
13 certain amount of produce being sold in the area.

14 There has also been initiated --  
15 and this year is the second year that it is  
16 functioning -- a small-scale community initiated  
17 locally funded irrigation system. And that was  
18 placed in part for the community garden; also in  
19 part for plots that people from the community are  
20 gardening in this irrigated area.

21 And then I would like to halfway  
22 down page 6 just reflect a little bit on what we  
23 have learned from gardening wit Native people.

24 In reflecting back on four years  
25 of relationship with the people of Sunnyside and

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1 on similar longer or shorter relationships we have  
2 begun to learn the following:

3 First, and perhaps most important,  
4 we have learned that Native communities have as  
5 their basis values which are different than ours.  
6 While it is beyond the scope of this paper to  
7 attempt a detailed articulation and analysis of  
8 these differences, the recognition of their  
9 existence is, in our minds, fundamental to  
10 successful relationships between our communities.

11 Furthermore, to transport what  
12 might be a workable model of economic development  
13 from one system into a community which operates by  
14 another, is to virtually guarantee its failure.

15 An example might be appropriate:

16 Many Native communities are in  
17 important ways artificial creations of government  
18 policy. They are often amalgamations of families  
19 or clans that historically did not work or live  
20 together. Given an underlying value system which  
21 places virtue on caring for each other through  
22 family or clan lines, and overlaying that with a  
23 foreign system of government, ie. elected band  
24 councils, creates further tension.

25 Appropriate community or economic

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1 development then should recognize this underlying  
2 value system as being the one by which the people  
3 function and attempt to build on it.

4 In Sunnyside, this is often  
5 translated into seeing development projects arise  
6 from within certain family units.

7 The real communities, groups of  
8 people who work together for mutual benefit and  
9 support, are then extended families, not an  
10 arbitrarily thrown together geographic  
11 concentration of people.

12 By definition then, community  
13 economic development is based upon individual  
14 families and the individuals within these families  
15 who take leadership and are respected and  
16 supported in that role by other family members.

17 The question with regard to  
18 development then comes down to distinguishing  
19 between people who are primarily motivated by self  
20 interest and a willingness to adopt exploitive  
21 economic relations and those who hold community  
22 values of mutual benefit and sharing, and see  
23 their role as leading the way for their community  
24 rather than rising above it.

25 It follows that one cannot know

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1 the potential of a community until one knows the  
2 people  
3 We see this as being development from the bottom  
4 up.

5 We must stress here, that none of  
6 the above should be seen as an attempt to  
7 circumvent or to undermine band council. We would  
8 see success in this instance as being, in part,  
9 due to the fact that the band council is  
10 supportive of this approach.

11 This quite naturally leads to the  
12 question of ownership. It is our experience that  
13 development strategies that have their origin in a  
14 local vision and have local ownership and meaning  
15 are much more likely to succeed than those imposed  
16 from the outside and which reflect foreign values  
17 and needs.

18 Furthermore, successful, small-  
19 scale development projects build confidence and  
20 the necessary experience, knowledge and skills  
21 base required for future larger scale projects.

22 Regardless of how much external  
23 funding is available, unless a project is  
24 supported by experience, it will fail.

25 While it is not our role to

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1 criticize development projects which have been  
2 attempted but with other models in mind, we have,  
3 nevertheless, seen instances of large-scale  
4 failures.

5 It is our observation that band  
6 councils are often preoccupied with working their  
7 way through increasingly complex and changing  
8 bureaucratic mazes and the result is that  
9 development projects are often designed more to  
10 meet funding criteria than to match the needs and  
11 abilities of the people whom they are meant to  
12 serve. They are thus as well intentioned as they  
13 may be invitations to failure.

14 And then just skip down a  
15 paragraph.

16 There is, in our minds, a very  
17 important distinction to be made. There are two  
18 avenues by which a community can be enriched. The  
19 first, and for many reasons the most common, is to  
20 seek an influx of funding from outside of the  
21 community. The second is to generate wealth from  
22 within.

23 It is our contention that for any  
24 group of people to be primarily focused on being  
25 recipients rather than producers of wealth is to

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1           disempower them.

2                           Economic activity, when dependent  
3           on outside funding, whether it be through  
4           projects, transfer payments or welfare, takes away  
5           from a people more than it gives.

6                           It may provide a week of groceries  
7           or a pay cheque for a meaningless job, but in the  
8           same transaction it takes away dignity and self  
9           respect. At the same time, it encourages  
10          passivity and dependence.

11                          In no sense do we say this in  
12          pejorative terms.

13                          If this has happened in Native  
14          communities, then it is to the shame of Canada.  
15          It could have happened to any other group in  
16          similar circumstances.

17                          It seems obvious from history that  
18          if there is truth in the above, it is not so much  
19          the fault of Native people than it is the fault of  
20          governments acting on behalf of non-Native and  
21          business interests.

22                          Viable Native economies have  
23          frequently and wilfully been destroyed to make  
24          room for non-Native enterprise.

25                          Natural resources have

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1 consistently and routinely been taken from Native  
2 communities to feed an industrial society. What  
3 little land has been left for Native occupancy is  
4 often marginal and development has been  
5 complicated or made impossible through government  
6 policy.

7 The justifying rationale, whether  
8 stated or implied, has been for Native people to  
9 either disappear into the milieu of non-Native  
10 culture -- assimilate, in other words -- or to be  
11 "taken care of."

12 It is important to note the causal  
13 relationship implied in the above.

14 Native communities are often faced  
15 with the dilemma of applying for inappropriate  
16 funds or no funds at all.

17 As stated before, to receive funds  
18 which match neither community needs nor abilities  
19 is to invite failure. To receive no funds is to  
20 invite disaster.

21 Those projects or programs which  
22 the community would articulate as necessary or  
23 helpful find no funding slot and therefore are  
24 unrealizable. The result is obvious -- a  
25 sophisticated structural process whereby Native

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1 communities lose.

2 And we will have some more maybe  
3 reflecting on some of our learnings after Eric  
4 will reflect a little bit on some of the  
5 experience that we have had in Community B,  
6 Oceanside.

7 MR. ERIC GILMAN: Again, this is a  
8 reflection on one specific area of MCC's work  
9 within a specific community focusing on education.

10 In 1964, as a result of strong  
11 pressure from the Department of Indian Affairs,  
12 two bands were relocated from the mainland of  
13 British Columbia to the north end of Vancouver  
14 Island. The government's stated motivation for  
15 this relocation was to be better able to provide  
16 services to the two small bands whose traditional  
17 home areas were considered to be extremely  
18 isolated. The result of this relocation was a  
19 disaster, culturally, emotionally, and physically  
20 for the two bands involved.

21 As a consequence of the poorly  
22 conceived plan for relocating the bands, most of  
23 the bands cultural possessions (e.g. masks,  
24 carvings, tools) were destroyed when the  
25 government purposely burned the mainland



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1 communities to the ground to prevent the bands  
2 from moving back.

3 On Vancouver Island, the new  
4 reserve was totally unprepared. Three matchbox  
5 houses had been constructed. Native people who  
6 had supported themselves as commercial fishermen  
7 now found themselves living on their boats in a  
8 location that was completely inadequate as a  
9 moorage. In quick order, band members lost their  
10 commercial fishing licences and the social fabric  
11 of the community was devastated as the magnitude  
12 of what the bands had lost became clear to them.  
13 The social problems that are symptomatic of such  
14 human tragedy soon overwhelmed the bands.

15 The government's investigation  
16 into this relocation was scathing in its comments  
17 on both the relocation process undertaken and the  
18 failure of the government to respond in any  
19 meaningful or effective way to the disaster it had  
20 created.

21 This story is not a pleasant one  
22 to relate or to listen to, but that unpleasantness  
23 cannot compare to the reality these two bands have  
24 experienced and continue to experience. It is the  
25 reality that the Mennonite Central Committee (MCC)

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1 entered into in 1974, ten years after the  
2 relocation.

3 MCC's involvement started through  
4 an invitation from another band located near the  
5 relocated bands. The invitation was to assist  
6 this band in repairing some houses. Through this  
7 initial work MCC became aware of the nearby  
8 reserve of the relocated bands and the very  
9 serious concerns that needed to be addressed in  
10 that reserve.

11 After some preliminary discussion  
12 with the bands' leadership, MCC decided to send  
13 the first of what would be almost 30 volunteers  
14 that would work in that community over the  
15 following 19 years.

16 From the outset, MCC established  
17 governing principles for its involvement in this  
18 community:

19 First, community aspirations were  
20 to be respected above any proposed remedies coming  
21 from outside the community.

22 Second, through a non-  
23 paternalistic relationship with the bands an  
24 agenda for MCC working in the community was to be  
25 mutually conceived and implemented.

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1                   And third, MCC volunteers should  
2 not seek to hold positions of power within the  
3 community.

4                   In the first five years of the  
5 developing relationship between the community and  
6 MCC, MCC volunteers were placed in the community  
7 as a band social assistance worker and as house  
8 parents in a band-operated receiving home.

9                   In 1979, MCC was to begin its  
10 major work with the band providing education staff  
11 to the band's education program.

12                   The community's desire for their  
13 own education system was significantly impacted by  
14 the racist response of many in the local white  
15 community to the relocated band members. This  
16 response is well documented and was overwhelming  
17 for the bands.

18                   The white community could easily  
19 see and focus on the many social problems in the  
20 Native community and so justify their racist  
21 attitudes without making any attempt to look at  
22 why this community was suffering from such  
23 problems.

24                   The band's school-age children  
25 suffered from these negative attitudes in many

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1 ways. Their treatment by non-Native classmates,  
2 the lack of understanding or caring from some  
3 school staff, the frustration of the school staff  
4 that did care but felt overwhelmed by a problem  
5 created by the government and requiring remedies  
6 far beyond what the school could offer, resulted  
7 in failure.

8 Whether the schools failed the  
9 children or the children failed in school is a  
10 meaningless debate. The reality was the presence  
11 of the community's children in the provincial  
12 schools that was not working for the overwhelming  
13 majority of them.

14 One very significant effect on the  
15 children was an almost total loss of self esteem.  
16 Their own community and culture were devastated.  
17 They had been thrust into an alien environment  
18 with which they had almost no previous contact,  
19 while simultaneously their family and community  
20 support systems had been removed.

21 The response of several families  
22 in the Native community and the band council was  
23 to begin working on establishing their own band-  
24 operated school. This began as a pre-school for  
25 four-year-old children. It started in 1969 and

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1 focused on better preparing the young children to  
2 succeed in the public schools.

3 In 1979, upon the retirement of  
4 the original pre-school teacher, the society  
5 operating the pre-school under band council  
6 authority, asked MCC to provide a pre-school  
7 teacher.

8 Slowly, the education program  
9 expanded, next with an alternative high school  
10 program, and finally into an infant development  
11 through grade seven, education system. The  
12 underlying goals were to increase the self-esteem  
13 of the children through increased cultural  
14 awareness and education, and to provide an  
15 excellent academic educational foundation. The  
16 continuing feeling of the Native community is that  
17 both of these are needed if their children are to  
18 survive and flourish in the world in which they  
19 are growing up.

20 In the 14 years since 1979, MCC  
21 has always had at least one volunteer working as a  
22 staff member of the school. Several MCC  
23 volunteers, following their volunteer service  
24 term, were hired to stay on as teachers employed  
25 directly by the band.

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1                   One former MCC volunteer has been  
2 a teacher in the community for 11 years. At one  
3 point, five (5) MCC and former workers were on  
4 staff at the school.

5                   Remarkably, after all these years  
6 of work in the community it would be easy to find  
7 community members who know little or absolutely  
8 nothing about MCC, even though these same people  
9 would personally know and highly regard many of  
10 the present and former MCC workers. They simply  
11 would not identify these individual volunteers  
12 with an outside organization or even be aware of  
13 the organization's existence.

14                   The reason for this lack awareness  
15 about MCC is intentional. There has been no  
16 attempt by the MCC organization, its volunteers,  
17 or the band leadership to cover up its presence in  
18 the community, but neither has there been any  
19 attempt to highlight it. The emphasis has always  
20 been on personal relationships.

21                   What has been the result of this  
22 low-key presence in work of 14 years in the band  
23 school?

24                   If the Commission were to visit  
25 this community today you would find a much

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1 enlarged school facility consisting of 10-12  
2 portable classrooms connected by enclosed  
3 hallways. You would also find a school which is  
4 viewed with well-deserved pride and affection by  
5 the Native community -- a school with extremely  
6 high parental involvement, even though most of  
7 these parents are deprived of government  
8 residential schools who hated and feared every  
9 memory of that experience.

10                   These same people now happily send  
11 their children to school and willingly visit the  
12 school and its staff with feelings of confidence  
13 and pride. The band school is equally respected  
14 by the local provincial school district and  
15 officials in Indian Affairs, because they  
16 recognize the excellent quality of education being  
17 offered at the school.

18                   How did this happen?

19                   It took slow, hard work. This  
20 work is far from being complete, yet what has been  
21 accomplished is truly remarkable and worthy of  
22 this Commission's evaluation.

23                   Two factors are worth emphasizing:

24

25                   First, the desire, the heart, for

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1 a band-run school came from the community itself.  
2 It was a deeply-felt need, one which the community  
3 members and leadership were willing to devote  
4 endless time and effort to as they battled a  
5 bureaucracy that said the school was not need,  
6 that the local provincial schools were adequate,  
7 even though almost 100 per cent of the community's  
8 children were failing in those schools.

9 The band school and its related  
10 programming for children from birth through pre-  
11 school simply would not exist and would not be  
12 successful if the community did not value them  
13 highly. They continue to strive against  
14 tremendous obstacles to sustain what they have  
15 created.

16 Second, MCC provided volunteers  
17 who brought professional skills to the community  
18 which the band does not yet have among its own  
19 members. More importantly, is how MCC brought  
20 those skills to the community. It came alongside  
21 the community and assisted it in accomplishing  
22 what the community wanted to do.

23 Intrinsic to MCC's involvement has  
24 been the mindset or attitude of MCC volunteers.  
25 The focus has always been on the personal level.



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1 While each volunteer has been very conscious of  
2 their own status as a MCC worker, they have  
3 presented themselves and worked and related to the  
4 community as individuals, not as representatives  
5 of some outside organization. The volunteers also  
6 sought to develop relationships with community  
7 members as individuals rather than relating to the  
8 community as a whole as an abstract corporate  
9 entity.

10 After 19 years of working with  
11 this one community, what has MCC learned?

12 It has learned that this Native  
13 community knows and remembers MCC workers as  
14 individuals, people who have lived and worked with  
15 them, people who cared about them as people, who  
16 respected their humanity. They are remembered as  
17 people who have worked in the community to clarify  
18 and accomplish the community's own vision in the  
19 community's own way.

20 It has learned that lasting and  
21 meaningful change takes time: time to development  
22 relationships, time to learn respect and honour  
23 the dignity and humanity of those you want to work  
24 with, time to listen and understand what people  
25 want and how they want to accomplish it.

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1                   MR. DARRYL KLASSEN: I would like  
2 to just proceed a little bit more on how we have  
3 benefitted.

4                   We mentioned before that we see  
5 our working together with Native communities very  
6 much as a two-way street and this is some  
7 reflection in that regard.

8                   It was stated at the outset that  
9 we see our relationship with Native communities  
10 very much as two-way affairs. In working together  
11 we have at times been able to share from our  
12 resources or strengths a piece to an economic  
13 educational or other puzzle that may have been  
14 missing. That piece may have been a factor in  
15 making things work. On the other hand, we have  
16 benefitted. Said one summer volunteer after her  
17 experience: "We became friends for life. I  
18 joined Native Gardening to make gardens. I made  
19 more than that -- I made long-lasting friendships.

20                   Friendship, we believe, is the  
21 best way to guarantee equality and justice. That  
22 is taken from Plato.

23                   When people become friends they  
24 begin to form a new relationship and they begin to  
25 care for one another, and to look out for one

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1 another. Having seen this happen time and again  
2 as we have placed volunteers in Native communities  
3 or when we have introduced Native and non-Native  
4 people to one another, we have looked for  
5 intentional ways of broadening this friendship  
6 into the Mennonite constituency.

7 One such way has been to sponsor  
8 an annual group visit to Native communities by  
9 Mennonite individuals and families. We call it  
10 "Exchanging Stories, Becoming Friends." At times  
11 we have built into the program an exchange element  
12 whereby Native people are hosted by our community.

13 During the past four summers we  
14 have taken groups to visit the Haida, the  
15 Kwakiutl, the Gitksan, and the Sto:lo. In every  
16 case our people have benefitted from meeting  
17 Native people first hand. Said one participant,  
18 "Now when I hear about a road block or a  
19 confrontation in the media, it has a face."  
20 Having a face to the issue invariably changes our  
21 perception of it.

22 In our relationship with Native  
23 people we have also begun to relearn what it means  
24 to be part of a community of belonging. As our  
25 society becomes more and more concerned with the

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1 rights and freedoms of the individual, it is good  
2 to hear the reminder that everyone needs a place  
3 to belong in the circle, that we are  
4 interdependent. It is good to hear someone remind  
5 us that the wholeness of individuals is dependent  
6 upon the wholeness of community.

7 We have also begun to relearn what  
8 it means to have a place of belonging. Native  
9 people tell us that their identity and their land  
10 or place of belonging are inseparable. For us  
11 this land is still new and it will take many  
12 generations for us to begin to feel our identity  
13 intertwined with it. Furthermore, if such an  
14 affinity is by necessity only possible within  
15 limited and well defined geographic areas as it  
16 appears to be for Native people, then it may be  
17 impossible for such a sense to develop on a  
18 national level. If this is true we have much to  
19 gain by encouraging and structuring ways in which  
20 our Native brothers and sisters can be allowed a  
21 major role in caring for the environment.

22 One thing is certain. The sense  
23 of belonging and the will to preserve land go  
24 together. If we as a predominant non-Native  
25 society could learn and incorporate this principle

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1           into our structures, we would be a long way down  
2           the road to solving our growing environmental  
3           problems.

4                                 With the aforesaid in mind, we  
5           have three recommendations that we would like to  
6           make.

7                                 WE RECOMMEND:

- 8           1.                 That where federal government  
9                                 departments are charged with a  
10                                mandate which includes an  
11                                Aboriginal component, their  
12                                administrative staff be required  
13                                to seek out and support community  
14                                solutions to community issues.
- 15          2.                 That Aboriginal communities be  
16                                provided with significant roles in  
17                                the management of their  
18                                traditional territories or  
19                                environments.
- 20          3.                 That the federal government  
21                                support innovative methods to  
22                                promote increased Native/non-  
23                                Native understanding at the  
24                                community level.

25                                That is our submission, and we

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1 would be willing to answer any questions.

2 **CO-CHAIR GEORGES ERASMUS:** Thank  
3 you for your very interesting presentation. It  
4 has a very hopeful story to it. And thank you for  
5 the recommendations.

6  
7 I am just curious, are there other  
8 communities you are working with, other Aboriginal  
9 communities, besides these two?

10 **MR. DARRYL KLASSEN:** There are a  
11 number of other ones. We have just focused in on  
12 these two for the purpose of telling the story.

13 There are across Canada -- I don't  
14 know the number -- but for some 20 years we have  
15 worked with various communities across Canada.

16 My position -- and Eric and I have  
17 worked primarily in B.C., so we know that a little  
18 better.

19 **CO-CHAIR GEORGES ERASMUS:** I would  
20 think that the Department of Indian Affairs would  
21 probably tell you that in relation to your first  
22 recommendation that that is what they have been  
23 trying to do since the beginning.

24 **MR. DARRYL KLASSEN:** Well, the  
25 rhetoric and the reality aren't always ---

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1                   **CO-CHAIR GEORGES ERASMUS:** In  
2 fact, I think I have seen certain policies with  
3 the same kind of thing, community solutions,  
4 community issues. But I don't think they have the  
5 same kind of stories -- quite interesting to  
6 actually go to a community and not have everyone  
7 there not know about the MCC organization if you  
8 have had workers there that long, quite  
9 remarkable.

10                                   Well, thank you for that.

11                                   Viola, do you have any comments or  
12 questions?

13                   **COMMISSIONER VIOLA ROBINSON:** Just  
14 a short comment: to thank you for you  
15 presentation here today, and again I think the  
16 work that you are doing is commendable, and I  
17 would encourage you to continue.

18                                   Are you doing this work -- I know  
19 you are doing it here, but are you doing it in  
20 other provinces across Canada.

21                                   I know -- you have mentioned, I  
22 think, Ontario here, but is it in the eastern part  
23 of Canada as well, or is it limited, or is it ---

24                   **MR. DARRYL KLASSEN:** We have  
25 worked in Labrador for quite a number of years

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1 with some of the Innu communities.

2 COMMISSIONER VIOLA ROBINSON:

3 M'hm.

4 MR. DARRYL KLASSEN: And not a lot  
5 in the Maritimes, but Ontario and west then.

6 COMMISSIONER VIOLA ROBINSON: I  
7 guess with your groups are you able to interact  
8 and talk to each other about the Aboriginal  
9 issues? Do you share? Do others know what you  
10 are doing out here and that type of thing? I am  
11 just wondering how you are communicating your  
12 efforts to your other counterparts.

13 MR. DARRYL KLASSEN: We work also  
14 with Project North which is an interchurch group  
15 that works on Aboriginal Justice issues. We work  
16 closely with them.

17 We have also worked with other  
18 churches and NGO's, non-government organizations,  
19 and different Native organizations, band councils;  
20 also more political organizations. So we are open  
21 really to -- we want very much not to be  
22 prescriptive in what we are doing but to be  
23 responsive.

24 COMMISSIONER VIOLA ROBINSON: I  
25 think one question -- the question I wanted to ask



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1 too was what is the -- what would be the procedure  
2 for getting your involvement, say, with a  
3 community, if there was a community in Quebec or  
4 New Brunswick that might want your services to  
5 help bridge the gap, how would they go about doing  
6 that?

7 **MR. DARRYL KLASSEN:** In most areas  
8 we have provincial offices and through that -- and  
9 I would be glad to make available a list of people  
10 and offices.

11 **MR. ERIC GILMAN:** A general answer  
12 to that, I think, that Darryl has alluded to is it  
13 is very fundamental to MCC in its approach to the  
14 work that it does that basically communities  
15 invite MCC to become involved in something that  
16 they want done; that it is very important to MCC  
17 that it is not going to communities and saying "We  
18 have a solution for you." So there is a degree in  
19 which communities have to be aware that MCC exists  
20 and that it is willing to consider invitations  
21 from different groups and communities to become  
22 involved ---

23 **COMMISSIONER VIOLA ROBINSON:** I  
24 think the point I am trying to raise here is that  
25 there is not an awful lot of people that know that

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1 you are there and that you are willing to work  
2 with them, and that is the point that I was trying  
3 to make.

4 MR. ERIC GILMAN: Yes.

5 COMMISSIONER VIOLA ROBINSON: And  
6 I was wondering how to get around that.

7 Thank you.

8 CO-CHAIR GEORGES ERASMUS: Thank  
9 you.

10 MR. DARRYL KLASSEN: Thank you.

11 MODERATOR LOU DESMARAIS: Okay, we  
12 would like to invite our next presenters to come  
13 forward: Mr. Ken Harris, who, some of you may  
14 remember, delivered the welcoming remarks this  
15 morning and his colleague Harry Lavallee.

16 ELDER KEN HARRIS: Mr. Lavallee  
17 and I will be representing the interests of the  
18 National Aboriginal Veterans Association at this  
19 Commission Hearing, and what will happen here is  
20 it will be presented in two phases: Mr. Lavallee,  
21 who is a veteran of the Second World War will talk  
22 about his experience in the war times, war years,  
23 and I will pick up on some of the interesting  
24 things that has involved our people in all the  
25 world wars, first, second, Korea, and some in

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1 Vietnam, and from there I will hope to synthesize  
2 what we have been talking about and maybe invite  
3 some interest in an ongoing involvement or  
4 training of our young people for eventualities.

5 Harry will lead off.

6 **MR. HARRY LAVALLEE:** Good day,  
7 ladies and gentlemen, Royal Commission.

8 On February the 12th, 1923 I was  
9 born to Metis parents who were Cree, So:to and  
10 French. We lived in Stonewall, Manitoba and we  
11 managed to survive the 1930's Depression even  
12 though we were a large family.

13 We moved to Winnipeg later and I  
14 attended school, grade 9 at Hugh John Macdonald.

15 After a stint with the reserve  
16 army, Winnipeg Light Infantry, I joined the Royal  
17 Winnipeg Rifles at Fort Ossen (PH) Barracks on  
18 April the 22nd, 1941.

19 My basic training was at Portage  
20 la Prairie, Manitoba. All the men wore the same  
21 type of uniforms and I presented myself as a good  
22 soldier, considering my Metis background. But I  
23 was five foot eleven and a half in height and  
24 weighed only 133 pounds and felt somewhat ashamed  
25 that I was skinny.

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1 I was happy with the  
2 discipline/training. I respect authority and the  
3 fellowship in the army. As a result, I was  
4 immediately chosen for a non-commissioned officer.  
5 I returned to Fort Ossen (PH) Barracks to begin  
6 classes but unfortunately I got in the wrong  
7 company. I see the colonel to resign because I  
8 wanted to go overseas instead of getting stuck  
9 training all the recruits. Consequently, I  
10 transferred to the first regiment that was going  
11 overseas which was the Royal Canadian Ordinance  
12 Corps.

13 In October we left Halifax on the  
14 Ile de France ship and landed in Liverpool in  
15 November 1941. The trip had taken 11 days and  
16 nights of dangerous waters, enemy submarines, and  
17 we couldn't take any shortcuts.

18 On board we were fed mutton:  
19 mutton for breakfast, mutton for lunch and supper,  
20 and a great surprise! Mutton every day.

21 I will never order the pork chops  
22 again.

23 I was fortunate or naive enough  
24 not to be seasick, but others in the company were  
25 not so lucky.

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1                   I have many stories about that  
2                   trip overseas. I spent three years in England  
3                   mainly at Camp Borden. There was ample  
4                   opportunity to upgrade my education and skills in  
5                   driving, in Canex, you name it. I could have done  
6                   it, but me and my friends weren't interested;  
7                   mainly because I didn't know or understand my  
8                   situation. There was no counselling at that time  
9                   to help me see the advantages of gaining more  
10                  education skills.

11                  In December '44 I applied for the  
12                  Royal Winnipeg Rifles and by January 1945 I landed  
13                  in Ghent, Belgium where I was put with the Queen's  
14                  Own Cameron Highlanders. I was only in Ghent one  
15                  month to prepare for the departure to the front  
16                  lines by truck and arrived late at night. With  
17                  artillery shells and bullets all around, laying  
18                  there in the trenches with shrapnel hitting the  
19                  dirt beside me, I was scared. "Scared" will have  
20                  to encompass all the emotions I felt in the  
21                  trenches. We lost a sergeant that first pitch  
22                  black night of front line duty. The next day we  
23                  were trapped too close to the enemy for 48 hours  
24                  until our dive bombers wiped out the Germans.

25                  The third division fought off the

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1 Germans and engineers put up the bailey bridges  
2 and we carried over the Rhine River, the other  
3 side being German territory.

4 We threw a hand grenade in the  
5 window of a house and captured 88 Huns. We went  
6 along until we got to Gronningen, Holland where  
7 the Germans convenient left all the bridges up, so  
8 we had to bring them all down.

9 We lost our lieutenant over the  
10 last bridge by a sniper and we also lost a major  
11 earlier.

12 The Germans surrendered on May 8th  
13 and 9th, 1945 when we were in Uldenbug, Germany.

14  
15 I was in Winnipeg, Manitoba in  
16 July, 1945 because I had to volunteer -- I had  
17 volunteered for the Japan War. But while we were  
18 training and about to leave for Texas, they  
19 surrendered.

20 With the assistance of the United  
21 Native Nations (UNN) and Ron George, they formed  
22 in 1989 the Native Veterans Association which was  
23 changed to National Aboriginal Veterans  
24 Association (B.C. Chapter) (NAVA).

25 After many meetings and a campaign

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1 to raise funds with the assistance of many people  
2 who gathered some Second World War veterans, we  
3 proceeded on a pilgrimage to Europe on June the  
4 2nd, 1989. The veterans, some wives, Ron George  
5 and myself wanted to visit the graves of our  
6 brothers and sisters in France, Belgium and  
7 Holland, because many of our people were there and  
8 had given the supreme sacrifice for our people in  
9 Canada.

10 I will read you the soldiers  
11 prayer, "Remember Them."

12 In Flanders Fields the  
13 poppies blow  
14 between the Crosses Row on  
15 Row;  
16 That mark our place and in  
17 the sky  
18 the larks still bravely  
19 singing fly;  
20 Scarce heard amid the guns  
21 below  
22 we are the dead short days  
23 ago;  
24 We lived, fell down, sunset  
25 glow,

StenoTran

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1                   loved and were loved;  
2                   And now we lie in Flanders  
3                   Fields.  
4                   Take up our guard with the  
5                   foe  
6                   to you from failing hands we  
7                   throw;  
8                   The torch be yours to hold it  
9                   high  
10                  if you break faith with us  
11                  who die;  
12                  We shall not sleep though  
13                  poppies grow in Flanders  
14                  Fields.

15                                During the World War I, 1915, John  
16                                McRae wrote this before dying in the trenches, and  
17                                the note was picked up.

18                                While we were visiting in 1989 we  
19                                formed a sacred circle every morning for our  
20                                comrades. We prayed, sang and played the drum.  
21                                We held a marching ceremony in every cemetery for  
22                                our comrades, some of us shedding a tear; some of  
23                                us praying for our relatives; some of us alone  
24                                feeling the pain of our people back home.

25                                We arrived at Normandy Beaches



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1 with the bus. The driver accidentally parked  
2 there because he lost his way. We got off and  
3 headed for the beaches. We stopped and said we  
4 have to have a sacred circle here. So we  
5 performed prayers, drummed and sang, some in our  
6 own language.

7 One of our brothers, Al Thomas,  
8 from Chase, B.C., couldn't stand it and left the  
9 circle. We went and got him and he said "My buddy  
10 died on my lap over here," and he was crying.

11 When we finally got him back to  
12 the sacred circle we began to hug while we were  
13 circling traditionally, and we all started to bawl  
14 like babies. Or rather, like men and women who  
15 seen so much pain and were releasing some of that  
16 not forgotten pain of remembered brothers and  
17 sisters.

18 It was mentioned later, some of us  
19 heard the moaning of the wounded, the actual  
20 shells, machine guns and dive bombers. Most of us  
21 also received some healing and were able to open  
22 and break our silence. Bless you, comrades, who  
23 gave your lives; bless you, veterans, of the First  
24 and Second World Wars who have fought to be  
25 recognized; who have been instrumental in

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1 organizing our people in the courts, in prison, in  
2 schools, on the streets, fighting for our rights,  
3 while our heroes have died in the wars -- in the  
4 streets, hospitals and prisons.

5 Thank you fighting for our rights  
6 in this country, for land, for jobs and for  
7 education, yet our veterans are not recognized as  
8 First Nations people as owners of this land.

9 There is no justice for us. Other  
10 people's laws like the Indian Act represent  
11 discrimination of the worst kind.

12 Some of us were given a number;  
13 some of us are called status, non-status, Metis,  
14 half-breed, urban Indians, savages. Some of us  
15 are called mice, bad, dirty, don't-know-nothing  
16 Indians. Some of us are given land on reserves.  
17 Native housing in cities are like reserves and we  
18 have to beg to receive adequate funding because of  
19 arbitrary funding cuts.

20 Some of us pay taxes; some do not.  
21 After all these years some of us are being  
22 recognized but that is all. What about all the  
23 benefits the veterans earned by defending this  
24 land? What about our rights in this day and age?  
25 What about the devil's Indian Act?

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1 Thank you.

2 **ELDER KEN HARRIS:** Thank you,  
3 Harry.

4 What Harry has been telling you  
5 are talking about is one of the things that has  
6 been experienced in all wars that our Aboriginal  
7 sons and daughters have participated in. And a  
8 man named Fred Gaffen wrote a book called the  
9 Forgotten Soldiers in 1985. One of the things  
10 that I would like to explore in his writing, he  
11 said -- and what Harry has described, these things  
12 took place also in the First World War. It took  
13 place in the Second World War and Korea, Vietnam,  
14 and it will happen again and again. What I would  
15 like to see derived from this experience is that  
16 our young people will be better prepared to be  
17 part of any struggle to maintain the freedom that  
18 we believe we have.

19 Fred Gaffen's Forgotten Soldiers  
20 is the only documentary which I have chosen to  
21 reference, because I feel sincerely that Mr.  
22 Gaffen's work is not biased. He simply wants to  
23 print the truth.

24 From Mr. Gaffen's preface, I  
25 quote:

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1 "Canada's Native people  
2 suffered their share of  
3 casualties in both World  
4 Wars. In every major  
5 Canadian land battle they  
6 were in the front line.  
7 Their contribution must never  
8 be forgotten."  
9 "My deepest regret,"  
10 says Gaffen,  
11 "...in preparing this  
12 manuscript was the lack of  
13 funds that prevented my  
14 securing better photos or  
15 travelling in order to meet  
16 and interview Native veterans  
17 and their families. A  
18 shortage of good documentary  
19 records also proved to be a  
20 severe handicap. During the  
21 course of my research I have  
22 come across both prejudice  
23 and goodwill. If this  
24 account helps in some way to  
25 foster greater understanding,

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1                   it will have been worth the  
2                   sacrifice of leisure time  
3                   that could have been more  
4                   enjoyably spent with my wife  
5                   and our young family."

6                   In addition to these reassuring  
7                   words of the author, E.A. (Smokie) Smith, VC, CD,  
8                   added some stimulating remarks when writing the  
9                   forward for the book. Smokie, an honorary member  
10                  of the National Aboriginal Veterans Association,  
11                  was granted a unique distinction of being the  
12                  first non-Aboriginal to be given a life membership  
13                  of the National Aboriginal Veterans Association.

14                  Smokie, a Victoria Cross  
15                  recipient, knows courage when he sees one. This  
16                  is what he says about Aboriginal soldiers:

17                         "Having fought alongside many  
18                         Indians in the Second World  
19                         War, with so many displaying  
20                         coolness and courage under  
21                         fire, I was proud to serve  
22                         with them. I was pleased at  
23                         long last their service to  
24                         Canada is recognized in this  
25                         book, and am sure other

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1 veterans will gain the same  
2 pleasure in reading it."  
3 "I hope that the accounts of  
4 courage and sacrifice  
5 contained herein will help  
6 make current and future  
7 generations of native youth  
8 aware of their predecessor's  
9 contributions and inspire  
10 them to meet the problems and  
11 challenges of the present and  
12 the future."

13 Talking about the First World War:  
14 From Port Simpson Band on the West  
15 Coast of Canada; from Lennox Island Band on the  
16 East Coast of Canada; from Old Crow Band in the  
17 extreme North of Canada; and from Walpole Island  
18 Band in the extreme South of Canada, these  
19 Aboriginal sons of Canada rallied to the call of  
20 their mother country. Loyal to their country and  
21 to their Sovereign King, they rallied and forged  
22 forward. Their battle cry is simple but sincere -  
23 "For King and Country."

24 So write the military history  
25 about the 114th Battalion, nick-named "Brock's

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1 Rangers." Brock's Rangers is one of two of an all  
2 Aboriginal Battalion in Canada. The other is the  
3 107th Battalion.

4 Other Aboriginal sons of Canada  
5 are scattered among the expeditionary forces, and  
6 with the Princess Patricia's Canadian Light  
7 Infantry of the 1st Canadian Division.

8 As usual, Canadian Armed Forces  
9 are among those who lead the attack in battle.  
10 The Battle of Ypres is not exception.

11 Many Aboriginal sons of Canada lay  
12 down their lives. Remembered with distinction  
13 are: Private Angus Laforce; Lieutenant Cameron D.  
14 Brant; Private Angus Splicer.

15 These brave sons of Canada fought  
16 tenaciously side by side with their comrades at  
17 the battles of Ypres 1915-1916; the Battles of the  
18 Somme, July-November 1916; Vimy Ridge, April 9-14,  
19 1917; Hill 70, August 1917; Passchendale, October-  
20 November 1917.

21 "On November 10 the Canadians  
22 triumphantly entered Mons,  
23 the scene of the engagement  
24 between British and German  
25 troops in 1914. Next

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1 morning, at eleven o'clock,  
2 hostilities ceased."

3 At the end of the war, out of  
4 "about" 3,500, 300 were listed as killed in  
5 action. But not without distinction. These men  
6 received either the DCM or the MM.

7 DCM - Distinguished Conduct Medal  
8 - comes with a citation which reads, in part:

9 "For conspicuous gallantry  
10 and devotion to duty."

11 Many of our Aboriginal soldiers,  
12 sailors and airmen received the DCM.

13 MM - Military Medal - Again, many  
14 of our sons in the military is awarded the medal  
15 of bravery and lived to tell about it. One  
16 example is Ray Prince whom you have met in Prince  
17 George, B.C. The other is Private David Faithful  
18 of Port Simpson Band, Port Simpson, B.C.

19 One might say that Private  
20 Faithful single-handedly brought the hostilities  
21 to a close.

22 Fred Gaffen writes:

23 "The Corps broke the next  
24 German defensive line during  
25 the last week of October at



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1 the outskirts of  
2 Valenciennes."

3 Private David Faithful of the Port  
4 Simpson Band, Port Simpson, British Columbia, won  
5 the Military Medal.

6 The citation reads:

7 "This Scout in front of  
8 Valenciennes on November 1,  
9 1918, rendered invaluable  
10 assistance to his company in  
11 the advance by going well  
12 forward and sniping and  
13 putting out of action several  
14 enemy riflemen and machine  
15 guns, who were troubling our  
16 men."

17 "When the final objectives  
18 had been reached a party of  
19 the enemy were seen  
20 attempting to prevent our  
21 consolidation. Although the  
22 enemy artillery fire was  
23 extremely heavy, Private  
24 Faithful climbed to the top  
25 of the chimney and dispersed

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1 the party by rifle fire."  
2 "His great daring under  
3 extremely heavy fire and his  
4 skill and gallantry were of  
5 invaluable assistance to the  
6 success of the operation."

7 While only 30 is listed for  
8 gallantry and received either the DCM or the MM,  
9 300 out of 3,500 is listed on the "roll of  
10 honour." These gallant men made the supreme  
11 sacrifice.

12 Much is said about the Aboriginal  
13 people's potential in war.

14 What I think is appropriate and  
15 what I wish to use here is what is said about  
16 leadership.

17 "In the First World War very  
18 few Indians received  
19 commissions. Lack of formal  
20 education and military  
21 experience in the militia  
22 were the main factors. Those  
23 who became officers commanded  
24 the respect of their fellow  
25 officers as well as the men



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1 called the Bold Eagle. This is what the  
2 Department of National Defence had to say about  
3 it:

4 "The program as an initiative  
5 of the Saskatchewan Indian  
6 Veterans Association has been  
7 running with increasing  
8 success in Saskatchewan since  
9 1990. It has now been  
10 expanded to include all  
11 western provinces and may  
12 well be expanded to include  
13 all of Canada by next year."

14 As the National Secretary of the  
15 National Aboriginal Veterans Association, I say:

16 "Let's get with it; let's  
17 support this program; and  
18 let's extend it to all  
19 Aboriginal youth, male and  
20 female, whether on or off  
21 reserves."

22 You must realize that what we hope  
23 to table here is what we feel that the Veterans  
24 Association would like to see after they gathered  
25 so much experience in all the conflicts that we

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1 had in this country. I know for one person that I  
2 volunteered, Harry volunteered, and our sons and  
3 daughters, our grandchildren, will also volunteer.  
4 What we would like to see happen is that there  
5 will be completely equipped, they will be fully  
6 trained before they volunteer again.

7 Thank you.

8 **CO-CHAIR GEORGES ERASMUS:** Well,  
9 thank you for a remarkable presentation.

10 We have heard from veterans across  
11 the country over the last year numerous times, but  
12 this must be one of the better presentations for  
13 sure.

14 Do you have details of this Bold  
15 Eagle ---

16 **ELDER KEN HARRIS:** Yes, I have it.

17 **CO-CHAIR GEORGES ERASMUS:** ---  
18 program. If you could leave a copy with our  
19 staff.

20 **ELDER KEN HARRIS:** I think we have  
21 an extra copy.

22 **CO-CHAIR GEORGES ERASMUS:** We  
23 could photocopy it for you.

24 **ELDER KEN HARRIS:** But I have one  
25 we can spare.

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1                   **CO-CHAIR GEORGES ERASMUS:** I don't  
2 have any questions or comments. I would like to  
3 thank you for your presentation.

4                   Viola, do you have any comments?

5                   **COMMISSIONER VIOLA ROBINSON:** No.  
6 I would just like to thank you as well for your  
7 presentation.

8                   **MODERATOR LOU DESMARAIS:** Thank  
9 you, gentlemen.

10                   At this point, since we are now on  
11 time, we are going to adjourn for a coffee break.  
12 So we will stand adjourned until 3:15.

13 --- Upon recessing at 3:02 p.m.

14 --- Upon resuming at 3:15 p.m.

15                   **MODERATOR LOU DESMARAIS:** Okay, we  
16 are going to get going again.

17                   We have -- our next presenters are  
18 here; they are ready to begin; and I am going to  
19 turn to the mike over to Don Maloney -- or Jim  
20 Maloney, rather.

21                   Jim is with the First Nations  
22 Tribal Justice Institute.

23                   **MR. JIM MALONEY:** So will the real  
24 Jim Maloney please stand up.

25                   Thank you very much. I understand

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1 we have got time restrictions here, so there is  
2 three of us here that are going to do  
3 presentations in a team effort here. First of  
4 all, I want to thank the Commissioners for giving  
5 us an opportunity to come and do a presentation;  
6 always nice to see some fellow Micmacs when you  
7 come up and do a presentation, makes you feel a  
8 lot more comfortable.

9 The initiatives for the First  
10 Nations Tribal Justice Institute initiated by the  
11 Union of B.C. Indian Chiefs and the Gitksan-  
12 Wet'suwet'an Tribal Councils back in -- actually  
13 it was in 1988. And they started this process  
14 with the concept of developing their own  
15 autonomous Aboriginal Justice system, and one of  
16 the areas that they wanted to get involved in as  
17 quickly as possible was in the policing. And one  
18 of the reasons why I got involved in that, I came  
19 freshly from the Royal Commission on the Donald  
20 Marshall Inquiry; I was an investigator there.  
21 And as a result of that I brought along with me to  
22 British Columbia a lot of the information that was  
23 coming out of the Marshall Inquiry, and I actually  
24 was able to bring that information out with me  
25 prior to it being printed in book form. And so we

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1 had some good hands-on experience is what they  
2 were going to be -- recommendations that were  
3 going to be made there.

4 Also, when we did the research on  
5 the development of the First Nations Tribal  
6 Justice Institute was we did some community  
7 research, and we went around to different nations  
8 in B.C. and we held community workshops; and  
9 communities would come in and do presentations on  
10 what they thought would be needed, what the  
11 specific problems were -- almost like a mini  
12 inquiry, where sometimes there would be about 150  
13 to -- in some case maybe 35 people would come to  
14 the meeting for that day. And we would brainstorm  
15 and we would put all the information down on the  
16 wall and then we would come up with specific  
17 problems, and then we also would come up with  
18 specific solutions, what would solve some of the  
19 those problems.

20 And obviously the biggest problems  
21 were the high unemployment rate and the high  
22 incarceration rates and alcohol, drugs, family  
23 violence. And then we would come up with  
24 solutions that would solve some of these problems.

25



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1                   So what came up consistently was a  
2                   peacekeeping force for a tribal police force. And  
3                   then we decided "Well, once we get this tribal  
4                   police force what type of training should this  
5                   police force have?" So again we looked at the  
6                   present system as it was set up, and obviously  
7                   most of the police forces that operate in the  
8                   system today are enforcement orientated. We said  
9                   "Well, we realize we need some of that, but also  
10                  we need some areas of counselling, of mediation."  
11

12                  So we looked at the problems there  
13                  and then we developed a curriculum based on the  
14                  needs of the community.

15                  So as a result of that then, the  
16                  training program was established. So we had a  
17                  regular training program that probably runs  
18                  parallel to the RCMP program in most of the  
19                  municipal police forces in Canada.

20                  As a matter of fact, our program  
21                  runs so parallel with the municipal police forces  
22                  in B.C. that our graduates from the First Nations  
23                  Tribal Justice Institute have been employed by  
24                  municipal police forces here.

25                  Taking it a little further, we

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1 have initiated areas in suicide intervention, 150  
2 hours of counselling skills, in that area; sexual  
3 assault, family violence -- 300 hours, in that  
4 area; alcohol and drug, 150 hours, in that area;  
5 and over 500 hours in Native culture and  
6 spirituality training.

7 Then once we got the course  
8 started we went to Lillooet, and once the course  
9 was developed we initiated the first training  
10 program in Lillooet, and again the Union of B.C.  
11 Indian Chiefs, the Lillooet Tribal Council, and  
12 the Gitksan-Wet'suwet'an Tribal Council were  
13 involved.

14 That is the pilot project; that is  
15 where it initiated; and that was in September of  
16 '88.

17 After completion there in Lillooet  
18 for a year and implementing the peacekeeping  
19 program, they actually started doing a policing  
20 job there. And we referred to them originally as  
21 peacekeepers. And we found that the Elders and  
22 most of the people in the community took ownership  
23 to the tribal police and kept on referring to them  
24 as tribal police. These are our police; this is  
25 tribal police; and eventually we had to change the

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1 shoulder flash and change the name to tribal  
2 police. So it seemed quite important to our  
3 people that they would be called tribal police as  
4 opposed to peacekeepers.

5 Then on number three (3) there, we  
6 moved to West Bank in Kelowna and we established a  
7 training program up there, and at this point we  
8 are quite portable; and we had a large contingency  
9 from the Okanogan Tribal Council involved in the  
10 training program. So we established the training  
11 program close to their community as what we did in  
12 Lillooet; and we had a large contingency from  
13 their area.

14 We operated there form '89 to '90,  
15 and in 1990 of September we initiated training in  
16 Mission, B.C., and that is where the institute now  
17 is operating out of.

18 Let's just move up here. Doug is  
19 helping me here. So thanks, Doug.

20 We are a team.

21 The relationship of the First  
22 Nations Tribal Justice Institute obviously was  
23 established with the Justice Institute of British  
24 Columbia, and our program actually -- the Justice  
25 Institute of B.C. runs their actual police

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1 training program right through our academy, and we  
2 contract their same instructors; we use the same  
3 training program as they use, and thus the close,  
4 close resemblance, and obviously why the municipal  
5 police forces, when they are looking for good  
6 police officers, come looking to us.

7                   Simon Fraser University, Douglas  
8 College, they are involved in this in developing  
9 some of our programs as well, and we are running  
10 fisheries programs there. We just got finished  
11 running a forest fire technicians program for the  
12 Province of B.C.

13                   Fraser Valley College, university  
14 there; Nicola (PH) Valley, another Native-operated  
15 training institute from Merit is involved with us;  
16 Malasapina and Tetelfluit (PH) Centre. These are  
17 the different organizations that support our  
18 training initiatives out there.

19                   The standards and the entry  
20 standards for the First Nations Tribal Justice  
21 Institute run quite similar to most of the  
22 municipal and RCMP training programs. The  
23 exception is that we give the selection process to  
24 the community paramount, and we allow them to  
25 interview, to choose. Obviously they have known

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1 these people for all their lives and they have  
2 known their families and their relatives, and one  
3 of the questions was asked at one of the court  
4 hearings and they asked one of the individuals  
5 "How long did you know this person?" They said  
6 "We knew him all our life," and they said, "Well,  
7 what do you mean?" Well, we know all their life.  
8 And that is basically, basically the case in most  
9 Native communities.

10 So when they make references or  
11 recommend somebody for training, obviously they  
12 know the history of the family and they know who  
13 the in-laws and outlaws are as well.

14 The graduation programs that we  
15 have at the academy right now -- as a matter of  
16 fact, this weekend we have a major graduation for  
17 the tribal police. We also -- as mentioned, we  
18 have the fisheries program; we are looking in the  
19 fall to develop a criminology, two-year  
20 criminology program.

21 I guess one of the advantages we  
22 have at the First Nations Tribal Justice Institute  
23 is we can keep our recruits right in-house, so we  
24 can keep the pressure on them for the time that  
25 they are there, and we can run a long day.

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1                   The schedule starts at five  
2 o'clock in the morning and the typical starting  
3 day would be up at five and out -- as most of you  
4 that are just getting home, that time you can  
5 realize it is still dark. And the officers will  
6 go out and train starting from five o'clock and  
7 they can run right on through until sometimes 5:00  
8 or even evening classes, depending on how much  
9 material is going to be covered for that day.

10                   We would like to extend an invite  
11 to the Commissioners at some point to visit the  
12 First Nations Tribal Justice Institute.

13                   It just so happens this weekend we  
14 have a major graduation there. We anticipate that  
15 there will be about 600 people there for the  
16 graduation from Labrador/Newfoundland -- right  
17 across the country.

18                   There will be in excess of 80 mask  
19 dancers there on Friday night, traditional night,  
20 and also fancy dancers and about eight different  
21 drum groups, all coming in to honour the  
22 graduates, and then on Saturday will be the  
23 demonstration day and actually the graduation  
24 process.

25                   So they don't take this -- First

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1 Nations people and communities don't take this  
2 graduation lightly. They really make major  
3 emphasis and support the concept of the First  
4 Nations Tribal Justice Institute, and you can see  
5 that by obviously the graduation process. And  
6 probably one in very times where you would  
7 actually see 80 different mask dancers all  
8 together in one area from so many different  
9 nations.

10 If there is any questions at this  
11 point, I will entertain any questions if you have  
12 any, and otherwise I will turn over to Doug  
13 Farenholtz.

14 **CO-CHAIR GEORGES ERASMUS:** I think  
15 we will hear the whole presentation before we ask  
16 questions, if you don't mind.

17 **MR. JIM MALONEY:** Okay. Thank  
18 you.

19 **MR. DOUG FARENHOLTZ:** My name is  
20 Doug Farenholtz and I am a retired RCMP officer,  
21 and I have spent nine years or so at the Justice  
22 Institute as the person in charge of the  
23 development of the physical training programs  
24 there; and now I am a consultant in the area of  
25 justice and public safety, and I am out at the

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1 First Nations Tribal Justice Institute giving them  
2 a hand with my past experience and see if I can  
3 contribute in one way or another.

4 So, like Jim, I would like to  
5 thank the Commission and the Commissioners for the  
6 opportunity to make a presentation relative to  
7 Aboriginal justice and the effect on Aboriginal  
8 peoples.

9 The structure of my presentation  
10 from adding from where Jim left off is I would  
11 like to outline in a conceptual sort of way what  
12 my understanding is of the imposition of Canadian  
13 program initiatives on Aboriginal people, and I am  
14 certain that this demonstrate will reflect on a  
15 number of the stories that the Commission has  
16 heard throughout Canada in previous presentations.  
17 And then I would like to offer a conceptual again  
18 representation of the initiatives of First Nations  
19 people and how we at the First Nations Tribal  
20 Justice Institute envision our being able to  
21 assist them in achieving some of their goals and  
22 new initiatives. And then I will provide an  
23 overview of the structure of the Justice Institute  
24 with respect to the programs and the priorities of  
25 our training as we envision the development of



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1        Aboriginal justice. And after that we will  
2        conclude and pass the microphone over to Joan  
3        Phillip.

4                        So this is the conceptual model of  
5        the imposition of Canadian justice programs on the  
6        Aboriginal people, and we conceptualize and  
7        demonstrate it in the form of a wheel.

8                        The outside rim of the wheel  
9        represents all of the programs that have been  
10       imposed on Aboriginal people by or through the  
11       normal course of programs at the federal and  
12       provincial governments and other well-meaning  
13       groups, no doubt, have attempted to contribute.  
14       And so if we look at the imposition of the  
15       educational programs -- and I am sure the  
16       Commission has heard numerous times as to some of  
17       the negative impacts along with diminishing  
18       opportunities for cultural and spiritual training  
19       to be part of their training programs. And,  
20       similarly, the imposition of religion on the  
21       people, and again the cultural and spiritual  
22       values have taken a back seat.

23                        The imposition of housing programs  
24       -- although that may have been seen as a very  
25       positive step to providing some of the basic needs

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1 of Aboriginal people, those programs have  
2 decreased the initiatives of the Aboriginal people  
3 in the maintenance of their own home facilities in  
4 the development and requirement of those. And  
5 financial programs, justice programs, we have all  
6 heard numerous stories on the effects of the  
7 Canadian justice programs on Aboriginal people,  
8 and Joan will touch on that from an historical  
9 perspective.

10 So it is not my intent to spend  
11 any time on these areas other than to represent  
12 the effect of all these -- the imposition of all  
13 these programs on the hub of that conceptual  
14 wheel, the hub being the Aboriginal people -- with  
15 the hub being the Aboriginal people, the  
16 imposition of these programs, the lack of  
17 responsibility that these people would normally --  
18 and I am speaking from a white person again with  
19 the experience that I have had in my life, is that  
20 they have become dependent on other people and  
21 other systems in our society, and that has made  
22 them weak and not responsible, or seemingly not  
23 responsible from our perspective, and so we keep  
24 adding more and more programs as a white society  
25 and the Canadian government.

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1                   And so this hub is very weak, and  
2                   the rim of the wheel is no longer able to be  
3                   supported by these programs. And so if we take  
4                   that conceptual model and turn it around so that  
5                   these arrows are no longer going in and the  
6                   Aboriginal peoples in Canada reflect on their own  
7                   initiatives and on their own desire to become  
8                   strong and responsible and a whole people again,  
9                   from their perspective there is a need for them to  
10                  represent, they feel, to the rim where all these  
11                  other programs were being initiated on their  
12                  behalf and albeit possibly well meaning or maybe  
13                  having some other ulterior motives along the way,  
14                  but nevertheless, made those people weak and  
15                  dependent. And now these people here, the  
16                  Aboriginal people, are saying "No way! We are  
17                  strong; we are proud; and we are going to  
18                  establish our own self-government; we are going to  
19                  establish our own programs; we are going to look  
20                  after our own justice; we are going to re-initiate  
21                  our culture and spiritual values; and we want the  
22                  Canadian people, we want the rest of the world to  
23                  recognize who we are; we are proud and we are  
24                  capable and we are going to look after our own  
25                  education."

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1                   They are not going to throw the  
2                   baby out with the bath water from what I  
3                   understand, and from what our experiences have  
4                   been at the First Nations Tribal Justice  
5                   Institute, what is important for people to  
6                   understand is that the intent is to take and  
7                   borrow and learn from the experiences of everyone,  
8                   but to re-initiate their pride, re-initiate their  
9                   cultural values and spiritual values, and accept  
10                  if and when many of them choose to do so the other  
11                  programs that are offered.

12                  But the important thing, I  
13                  believe, for this Commission to understand -- and  
14                  I am sure that it has reinforced all the way  
15                  through -- is that the strength of this inner  
16                  circle now, the strength of the hub, is the one  
17                  that is initiating these programs and reaching out  
18                  and saying "Would you be able to help us  
19                  understand this or help us to develop these  
20                  programs for our people?" And the initiative  
21                  comes for those people as opposed to the  
22                  initiatives of the government saying "Oh, I  
23                  recognize the problem and I am going to fix it for  
24                  you," and really not leaving these people any say  
25                  -- virtually any say in the matter how that

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1           problem is to be rectified.

2                           And so at the First Nations Tribal  
3           Justice Institute we have a concentration effort,  
4           of course, in the area -- of specifically on  
5           justice. So with the strength of these programs  
6           and the strength of the people in British Columbia  
7           and throughout Canada, First Nations and  
8           Aboriginal people throughout Canada, are saying  
9           "Right on, Jim Maloney! and the Board of  
10          Directors, Chairperson Joan Phillip," is that "it  
11          is about time we had something that we could call  
12          our own, and would you help us in educating our  
13          people and getting our people ready to accept the  
14          responsibilities that are associated with each and  
15          all of these programs, specifically in the area of  
16          justice?"

17                           What this overview provides you is  
18          a general structure of the justice institute, the  
19          initiatives of Jim Maloney as he demonstrated some  
20          historical perspective for you: 1988 in Lillooet  
21          and 1990 in West Bank, and subsequently in  
22          Mission. He has established a private  
23          corporation, or a company, wherein he is the  
24          entrepreneurial individual who is tracking these  
25          programs, and we have a Board of Directors that

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1 attends to all the operational matters of the  
2 programs, and approves all the programs for the  
3 Justice Institute, First Nations Tribal Justice  
4 Institute.

5 In addition, we have First Nation  
6 Justice Institute residential programs where we  
7 have the specific rules which are -- the residents  
8 have to abide by.

9 Now, this model of justice, we  
10 will just cover that up for now (indicating) -- I  
11 think it is important that we present this  
12 information relative to the position of First  
13 Nations Tribal Justice Institute as we hear what  
14 First Nations and Aboriginal people in British  
15 Columbia and across Canada are saying to us. We  
16 need to first of all identify with the priorities  
17 of justice.

18 We recognize that there is a need  
19 to establish the groundwork for the administration  
20 of the programs from our community; and if we look  
21 at Mother Earth and then the development of the  
22 communities and the responsibilities of those  
23 communities to Mother Earth, we look at the  
24 environmental program and call it environmental  
25 justice.

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1                   The environmental areas that we  
2                   are particularly attending to are the areas of  
3                   fisheries, conservation programs and forestry  
4                   programs currently over in this area.

5                   So you have to also appreciate the  
6                   fact that all of these programs interface with  
7                   each of the other programs. None of them operate  
8                   independently of the other, or have an effect on  
9                   the other.

10                  So environmental programs,  
11                  environmental justice, is being attended to. Each  
12                  one of these has there own administration, or  
13                  collective administrations.

14                  Social justice programs, these  
15                  social justice programs are typically the  
16                  educational programs, the health programs, housing  
17                  programs, all the basic needs that a community  
18                  has. And they are not unlike what we have in the  
19                  Canadian justice and provincial justice programs,  
20                  of course.

21                  What is missing here and what  
22                  hasn't been developed to any large extent is the  
23                  understanding of the relationship between the  
24                  administration of Aboriginal communities and the  
25                  economic base, and that is tied to the territorial

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1 land claims programs, and we are not about to  
2 politicize those kinds of events.

3 So what we do is, we stay outside  
4 of those political rounds and we give the  
5 communities what it is that they need. But I  
6 think that is an area -- it is a matter of  
7 economics and the economic power of each of the  
8 communities that will have to be addressed.

9 The third area is the area of  
10 criminal justice, and we teach not only the  
11 administration of criminal justice from the  
12 organization of justice programs within the  
13 community; the establishment and recommendation of  
14 the boards, the development of administrative  
15 capabilities of police managers, and the working  
16 constables, of course.

17 And the three areas of criminal  
18 justice are those crimes against people and crimes  
19 against property, and crimes in business or  
20 intellectual property.

21 So we put together a program at  
22 the First Nations Tribal Justice Institute for and  
23 on behalf of all the First Nations People in  
24 Canada; then we want to attend to whatever their  
25 specific needs are.



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1                   In addition to the structure of  
2 the program, the formal structure of the program,  
3 we would like to emphasize where there is a -- Jim  
4 mentioned this in his presentation, but I would  
5 really to mention -- emphasize the integration of  
6 cultural and spiritual values on all of the  
7 information that they are presented that is  
8 integrated -- we give them an opportunity to  
9 interpret it as they see their values in their  
10 communities.

11                   So it is our mission at the First  
12 Nations Tribal Justice Institute to ensure that  
13 those kinds of programs are offered to all First  
14 Nations people in Canada.

15                   So that wraps up my ten minutes.  
16 So now we will ask Joan, and then possibly at the  
17 end of this, if the people would like to ask the  
18 three of us questions, that will be fine.

19                   **MS JOAN PHILLIP:** Again, my name  
20 is Joan Phillip. I am Chairperson of the First  
21 Nations Tribal Justice Institute.

22                   Aboriginal Justice prior to  
23 European contact.

24                   For centuries, prior to contact  
25 with European colonizers, Aboriginal people

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1 throughout North America exercised their sovereign  
2 authority and jurisdiction with respect to the  
3 effective provision of Aboriginal justice systems  
4 which met the needs of our Aboriginal communities.

5 Contrary to the adversarial  
6 approach of the Canadian justice system, which is  
7 characterized by fixing blame, establishing guilt,  
8 and calculating retribution, our past Aboriginal  
9 justice system is focused on reconciling the  
10 victim and the offender as a means of healing and  
11 restoring and maintaining peace and harmony in our  
12 communities.

13 Our Aboriginal justice systems  
14 reflected the values, morals, customs and  
15 traditions of our societies. Consequently, our  
16 laws were deeply rooted in our spiritual beliefs  
17 and cultural values.

18 In this regard our laws could not  
19 simply be reduced to a set of rules and prescribed  
20 punishments for violating the rules. Rather, our  
21 laws were inseparable from who we were and what we  
22 believed as a people.

23 For centuries, we, as the  
24 Aboriginal peoples of this land, exercised our  
25 inherent authority by undertaking the

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1 responsibility for delivering justice to the  
2 peoples within our communities.

3 In this regard we successfully  
4 practice our cultural traditions of resolving  
5 conflicts and disputes, thereby maintaining peace,  
6 harmony and order in our homes and our  
7 communities.

8 Subsequent to contact with the  
9 European colonizers, our systems of Aboriginal  
10 justice were brutally and systematically  
11 repressed. Our centuries-old systems of dispute  
12 resolution and social behavioral control were  
13 purposely undermined and destroyed.

14 Our Aboriginal justice systems  
15 were replaced through the imposition of the  
16 infrastructure of the federal and provincial  
17 legislation of the so-called Canadian justice  
18 system.

19 The misery and despair chiselled  
20 on the countless hundreds of faces of our  
21 Aboriginal brothers and sisters incarcerated in  
22 the prisons of this country, the endless stream of  
23 victims of family violence in our communities, and  
24 the rising tide of our young offenders who are in  
25 constant conflict with the law, serve as bleak

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1 reminders and testimony to the fact that the  
2 Canadian justice system has miserably failed to  
3 meet the needs of the Aboriginal people of this  
4 country.

5                   Since 1967 there has been no less  
6 than 23 separate reports tabled on Aboriginal  
7 justice issues. These reports were generated and  
8 compiled as a result of findings of various  
9 commissions and inquiries: the Donald Marshall  
10 Inquiry, Nova Scotia, '88; the Aboriginal Justice  
11 Inquiry of Manitoba, 1988-1989; and the Sarch  
12 (PH) Inquiry (Caribou-Chilcotin, B.C.), 1993 --  
13 were compelled to deal with the Canadian justice  
14 systems abusive treatment of Aboriginal  
15 individuals and people. These abuses involved  
16 such issues as the gross miscarriage of justice in  
17 the Donald Marshall case; racism and unjustifiable  
18 homicide in the case of the murder of Betty  
19 Osborne and the shooting of J.J. Harper; and the  
20 RCM Police brutality in the case of the Shuswap-  
21 Chilcotin and Southern Carrier peoples.

22                   In addition to these issues, the  
23 subject justice inquiries brought to light many  
24 other abuses of the Canadian justice system within  
25 the context of its relationship to Aboriginal

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1 people.

2 The detrimental impact of the  
3 Canadian justice system is harshly articulated in  
4 the opening paragraph of the report of the  
5 Aboriginal Justice Inquiry of Manitoba.

6 "The justice system has  
7 failed the Manitoba  
8 Aboriginal people on a  
9 massive scale. It has been  
10 insensitive and inaccessible,  
11 and has arrested and  
12 imprisoned Aboriginal people  
13 in grossly disproportionate  
14 numbers. Aboriginal people  
15 who are arrested are more  
16 likely than non-Aboriginal  
17 people to be denied bail,  
18 spend more time in pre-trial  
19 detention, and spend less  
20 time with their lawyers and,  
21 if convicted, are more likely  
22 to be incarcerated."

23 In British Columbia and Alberta,  
24 Aboriginal people represented five to seven per  
25 cent of the provincial population, yet our people

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1       constitute 30 to 40 per cent of the prison  
2       population.

3                       Similarly, in Manitoba and  
4       Saskatchewan, Aboriginal people represent 8 to 10  
5       per cent of the provincial populations but compose  
6       40 to 60 per cent of the inmate population.

7                       Throughout the 1970s and the 1980s  
8       public inquiries and studies have served to expose  
9       and verify the injustices suffered by Aboriginal  
10      people at the hands of the Canadian justice  
11      system.

12                      A report commissioned by the  
13      Alberta Attorney General's Department revealed the  
14      fact that the RCM Police officers are often too  
15      hasty in making arrests and laying charges against  
16      Aboriginal people.

17                      According to the findings of the  
18      report, RCM Police officers frequently stop and  
19      search Aboriginal people without explanation.

20                      An inquiry into policing in  
21      Ontario heard testimony from Aboriginal people who  
22      said the police often ignored serious crimes  
23      against Aboriginal people.

24                      One Aboriginal person travelled  
25      more than 500 kilometres from a remote northern

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1 Ontario community to tell the Panel that the  
2 police had refused to investigate the deaths of  
3 three Aboriginal men in his area. "If they were  
4 white men," he said, "it would be different."

5 Another witness described seeing a  
6 police baton with four words carved into it: "For  
7 Indians, hold here."

8 Most alarming, however, is the  
9 open expression of racist attitudes towards  
10 Aboriginal people by people in higher positions of  
11 legal authority within the Canadian justice  
12 system.

13 Donald McNeil, the Crown  
14 Prosecutor at Donald Marshall's trial, was once  
15 censured by the Nova Scotia Human Rights  
16 Commission for racist remarks he made about the  
17 Micmac people from the Escosoni (PH) Reserve.  
18 Louis Mathieson, Crown Prosecutor, suggested that  
19 a fence be built around one of the Micmac Reserves  
20 so that the Indians don't get out to come to  
21 Sydney to cause problems.

22 Robert Anderson, the Director of  
23 Criminal Prosecutions for the Attorney General's  
24 Department, told Felix Tatcheoni (PH), a former  
25 lawyer for Donald Marshall who was seeking

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1 compensation for Donald Marshall, not to get his  
2 b's caught in a vice over an Indian.

3 Louis Mathieson and Robert  
4 Anderson are both currently serving as judges in  
5 Nova Scotia today. Matheson is a Provincial Court  
6 judge and Anderson is a County Court judge.

7 To date, all judicial reviews,  
8 studies and commissions of inquiry have reached  
9 the same undeniable and irrefutable conclusion:  
10 that the Canadian justice system fails the  
11 Aboriginal people of Canada.

12 For restoration of justice within  
13 our Aboriginal communities requires (1) community  
14 based solutions.

15 As Aboriginal peoples we must  
16 fully acknowledge the fact that we still retain  
17 the inherent right and responsibility for ensuring  
18 our people and our communities are provided with a  
19 justice system that is based on our own values,  
20 morals, customs and traditions.

21 Our Aboriginal justice system must  
22 encompass a holistic process that is sensitive to  
23 the needs of the victim, the offender and the  
24 community itself.

25 Our justice system must seek to



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1 initiate the healing process that shall reconcile  
2 the conflicts between the victim, the offender and  
3 the people at large within the communities.

4 Our Aboriginal justice system must  
5 seek community-based solutions. Indigenous  
6 problems demand indigenous solutions.

7 We must encourage the active  
8 involvement of our elders. In addition, we must  
9 encourage the input and involvement of our  
10 families and family heads.

11 The development and implementation  
12 and maintenance of an Aboriginal justice system is  
13 a community responsibility.

14 We must never reduce Aboriginal  
15 justice to a police issue based on a philosophy of  
16 enforcement, punishment, incarceration and  
17 deterrents.

18 This would amount to the  
19 recreation of the status quo. Needless to say,  
20 the status quo has only brought pain, grief and  
21 suffering to our communities.

22 In the words of Chief Louis  
23 Stevenson of the Peguas Band in his testimony to  
24 the Manitoba Aboriginal Justice Inquiry in 1988,  
25 he said:

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1 "The offender is not born  
2 within the Indian; the Indian  
3 is born into a system which  
4 offends."

5 Number 2, External Institutional  
6 Solutions:

7 The successful establishment of  
8 our own community-based Aboriginal justice systems  
9 shall depend on securing an adequate level of  
10 resource support from the non-Aboriginal federal  
11 and provincial governments. The exercise of our  
12 inherent right and the fulfilment of our  
13 Aboriginal responsibility to deliver effective  
14 justice services within our communities shall  
15 depend to a large extent on the availability of  
16 Aboriginal training institutions such as the First  
17 Nations Tribal Justice Institute.

18 In this regard it is of paramount  
19 importance that Aboriginal training institutions  
20 such as the First Nations Tribal Justice Institute  
21 be fully recognized, properly funded, and granted  
22 the necessary accreditation required to enable  
23 this Aboriginal training institution to develop  
24 and deliver Aboriginal justice and Aboriginal  
25 justice-related training programs that shall meet

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1 the long-outstanding justice needs within our  
2 communities.

3 Subsequent to the undeniable and  
4 irrefutable historical fact that the Canadian  
5 justice system has been directly responsible for  
6 the abusive treatment of generations of Aboriginal  
7 people, we take the strong position that the  
8 provincial and federal governments, in concert  
9 with the Canadian justice community, are obliged  
10 to fully and actively encourage and support the  
11 development and implementation of all Aboriginal  
12 justice initiatives such as the First Nations  
13 Tribal Justice Institute.

14 In closing, we also take the  
15 strong position that this support must be extended  
16 and made available immediately.

17 In the words of the late Martin  
18 Luther King, "Justice delayed is justice denied."

19 And finally, I would like to thank  
20 you for your time and patience.

21 **CO-CHAIR GEORGES ERASMUS:** Thank  
22 you.

23 We heard a lot about your  
24 institute from other people.

25 When we were in Davis Inlet on the

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1 Labrador coast we heard of two tribal policemen,  
2 two Innus brothers I guess they were actually,  
3 that were trained by your institute.

4 You said that there have been  
5 people that you have trained, hired by municipal  
6 police forces in the province. Are there  
7 recognitions by provinces and other police forces  
8 across Canada that clearly recognize the quality  
9 of the training?

10 If you could use one of the mikes,  
11 please.

12 MR. JIM MALONEY: Are we there?

13 You can appreciate that the  
14 business world of policing, it is a McDonald's and  
15 a Burger King atmosphere, and it is kind of --  
16 when you ask another police academy or like the  
17 RCMP program or the Holland College programs or  
18 other programs for recognitions of First Nations  
19 or are we as good or are we better, or whatever --  
20 no, I don't think you are going to get a fair  
21 opinion from that position.

22 However, when municipal police  
23 forces are looking for officers that are already  
24 trained, they grab our people pretty quick.

25 So I would say from the

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1 perspective of the standards of the tribal police,  
2 upon graduation they are certified from the  
3 Justice Institute of British Columbia which  
4 obviously is a provincial training institute that  
5 trains all the municipal police forces here in  
6 B.C. and sheriffs and corrections and other areas.  
7 But we are pretty -- our board is pretty adamant  
8 that we want certification and recognition from  
9 First Nations communities. That is where we are  
10 obliged to get the recognition from. And it just  
11 so happens that the calibre of officer that is  
12 coming out of our academy right now is -- spends  
13 more time and is better trained in respect to  
14 providing a service in the Aboriginal communities,  
15 and that obviously was pointed out in the Innu  
16 Nation when the two Labradorians went back -- one  
17 officer went back, I guess he probably had about  
18 an 80 per cent average, and one had a little bit  
19 less than and 80 per cent; they were having  
20 problems with the human relations component of the  
21 Canadian justice or the Justice Institute of  
22 B.C.'s certification program. We have a human  
23 relations program, and within that -- some of the  
24 examples that they were giving to Aboriginal  
25 people from the instructors they couldn't relate

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1 to, and how a father had gotten into an argument  
2 with the son because the son used most of the gas  
3 in the car or how the wife had used a chequebook  
4 and overdrawn the credit card, you know; and, you  
5 know, these people over there relate to more  
6 realistic scenarios. So those really wouldn't  
7 look -- they couldn't comprehend or understand why  
8 that would be a major problem in the Indian  
9 nation. And obviously these officers went back  
10 and saved lives and made a major difference in  
11 their community, and presently they have just --  
12 they have two more graduating this week and there  
13 is, I believe, seven people from the Indian  
14 nation, including an Elder, that has travelled all  
15 the way across the country to attend their  
16 graduation again. So you can still see that that  
17 support is still there.

18 But, pound for pound, as far as  
19 education goes, as far as qualifications go, our  
20 officers have attained very high marks. We have  
21 officers there with 98 to 100 per cent averages in  
22 law.

23 We have -- last years troop had a  
24 93.6 average overall, and we outshoot them, we  
25 outdrive them; we do really well in all the police

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1 portions of the training program. But the main  
2 component of our program is the holistic approach,  
3 the area that most people don't want to talk  
4 about. You know, they say, "Well, you know, how  
5 well can you shoot, how well can you drive," or  
6 "How well can you fight?" you know, and the  
7 holistic approach to our training program is  
8 paramount; that that is ongoing every day.

9 Thank you.

10 **CO-CHAIR GEORGES ERASMUS:** How  
11 many recruits do you have through your program at  
12 any given time?

13 **MR. JIM MALONEY:** Presently we  
14 have 38, and that seems to be the average that we  
15 have been going through each year, somewhere  
16 between 35 to 40; and also we have fisheries  
17 officers, First Nations, Gitksan Wet'suwet'an  
18 "Rangers" they are called. They are in-house  
19 trained. There is 19 of those trained presently.  
20 We just graduated 18 forest technicians from our  
21 program.

22 We anticipate this fall that we  
23 may be double trooped with a very large -- two  
24 troops coming in this fall.

25 **CO-CHAIR GEORGES ERASMUS:** How are

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1 you funding these courses?

2 **MR. JIM MALONEY:** It is a fee-for-  
3 service program. Our tuition base -- presently we  
4 charge \$6000.00 per tuition, per recruit that  
5 comes to the police academy, and the band  
6 councils, either through the band or through the  
7 education process or job development or CEIC  
8 through some initiative, some policing programs,  
9 find the money to send the people out to our  
10 institute for training.

11 Now, in comparison, in order to  
12 train municipal police forces and RCMP members in  
13 other areas, you are probably talking up into the  
14 sixty to seventy thousand dollar bracket.

15 So we have managed because of the  
16 support of the Sto:lo Nation, because of the  
17 support of our staff of whom 90 per cent are First  
18 Nations people, all work on a fee-for-service, and  
19 if we don't have troop coming in they don't have  
20 jobs. So it is just -- it is major initiative by  
21 First Nations people that are willing to sacrifice  
22 their time and their skills for a little bit of  
23 pay to provide a service for our communities.

24 **CO-CHAIR GEORGES ERASMUS:** How  
25 long is the training again?



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1                   **MR. JIM MALONEY:** The training  
2 program goes on for one year. There are nine  
3 months at the academy and three months on-the-job  
4 training which, by the way, the First Nations  
5 police forces across the country provide on-the-  
6 job training for our recruits.

7                   So they will be going out to  
8 Manitoba, to Alberta, to the Mohawk Nations, the  
9 Atlantic Provinces, to work with established  
10 tribal police departments who provide on-the-job  
11 training for us.

12                   **CO-CHAIR GEORGES ERASMUS:** You  
13 recommend accreditation as one of the final  
14 things.

15                   Have you tried to get  
16 accreditation?

17                   **MR. JIM MALONEY:** I guess the  
18 accreditation that we are looking at is rather a  
19 recognition of accreditation, not so much a  
20 provincial certification or federal certification,  
21 but an official recognition as to a First Nation's  
22 institute. And this is what the Board of  
23 Directors want to establish and this seems to be  
24 the direction that we want to go; we want to  
25 demonstrate that we can have our own institutes,

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1 that we have our own trainers, we have our own  
2 instructors and we can provide our own  
3 certification for these. Because we set the  
4 standards. The community at Davis Inlet sets the  
5 standards for their tribal police and their  
6 Aboriginal justice, not the Canadian Government or  
7 Newfoundland Government for the RCMP academy in  
8 Regina; but it is more important that the  
9 community establish the standard, community give  
10 accreditation and sponsorship to the training  
11 institutes.

12 CO-CHAIR GEORGES ERASMUS: Has the  
13 institute sought accreditation?

14 MR. JIM MALONEY: No. No. We  
15 haven't gone to the provincial government -- as a  
16 matter of fact, we have had people come and visit  
17 us from the Premier down, and also with the  
18 Department of Indian Affairs ministers and other  
19 ministers that have come out and given us some  
20 "attaboys" and "good job," "well job done." And  
21 there has been quite a bit of references being  
22 mentioned about the training institute because it  
23 is the only training institute of its kind in  
24 North America.

25 CO-CHAIR GEORGES ERASMUS: Yes.

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1                   **MR. JIM MALONEY:** However, the  
2 Board now is in an area now where they are going  
3 to be developing that I guess; they are going to  
4 be making an approach to the different governments  
5 in respect to that and maybe we can get some  
6 support from the Commissioners here.

7                   **CO-CHAIR GEORGES ERASMUS:** Would  
8 it be federal or provincial accreditation you are  
9 seeking?

10                   **MR. JIM MALONEY:** I would think  
11 federal.

12                   **CO-CHAIR GEORGES ERASMUS:** Okay.  
13 I think those are my questions.  
14 Let's see if Viola has any.

15                   **COMMISSIONER VIOLA ROBINSON:** I  
16 would like to thank you for your presentation.

17                   We heard a lot about justice and  
18 we have had a roundtable on justice, and  
19 oftentimes we go into communities and we are  
20 trying to get some feel from the people themselves  
21 how they -- what kind of a justice system do they  
22 see working for them in Canada, and they are  
23 floating around, these different terms. There is  
24 the separate justice system, a parallel justice  
25 system, an integrated form of a justice system,

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1 and we don't seem to get a clear message as to  
2 what kind or should it be a mixture or whatever.

3 What would be your views on that  
4 kind of a question?

5 MR. JIM MALONEY: Well, would you  
6 like -- maybe I could get Joan to answer that.

7 COMMISSIONER VIOLA ROBINSON: Any  
8 one of you.

9 MS JOAN PHILLIP: As in my  
10 presentation I had mentioned the fact that we  
11 don't want to duplicate what already exists  
12 because it doesn't work.

13 COMMISSIONER VIOLA ROBINSON: Yes.

14 MS JOAN PHILLIP: We are looking  
15 more towards re-establishing the more traditional  
16 ways of dealing with social behavioral issues  
17 within the community. And Jim Maloney had touched  
18 on the holistic approach, also to dealing with  
19 problems that arise within the community, so the  
20 recruits not only get the kinds of policing that  
21 regular, say, municipal police would. They also  
22 get the more traditional, you know, healing kind  
23 of approach to dealing with the issues within the  
24 communities.

25 So I wouldn't call it a "parallel

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1 system" because this system, the Canadian system  
2 was imposed on us; we are looking towards a  
3 traditional system.

4 COMMISSIONER VIOLA ROBINSON: Yes.

5 How many -- you said there were a  
6 number -- oh, did you want to speak to that too?  
7 Go ahead.

8 MR. DOUG FARENHOLTZ: Yes, could I  
9 add one or two comments?

10 I think this also goes back to Mr.  
11 Erasmus's comment.

12 The mission and the objective of  
13 the First Nations Tribal Justice Institute is one  
14 of providing the education and the training  
15 background for the officers that graduate. And  
16 the courses that we offer to the people at the  
17 First Nations Tribal Justice Institute reflect the  
18 requirements of law enforcement officers  
19 worldwide. And so when the green recruit arrives  
20 at the institute I may ask them "Are you able to  
21 carry out this murder investigation? Do you  
22 understand a pathologists responsibilities?" and  
23 "How would you control this scene" et cetera, and  
24 "How would you recognize some of the problems?"  
25 And of course they don't understand that because

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1 they had never been involved in those kinds of  
2 investigations before. But by the time they leave  
3 their training they understand what their  
4 responsibilities are. And they also understand  
5 that there are some cleansing and smudging and  
6 some spiritual and cultural routines that are  
7 normally followed within the Aboriginal  
8 communities where they are doing their work.

9 So when we -- I try to identify  
10 with the people who are sending their recruits to  
11 us as to what type of a justice system we are  
12 training these people to fit into, I think that it  
13 is fair to understand at the outset, right now, is  
14 that the initiatives of the First Nations people  
15 are like that conceptual diagram that I presented  
16 there where they now were becoming, "We want our  
17 own justice system." So what do we want in that  
18 justice system?

19 They don't want anything less,  
20 certainly, from what they have experienced in  
21 terms of the professional abilities of the police  
22 officers that are there and being provided the  
23 communities, but they need to have the attention  
24 drawn to the community and want a community-based  
25 law enforcement justice program. And so they are

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1 not about to throw the baby out with the bath  
2 water, all this knowledge, et cetera, again. But  
3 they really need to have the broader community,  
4 Canada, the province and the various  
5 municipalities recognize those people for what  
6 they have and what they are trained to do.

7 So right now I don't think that we  
8 -- that the First Nations are able to give you a  
9 definitive answer. We are training people in  
10 parallel justice programs.

11 I think that we -- this is a new  
12 opportunity, clearly a new opportunity for Canada  
13 to learn and the province to learn new values and  
14 possibly a new approach to justice systems.

15 **COMMISSIONER VIOLA ROBINSON:**

16 Thank you.

17 Just one last question:

18 How many tribal justice systems  
19 are there in Canada in the communities now?

20 Do you have ---

21 **MR. JIM MALONEY:** There are  
22 probably as many as there are First Nations  
23 communities, and I think that -- presently I think  
24 that there are -- as most of the ones that are  
25 established now are based on -- like tribal

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1           policing for example in Alberta, Manitoba, a lot  
2           of those operate under the Canadian criminal  
3           justice system as it stands; and there has been  
4           some experimentation going with what we call  
5           "alternative sentencing" and different programs in  
6           the community. I think there is about eight  
7           different programs going on now. But there has  
8           never been any real trust put into Aboriginal  
9           governments and First Nations communities to  
10          development their own, nor has there been any  
11          resources made available.

12                                We have probably spent about, you  
13          know, \$150 million doing inquiries and asking  
14          questions and coming up with recommendations, you  
15          know, and we keep telling them what we want, but,  
16          you know, we hope that this is just not another  
17          one of those. And we hope that something will  
18          actually happen, you know, as a result of all the  
19          time and all the presentations that are being  
20          made.

21                                You know, while we are talking  
22          people are dying, people are suffering, people are  
23          being incarcerated, so something has got to happen  
24          very, very quickly, and that is what we are  
25          looking for. And I think the First Nations



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1 communities have the wisdom; they have the  
2 knowledge; all they need is the resources and the  
3 respect and the ability to develop these.

4 And then a lot of the governments  
5 that we are dealing with don't recognize First  
6 Nations governments, they don't recognize band  
7 authority, and they don't recognize First Nations  
8 justice initiatives, you know; and they don't  
9 recognize Aboriginal rights in some areas. So if  
10 we call ourselves First Nations we will suffer all  
11 the same problems that other First Nations  
12 governments have. But we are willing to do that  
13 because we feel that is where it has got to come  
14 from.

15 **COMMISSIONER VIOLA ROBINSON:**

16 Thank you.

17 **MS JOAN PHILLIP:** I just wanted to  
18 add to his comment.

19 I view this as a process, a  
20 process of decolonization, a process of First  
21 Nations communities taking the responsibility back  
22 that we traditionally had before those systems  
23 were undermined and destroyed by this Canadian  
24 system.

25 There is going to be -- I suppose

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1 the justice systems set up are going to be as  
2 different as the different nations themselves.  
3 Within our area we would set up a justice system  
4 that wouldn't be the same as say with the Cree or  
5 Dene or whoever. But it is going to be a system  
6 that is ours and it is going to have to start  
7 right at the grassroots level. But, as Jim was  
8 saying, it needs to -- this Canadian Government  
9 needs to accept the fact that we do want to take  
10 responsibility; we want the jurisdictional and the  
11 authority to do this, to have it funded, so that  
12 it can work.

13 **COMMISSIONER VIOLA ROBINSON:**

14 Thank you.

15 **CO-CHAIR GEORGES ERASMUS:** Are you  
16 going to develop other types of programs and  
17 courses on this very issue which you were just  
18 talking about on -- and you are dealing with  
19 policing. There are other parts to a  
20 justice system, obviously. Will you as an  
21 institute be taking on other parts of the justice  
22 system?

23 **MR. DOUG FARENHOLTZ:** Yes, in one  
24 word. We are trying to attend to the needs of the  
25 First Nations people and, as I outlined in that

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1 organizational view, there is a need for the  
2 administration of justice to appreciate the  
3 environmental concerns and the social concerns as  
4 well as the criminal concerns that are affecting  
5 the communities and identify each of those  
6 concerns relative to the responsibilities in terms  
7 of the priorities.

8 Right now what is happening  
9 typically Canadian justice is the fact that the  
10 individual is the one that is requiring the most  
11 attention in the service of whether it is housing,  
12 whether it is medical or whether it is criminal,  
13 wherever they are hurting, an individual is the  
14 cause of that -- of those expenses. And so what  
15 we need to do is look at the total priority and  
16 start to heal from within. If we can heal the  
17 community from the perspective and concept of  
18 Aboriginal justice, then what we will end up is  
19 having a reduction in the costs of all these  
20 services and end up with a healthy community and  
21 attend to the environmental requirements.

22 So yes, the development of the  
23 programs, we are working towards the development  
24 of those programs through this two-year non-degree  
25 criminology program that we are trying to finalize

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1 through the First Nations Educational Centre in  
2 Vancouver and Douglas College most recently.

3 **CO-CHAIR GEORGES ERASMUS:** I was  
4 wondering if you would at some point be actually  
5 teaching what any particular given model might  
6 look like. For instance, would you take the  
7 Nisga'a system of justice and bring experts in it,  
8 whomever they would be, whether they were Elders  
9 or otherwise, and provide a course on that so that  
10 people could come there and learn about it if they  
11 wanted?

12 **MR. JIM MALONEY:** Yes to that.

13 **CO-CHAIR GEORGES ERASMUS:** I was  
14 curious, is the fictional accounts of the Navajo  
15 police been done through Tony Hillerman's long  
16 series of books, is that required reading for your  
17 troops in their leisure time?

18 I would like to thank you for your  
19 presentation.

20 **MR. JIM MALONEY:** They don't have  
21 time for any fictional stuff.

22 Just for anybody that is  
23 interested, presently we have a First Nations  
24 justice conference going on at the First Nations  
25 Tribal Justice Institute in Mission. It has been

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1 going on the last two days, and tomorrow will be  
2 the wrap-up, and we have got lots -- not to take  
3 anybody away from what is going on here, but we do  
4 have a conference going on to address on a  
5 national basis what is going on, so we can make a  
6 statement; and pretty much the same, we have got  
7 representatives from Nova Scotia there, from  
8 Manitoba, from Alberta -- right across the country  
9 that are doing presentations there as well.

10 CO-CHAIR GEORGES ERASMUS: All  
11 right. We will let you have that little  
12 commercial.

13 MR. JIM MALONEY: Thank you.

14 MODERATOR LOU DESMARAIS: Thank  
15 you, Joan, and colleagues. We would now like to  
16 call upon Linda Day to come forward and make a  
17 presentation on behalf of Healing our Spirit.

18 MS LINDA DAY: I have invited  
19 Frederick Haineault who is one of our co-founders  
20 of Healing Our Spirit to sit with me today.

21 I would like to start off by  
22 thanking you for inviting us to make a submission  
23 to the Royal Commission on Aboriginal Peoples, and  
24 for listening to the concerns that we have around  
25 the issues of AIDS.

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1 I am here today to talk about  
2 something that is not being talked about enough.  
3 HIV and AIDS are spreading, spreading more rapidly  
4 in First Nations communities.

5 The HIV infection rate among  
6 Aboriginal people seeking testing through the  
7 Vancouver Street Nurses Project is significantly  
8 higher than the rate of other races combined.

9 People are dying. Since 1988 the  
10 number of reported cases has increased. The most  
11 significant increase occurred in 1991 when the  
12 total reported cases nearly doubled from 25 to 48.

13 Those are the number of total  
14 reported cases, but what about the unreported  
15 cases?

16 Since many people die from AIDS-  
17 related complications without ever being diagnosed  
18 with AIDS, the stats are undoubtedly higher, much  
19 higher.

20 People are dying in cities and in  
21 rural communities. They are our brothers,  
22 sisters, aunties, mothers, fathers, nieces and  
23 nephews. They are human beings. But often they  
24 are not treated like human beings and die alone  
25 because nobody wants them in their own

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1 communities.

2 Why? Because of fear and  
3 ignorance based on lack of education about the  
4 transmission of HIV.

5 Culturally-relevant education  
6 about HIV and AIDS is need to reduce the rate of  
7 infection and to create greater acceptance of  
8 those living with HIV and AIDS.

9 Healing Our Spirit B.C. First  
10 Nations AIDS Society is committed to working  
11 toward reducing the spread of HIV and to those --  
12 and to supporting those affected by the virus in  
13 both rural and urban communities throughout B.C.

14 We challenge all Aboriginal  
15 leadership to work with us to stop the spread of  
16 this deadly virus.

17 At the present time, Healing Our  
18 Spirit B.C. First Nations AIDS Society is focused  
19 on the HIV education of rural and urban  
20 communities throughout B.C. However, there is a  
21 tremendous need for advocacy, care, treatment and  
22 support for people living with AIDS.

23 Healing Our Spirit B.C. First  
24 Nations AIDS Society will strive to address those  
25 needs in the near future.

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1                   The rate of HIV infection for  
2                   First Nations people continuous to be greater than  
3                   that of other groups of people.

4                   Historically, Aboriginal people  
5                   have succumbed to disease at a substantially  
6                   higher rate than others, and AIDS is no exception.

7                   Unfortunately, the vast majority  
8                   of First Nations people are still unaware of the  
9                   facts surrounding the transmission of the HIV  
10                  virus and the threat that this poses to themselves  
11                  and their communities.

12                  Many Aboriginal people believe  
13                  that the virus will not affect them because they  
14                  live in isolated communities; or, that it will not  
15                  affect them because they are not homosexual, or do  
16                  not use intravenous drugs. Others do not even  
17                  think about it because they choose not to think  
18                  about it, yet they continue to expose themselves  
19                  to the virus by engaging in high-risk behaviours.

20                  Healing Our Spirit is a community-  
21                  based and culturally-based AIDS organization  
22                  dedicated to educating our communities about HIV  
23                  in order to decrease the rate of HIV infection.

24                  Our education staff travel  
25                  throughout B.C. and provide up to date accurate



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1 information about HIV to First Nations communities  
2 in workshop settings.

3 Our education is effective and  
4 unique for a number of reasons which will be  
5 outlined in this submission.

6 Our model of health education is  
7 fair representation of self-government at work, a  
8 community-based First Nations organization  
9 delivering health education to First Nations  
10 communities by First Nations staff using  
11 culturally-relevant materials.

12 A bit about our Society:

13 Healing Our Spirit B.C. First  
14 Nations AIDS Society was initiated by two HIV  
15 positive Aboriginal men, one Frederick Haineault,  
16 and the other Leonard Johnson, who, after going  
17 into recovery, decided that they must educate  
18 other First Nations people about the transmission  
19 of the virus and those living with HIV and AIDS.

20 One of their concerns is the lack  
21 of education on the virus and the lack of support,  
22 care and treatment for those individuals who are  
23 living with AIDS. Often entire families are  
24 shunned, rejected, and even attacked in  
25 communities when other members learn a family has

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1 AIDS.

2 At a time when the individual and  
3 their families most need support and compassion,  
4 the individual cannot even return home to receive  
5 proper care and treatment.

6 This is also often due to a  
7 combination of a lack of resources, both financial  
8 and medical, or because they are not wanted or  
9 welcome in their own communities.

10 Fear based on ignorance has meant  
11 that people who are living with AIDS are denied  
12 the right to live and die with dignity in their  
13 own communities.

14 By educating individuals about HIV  
15 and the transmission of the virus, Healing Our  
16 Spirit will facilitate a greater awareness and  
17 acceptance of those living with the virus.

18 About our staff and Board of  
19 Directors:

20 The Society was officially  
21 incorporated in May of 1992, and at the present  
22 time the staff consists of an Executive Director,  
23 who is myself; Education Coordinator, Frederick  
24 Haineault; we also have five educators and one  
25 administrative assistant.

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1                   The Board of Directors consists of  
2 five individuals who are actively involved with  
3 education and social concerns as they directly  
4 affect our communities.

5                   Healing Our Spirit works very  
6 closely with other AIDS organizations in the Lower  
7 Mainland and throughout Canada and with other  
8 First Nations organizations, bands and tribal  
9 councils throughout B.C.

10                  The Board and Staff of our Society  
11 is representative of HIV positive individuals and  
12 therefore has the knowledge and information  
13 necessary to make informed decisions within the  
14 Society.

15                  Our program model:

16                  The effectiveness of our program  
17 model in educating about HIV is due to the content  
18 and the presentation style.

19                  Our method of delivering HIV and  
20 AIDS education is effective for a number of  
21 reasons.

22                  The education staff use culturally  
23 relevant educational materials, use personal  
24 stories, and encourage discussion and interaction  
25 with the participants.

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1                   The medicine wheel is used as a  
2                   teaching tool to explain the progression of HIV  
3                   which leads to AIDS.

4                   Smudging ceremonies are used  
5                   before the sessions to ask participants to pray  
6                   for an open mind and to accept the information  
7                   they are about to receive and to pray for those  
8                   living with HIV and AIDS.

9                   Whenever possible, speakers who  
10                  are HIV positive are included on the agenda to  
11                  talk to the people about their personal story.  
12                  These personal story to relayed to members of the  
13                  community are very effective in making people  
14                  aware -- more aware of the vulnerability of each  
15                  of us in relation to the virus that causes AIDS.

16                  Youth and AIDS:

17                  The youth are an extremely  
18                  vulnerable group of people. Today's youth are  
19                  constantly challenged with high risk behaviours  
20                  and are at risk for suicide, alcohol and drug  
21                  abuse, prostitution, and homelessness.

22                  Many young people are survivors of  
23                  sexual abuse and are in conflict with the law.  
24                  All of these social systems and accompanying  
25                  lifestyles place youth at high risk of contracting

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1 HIV and shorten the lives of those who may already  
2 be infected with the HIV virus.

3 Since First Nations people  
4 comprise a disproportionate number of the  
5 population in all of these areas, we are more  
6 susceptible to the virus that causes AIDS.

7 Youth are fast becoming infected  
8 with the virus and First Nations youth must be  
9 educated about it in order to protect themselves  
10 and their partners.

11 The pregnancy rate for First  
12 Nations teenagers is higher than the national  
13 average, which will mean that HIV-infected teen  
14 mothers are at risk to give birth to HIV positive  
15 babies.

16 Healing Our Spirit B.C. First  
17 Nations AIDS Society would like to secure funding  
18 to hire youth workers to develop educational plans  
19 and programs that will appeal to youth. We feel  
20 that, in order for HIV awareness to be accepted,  
21 it has to be delivered by people who know not only  
22 what they are talking about, but also know the  
23 audience they are addressing.

24 Youth workers should be hired to  
25 work not only with those who are still in school

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1 and in lower risk categories, but also to act as a  
2 street liaison with youth who are in the higher  
3 risk categories.

4 Care, Treatment and Support:

5 At the present time the Society is  
6 not equipped to deal with issues faced by those  
7 living with HIV and AIDS in the area of care,  
8 support and advocacy, and there is a tremendous  
9 need for this type of support service.

10 Healing Our Spirit B.C. First  
11 Nations AIDS Society requires additional funding  
12 in upcoming fiscal years to hire staff to work in  
13 advocacy and support.

14 The special needs of those living  
15 with the virus and those with AIDS and the type of  
16 solutions to their unique problems will be  
17 outlined in the brief tabled today.

18 Solutions and Initiatives:

19 In October, Healing our Spirit co-  
20 hosted a national gathering of Aboriginal people  
21 who are living with HIV and AIDS and there was a  
22 network formed, a national network, national  
23 working group.

24 We presently have a paper, a draft  
25 paper, position paper, that is available for

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1 people to read. I have one copy, but you can get  
2 copies from me later.

3 On May 27th and 28th, the staff  
4 and Board of Directors of Healing our Spirit B.C.  
5 First Nations AIDS Society met to review our short  
6 and long-term goals and our mission statement.

7 While it is clear that education  
8 remains vitally important, we also feel that it is  
9 time to meet the needs of those living with HIV  
10 and AIDS.

11 To this end we propose the  
12 following:

13 Healing Our Spirit will be co-  
14 hosting an Aboriginal healing retreat for people  
15 living with HIV and AIDS. This retreat will be  
16 co-hosted with Urban Society and will be held in  
17 the interior of B.C. later on this summer.

18 Number two (2):

19 Our Society will continue to be  
20 culturally based with sensitivity to First Nations  
21 people living with HIV and AIDS.

22 Our program is based on a holistic  
23 approach to healing and is relevant to our  
24 people's beliefs and values.

25 Participation and input and

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1 interaction with their elders is fundamental.

2 Number three (3), Advocacy:

3 We are a voice for and by people  
4 living with HIV and AIDS and their families and  
5 will lobby government bodies and other  
6 organizations to ensure that the human rights of  
7 people living with HIV and AIDS are upheld in all  
8 circumstances.

9 Number four (4), Networking:

10 We will be proactive in the areas  
11 of national people living with HIV and AIDS, the  
12 working group of national people working with HIV  
13 and AIDS, other AIDS awareness and service  
14 organizations, social service agencies, native  
15 groups, Aboriginal leadership, communities,  
16 educational institutions, housing societies,  
17 corrections, the legal system and health  
18 organizations.

19 We have recently become accepted  
20 as a member of the Canadian AIDS Society are a  
21 member of the B.C. AIDS Network, and we have  
22 worked with the Joint National Committee on  
23 Health.

24 Our president has been nominated  
25 to sit on the Provincial AIDS Secretariat, and we



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1 will representation at the Ninth International  
2 Symposium on AIDS which will be held next week in  
3 Berlin, Germany.

4 Number five (5), in the area of  
5 Care, Treatment and Support:

6 We will offer support and  
7 counselling for people living with HIV and AIDS as  
8 well as ensure that care for the care giver, our  
9 staff, is a priority.

10 Our goal is to offer referral and  
11 treatment information, such as referrals to drug  
12 and alcohol counsellors, doctors, traditional  
13 healers, massage therapy, as well as other types  
14 of alternative therapies and treatment.

15 We also want to set up a food bank  
16 with donations from community members of  
17 traditional foods, such as canned and fresh fish,  
18 canned moose meat, dried fish, and other  
19 traditional foods that are nutritious and that  
20 will help people that are living with AIDS in  
21 maintaining a healthy diet.

22 Hospital visitation programs,  
23 support groups, and healing circles are also goals  
24 we wish to achieve in the near future.

25 Number six (6):

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1                   In the educational area we will  
2 continue to work with rural and urban communities  
3 to ensure that the most up to date and culturally  
4 relevant HIV prevention takes place.

5                   Number seven (7):

6                   Our volunteer base will be  
7 developed in order to offer the best education and  
8 support services to the community members.

9                   Volunteers are greatly needed in  
10 many areas such as driving to and from hospitals,  
11 shopping, looking for accommodations, buddy  
12 programs, hospital visitation programs, and in  
13 many, many other areas that volunteers are needed  
14 in.

15                   Number eight (8):

16                   We will be working on a membership  
17 drive to ensure that our membership is community-  
18 based, and that our Board of Directors is  
19 accountable to the membership.

20                   Our First Annual General Meeting  
21 will be held in August.

22                   In summary, I would like to state  
23 that First Nations people are relatively unaware  
24 of the danger that HIV poses for themselves and  
25 their communities, and are not educated about the

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1 transmission of the virus.

2 Because a large number of First  
3 Nations people live in conditions that are at or  
4 below the national poverty level and therefore are  
5 susceptible to diseases and viruses such as  
6 tuberculosis, diabetes and HIV, they must be  
7 educated about the virus and know how to protect  
8 themselves.

9 Facts about the transmission of  
10 the virus will facilitate a better understanding  
11 about people who are living with HIV and AIDS.

12 The right to die with dignity is a  
13 fundamental human right. People living with AIDS  
14 are no exception.

15 Communities must learn the facts  
16 surrounding HIV and AIDS so that more people and  
17 family members do not continue to suffer shame and  
18 pain of not being allowed to enter their own home  
19 community when they most need care and support.

20 We are all responsible for  
21 ensuring that our communities receive accurate  
22 information about health issues, especially  
23 preventative measures, to ensure that the HIV  
24 virus -- to ensure that the virus that causes AIDS  
25 does not destroy entire communities.

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1 Chiefs, counsellors, teachers,  
2 community health representatives, and other high  
3 profile First Nations people, should be leaders in  
4 the HIV awareness campaign by practising safer sex  
5 and no-risk behaviours, talking openly about the  
6 facts of the virus, and by recognizing that HIV  
7 can, and does, effect and affect everyone. We can  
8 all be role models in the fight against this  
9 deadly disease.

10 Thank you.

11 **CO-CHAIR GEORGES ERASMUS:** Thank  
12 you for your presentation and coming forth on this  
13 very important issue.

14 The concern you have that  
15 Aboriginal people are more susceptible because of  
16 the conditions they live in, have you noticed  
17 since becoming a society organized that you are  
18 coming into contact with many Aboriginal people  
19 that are already HIV or have AIDS? Are there a  
20 lot of them coming forth?

21 **MS LINDA DAY:** Yes.

22 **CO-CHAIR GEORGES ERASMUS:** --- to  
23 see you?

24 **MS LINDA DAY:** --- there are. And  
25 all different age groups, categories, especially

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1 young people, street involved people, and people  
2 that live in rural communities as well. It is not  
3 -- one of the main points we want to make today is  
4 it is not an isolated incident -- incidents in the  
5 province; it is -- it can happen anywhere, and it  
6 is happening.

7 CO-CHAIR GEORGES ERASMUS: By that  
8 you mean it is happening right across the  
9 province?

10 MS LINDA DAY: Yes.

11 CO-CHAIR GEORGES ERASMUS: Yes.

12 MS LINDA DAY: On-reserve and off-  
13 reserve.

14 Currently we are working Northern  
15 Native Family Services which is located at Prince  
16 George to provide education services to 12  
17 isolated communities in the Carrier-Sekani Tribal  
18 Council area, and we do a lot of education with  
19 community health representatives who work with on-  
20 reserve populations as well.

21 So over the course of the summer  
22 we will be -- I think it is 12 communities we will  
23 be providing workshops for, and some of them are  
24 fly-in communities. And there have been cases  
25 reported in these communities.

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1                   **CO-CHAIR GEORGES ERASMUS:** Where  
2 do you get your funding?

3                   **MS LINDA DAY:** Currently we get  
4 our funding from the Ministry of Health; the bulk  
5 of our funding is from the Ministry of Health.  
6 However, we were finding that we do have a  
7 shortfall; that we are requesting money from the  
8 federal government as well. We are doing a lot of  
9 work on-reserve. A great majority of our work is  
10 actually done on-reserve and we are requesting  
11 money from the ACAP program (AIDS Community Action  
12 Program) which is part of the Health Promotions  
13 Directorate.

14                   **CO-CHAIR GEORGES ERASMUS:** What do  
15 you think we should recommend to the federal  
16 government in this area?

17                   **MR. FREDERICK HAINEAULT:** I think  
18 the bulk of what we are saying here is we are  
19 fully functioning in the educational sector of  
20 this. What is lacking on all levels of  
21 government, provincial and federal, is the care,  
22 support and treatment of youths that need to be  
23 addressed; that we cannot provide these without  
24 adequate funding or even take a look at them, and  
25 that is what we are basically saying here today.

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1                   **CO-CHAIR GEORGES ERASMUS:** So we  
2 need both the public education plus the services  
3 that you are talking about?

4                   **MR. FREDERICK HAINEAULT:** That's  
5 right.

6                   **MS LINDA DAY:** And increase  
7 funding.

8                   **CO-CHAIR GEORGES ERASMUS:**  
9 Increase funding?

10                   Okay, thank you.

11                   Viola?

12                   **COMMISSIONER VIOLA ROBINSON:** I  
13 don't have any questions; just to thank you for  
14 coming and making your presentation.

15                   **CO-CHAIR GEORGES ERASMUS:** Thank  
16 you.

17                   **MODERATOR LOU DESMARAIS:** Thank  
18 you both.

19                   We would now like to call on David  
20 Seymour to come forward and make a presentation on  
21 behalf of the Aboriginal Peoples Business  
22 Association.

23                   David, I will just let you go at  
24 it here.

25                   **MR. DAVID SEYMOUR:** Thanks.

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1                   For the record, my name is David  
2                   Seymour, and I am President of the Aboriginal  
3                   Peoples Business Association. I come to you in  
4                   that capacity because the Association applied for,  
5                   and did receive, intervenor funding, and we are  
6                   asked to present our report. It will be delivered  
7                   to you when it is bound in its proper form.

8                   However, I have other capacities  
9                   that I am involved in such as social housing. But  
10                  in beginning the report one wonders how to  
11                  capsulize or visualize the situation that we face  
12                  in this province.

13                  It is kind of like reaching in  
14                  your pocket late at night knowing that you are  
15                  stuck in a hotel and the only place that you can  
16                  get a pop is at a pop machine and it requires one  
17                  dollar and you reach out to find that you have a  
18                  bunch of loose change that doesn't quite add up to  
19                  a dollar.

20                  It seems that not only does the  
21                  analogy apply to this study and the involvement of  
22                  the Commission in funding it, but it also applies  
23                  to the total Native community.

24                  First, our report covers the  
25                  history of the province and how it seems like the



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1 Native people have gone short, always having that  
2 little bit extra needed.

3 You can see that both in the  
4 allocation of reserve systems and the allocation  
5 of moneys.

6 Our report was not intended to sit  
7 and tell you about the problems. I am sure you  
8 have sat and listened to them all along.

9 I have been meaning to say: that  
10 is where we started from.

11 The present situation clearly is  
12 substandard.

13 Our methodology that we covered in  
14 our work involved both interviews with business  
15 people, interviews with capital corporations, and  
16 a roundtable discussion on economic development.

17 The first meat of the report deals  
18 with banking and lending institutions. Clearly  
19 the banks are making initiatives to try and reach  
20 out to the Native community. However, it seems  
21 more that they want the business but don't want to  
22 take the risk.

23 Of most of the people surveyed,  
24 the need to get additional security such as  
25 government guarantees was a mandatory requirement.

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1 All the banks now have Aboriginal  
2 people as being a part of their organization to  
3 outreach to the Native communities, particularly  
4 to receive their deposits. However, they are not  
5 yet fully ready and able, I gather, to give loans  
6 to the extent that they wish. Clearly some of  
7 that comes from the inhibiting factors that you  
8 find in the Indian Act; however, most of which is  
9 circumventable in this modern day and age.

10 What we need to have is a bank  
11 that is responsive to the Native community.

12 Our first recommendation to the  
13 Committee is that the creation of an Aboriginal  
14 banking mechanism capable of meeting the financial  
15 demands of the Native community such as a Schedule  
16 B bank is necessary.

17 No discussion about economic  
18 development is complete without touching on the  
19 human factors.

20 In our report we discuss the human  
21 development.

22 One has to appreciate when you  
23 discuss the human component of economic  
24 development that you are in fact talking about  
25 human people, and that hierarchy of needs are

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1 necessary to understand in order to reach this  
2 level of development.

3 So we join in the support for all  
4 of those people that advocate holistic healing,  
5 social housing, and other social programming that  
6 involves bringing people to the stage of  
7 development where realization and productivity is  
8 free from other social impediments.

9 Clearly, one of the main responses  
10 made by the interviews was that there was a need  
11 for managerial skills. It seems hard to reconcile  
12 that while the number one need in human resource  
13 development is managerial skills, for the  
14 unskilled the Department of Indian Affairs is  
15 cutting back on education or at least capped it.

16 The report recommends that without  
17 diminishing the recommendations on the post-  
18 secondary education, it wishes to include and make  
19 the recommendation that there be creation of  
20 Aboriginal educational institutions with degree  
21 and diploma-granting abilities which could  
22 provide, among other course, business and  
23 entrepreneurial training courses sensitive to the  
24 Native community.

25 Clearly, there needs to be more

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1 funding for Aboriginal organizations to provide  
2 for the delivery of entrepreneurial training.

3 As a proactive measure, there  
4 would be greater success for all business  
5 ventures. So it is two-part recommendation, one  
6 for degree and diplomas in entrepreneurial  
7 business management, but also for the -- less than  
8 that.

9 The report goes on to talk about  
10 the conditions of business in B.C.

11 Clearly, I am sure that you have  
12 heard from all of the others that the land base is  
13 very small; the development of the Indian reserve  
14 system here appears to have been intentional to  
15 deprive the Indian bands and organizations from  
16 having an economic land base.

17 I am sure if you were to have the  
18 Department of Indian Affairs or provincial  
19 government announce, there is 1622 and some-odd  
20 reserves in the province for a sum total of  
21 800,000 acres. However, when you work it out on a  
22 per-reserve basis, the land base is very small.

23 The second is the creation of an  
24 inordinate, large number of bands.

25 With 600 bands in the country,

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1 over 196 are here in this region. Most of these  
2 entities become economically unable to develop  
3 necessary infrastructure to facilitate community  
4 economic development.

5 This is coupled with the thought  
6 of political uncertainty, together with economic  
7 uncertainty.

8 And while the province and the  
9 federal government are doing well, and they should  
10 be credited for that, when they negotiate various  
11 fishing agreements, the creation of the Treaty  
12 Commission, such as the Fraser River Action Plan,  
13 and now we have seen the Skeena coming along.

14 There is provision within the  
15 Treaty Commission or the B.C. Task Force  
16 recommendations for interim agreements on resource  
17 development, and there has been work in the area  
18 on resource access negotiations program.

19 However, all of these have been  
20 mere recommendations to this date.

21 The province still has the 1943  
22 agreement mineral resource access that it has  
23 never dealt with, and there is ability to do so.

24 The report comes down to the  
25 conclusion that it must recommend that a movement

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1 by the provincial government to create the  
2 opportunities for First Nations people through  
3 resource development.

4 One specific recommendation would  
5 be to eliminate the 1943 Order respecting mineral  
6 rights and allow bands to collect that royal in  
7 totality and not to have to share it with the  
8 provincial government.

9 But we didn't want to be so site  
10 specific as that as to identify that particular  
11 Order. There has to be a number of other  
12 possibilities that the provincial government could  
13 create that would facilitate the opportunities  
14 being taken advantage of.

15 Further, greater financial  
16 contributions to improve the expanded reserve  
17 infrastructure.

18 It is necessary to allow for the  
19 development of isolated reserves that we build the  
20 infrastructure to the reserve, on the reserve.  
21 And one could go through a long list of specifics  
22 if you wish to hear them, such as having some kind  
23 of agreement with regard to the maintenance of  
24 roads where the band does not have to surrender,  
25 give up or have expropriated the rights within the

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1 roads, allowances and such; where the provincial  
2 government would in fact pay for the upkeep and  
3 maintenance of those roads.

4 Moving through the report, we have  
5 turned to the community support.

6 It is important that for the  
7 entrepreneur he cannot be involved with --  
8 struggling with his own councils. In that sense  
9 we support those changes that are being proposed  
10 that will create greater local government  
11 initiatives where the band council has specific  
12 powers, longer terms, and greater authority.

13 It is important that the  
14 Aboriginal businesses must adhere to the bottom  
15 line and justify the conventional business  
16 enterprises just like conventional businesses  
17 enterprises.

18 The problem that band-owned  
19 businesses may encounter is the commitment to the  
20 insufficient operations.

21 They have to have expanded  
22 markets.

23 Some of the communities have  
24 struggled to ensure that they are gaining those  
25 markets but without a greater involvement at the

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1 community level; it is going to be hard.

2 One of the suggestions that  
3 everybody turns to obviously is the tax exemption,  
4 since there is the incentive.

5 Clearly, the potential for  
6 economic development of reserves is somewhat  
7 enhanced through government programs and  
8 Aboriginal support structures.

9 However, for the off-reserve and  
10 the non-status and the Metis programs, the serve  
11 is very much more difficult. So while we wish to  
12 congratulate those people who support the on-  
13 reserve and the status, we wish to emphasize that  
14 as this Commission has extended its authority to  
15 look at the other issues, those issues of off-  
16 reserve people, the non-status and the Metis, they  
17 should not be forgotten.

18 The report comes down to the final  
19 -- the recommendation in this category -- to  
20 increase the awareness of government programs in  
21 all regions with -- this service could be provided  
22 through Aboriginal organizations through  
23 dissemination of pamphlets and distribution of  
24 video, business information and seminars or other  
25 determining means.



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1                   It is clear that if you are going  
2 to have programs for all people, then they should  
3 know them.

4                   There must be the development of a  
5 policy and guidelines requiring a proportion of  
6 the Aboriginal economic program officer's time to  
7 be spent in the field so he becomes aware of the  
8 needs in the field.

9                   There must be greater  
10 encouragement, more economic activity on-reserve,  
11 grant special -- by granting special Aboriginal  
12 corporations tax exempt status through legislation  
13 already in existence under the Financial  
14 Administration Act, such as remission orders.

15                   It could be done by way of special  
16 application where individuals, corporations,  
17 warrant; clearly that there is need to create  
18 incentives that are productivity oriented versus  
19 grant/subsidy oriented.

20                   By having a tax exempt incentive  
21 on the end you create the insensitive to produce  
22 the thing to get the money that is taxable versus  
23 giving a grant at the front end that prevents  
24 somebody or doesn't have the monitoring or  
25 controlling device to cause the production at the

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1 back end.

2 It is better -- in other words, it  
3 is better spent as a tax incentive than as a  
4 revenue expenditure.

5 Having said that, let me continue  
6 with the recommendations:

7 The creation of business support  
8 programs catering to the Aboriginal population in  
9 the larger metropolitan areas are necessary.

10 This would include access to  
11 programs and services in Aboriginal economic  
12 programs.

13 When recommending this we clearly  
14 cite -- we have to get over the problem of  
15 jurisdiction.

16 Clearly there is a need for the  
17 creation of Aboriginal business incubators to  
18 provide urban Native with support services and  
19 access to essential provisions such as computer  
20 and research materials, as well as other  
21 facilities.

22 Having said that about general  
23 community support, we spend a section of the  
24 report on government economic develop programs and  
25 to try to give you the background and outline the

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1 development of that, I don't wish to read or  
2 elaborate on that. I am sure that you had many  
3 people criticize those programs.

4 One of our concerns, though, that  
5 is worth repeating here is that the Aboriginal  
6 economic program which had the bulk of funds has  
7 received in the four years that we were able to  
8 assess the data for a total of 9,334 applications  
9 for funding, of which 1593 were in B.C. Of these,  
10 there are very few that have ever received  
11 funding. And yet the database has never been  
12 maintained as to why the others didn't get  
13 funding, what was missing, how do we help them,  
14 how do we deal with that.

15 Clearly -- I don't want to, I know  
16 it is late in the day and I realize that to  
17 belabour the Commission with all of the details  
18 and tables of financing, why don't I simply get to  
19 the recommendations:

20 That the government departments  
21 should keep an extensive and accurate data bank of  
22 the unsuccessful applications recording the  
23 primary reasons the applicants were rejected.  
24 This information would be of value to the  
25 Aboriginal organizations to determine what

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1 proceeding would increase the likelihood of future  
2 success, whether it be to address the skill  
3 shortage or the education deficiencies, if it is  
4 to establish that many of the applicants are  
5 rejected because of inadequate managerial skills  
6 or other study as to indicate the corrective  
7 action that can be taken. Funding can be provided  
8 to Aboriginal organizations to deliver relevant  
9 entrepreneurial training programs.

10 You have to understand why they  
11 are failing in order to do that on an ongoing  
12 basis because the world of Indian economics is a  
13 very dynamic world and it is changing constantly;  
14 and in order to understand what is necessary or  
15 needed down the road, you must understand why is  
16 somebody being rejected.

17 Clearly there needs to be the  
18 creation of an Aboriginal Chamber of Commerce  
19 which would be responsible for promoting the  
20 interests of Aboriginal businesses.

21 This would include the  
22 encouragement and the promotion of establishing  
23 joint ventures. This could include transfer  
24 responsibility from the institutes of science and  
25 technology to the Aboriginal Chamber of Commerce.

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1                   Further, we recommend the  
2                   establishment of a policy whereby parties are  
3                   limited in the number of times that they are  
4                   eligible to secure the funding from ISTC.

5                   One of the complaints in the  
6                   roundtable that we heard was that too many people  
7                   access the same fund over and over and over again  
8                   while this great, vast number of applications go  
9                   simply rejected, never to return.

10                   It gets to be suspicious, and the  
11                   equity principles of fairness start to be  
12                   questioned.

13                   We are recommending that if  
14                   somebody has the capabilities of accessing the  
15                   fund, then they should do it only so many times,  
16                   to be fair.

17                   Further, there has to be more  
18                   assistance from the ISTC that should be provided  
19                   to individuals who are making their initial  
20                   application. One has to distinguish between the  
21                   applicant that is coming for the second or third  
22                   time or the applicant who is coming for the first  
23                   and initial time.

24                   We heard great discussions about  
25                   the capital corporations, but just as my model had

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1 described to you, or my story that I began with:  
2 the capital corporations, too, find themselves in  
3 this kind of Catch 22 program or problem where  
4 they are undercapitalized to the extent that in  
5 order for them to become self sufficient they must  
6 loan their money out, receive the payments, and  
7 use the revenue for their administration.

8 Any person in that position would  
9 say, "Before I give you my money, I will ensure  
10 that it will come back, because if it doesn't,  
11 then it results in I not having the money to pay  
12 myself."

13 Banks are no different.

14 But the equation for a bank is  
15 that before a branch will be opened, they will  
16 require a \$25 million capital base. None of the  
17 capital corporations are capitalized to that  
18 extent, and yet they are being expected to be as  
19 efficient and as self sufficient as a Bank B or  
20 the banking system.

21 The result is that good  
22 applications are set aside for the more secured  
23 applications. The consequences is that the  
24 capital corporations become in times of low  
25 interest rate prohibitive to taking risk.

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1                   With the low interest rate and the  
2                   lack of risk-taking, economic development is  
3                   stymied.

4                   It is clear that there needs to be  
5                   change either in making sure that the capital  
6                   corporations have administration dollars that they  
7                   do not have to rely upon for their revenues until  
8                   they are properly capitalized or, alternatively  
9                   capitalize them to the extent that the common  
10                  business practice would be capitalized.

11                  Let me just end with this little  
12                  comment:

13                  The vitality of the Aboriginal  
14                  community in Canada is dependent upon the wealth  
15                  and the vibrancy of the society. Cultural and  
16                  social and educational development are  
17                  inextricably linked to the improvement and the  
18                  advancement of a strong economic base.

19                  Economic wellbeing does not  
20                  necessarily insinuate a high standard of living,  
21                  but rather the freedom to pursue ventures which  
22                  are consistent with Aboriginal goals and  
23                  lifestyle.

24                  We recognize those links; we  
25                  recognize those necessities; and wish to conclude

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1 on that.

2 Do you have any questions.

3 **CO-CHAIR GEORGES ERASMUS:** You  
4 haven't provided us any copies of that?

5 **MR. DAVID SEYMOUR:** Not at this  
6 time I haven't. They will be provided by the end  
7 of the week.

8 I was actually hoping to be on at  
9 the end, but as schedules came and determined I  
10 got stuck on here.

11 **CO-CHAIR GEORGES ERASMUS:** Okay.  
12 Well, thanks for your presentations. It certainly  
13 sounds like it is going to be very interesting  
14 reading.

15 In relation to the Aboriginal  
16 capital corporations, are there any that were  
17 created that are large enough, or must they all  
18 be, you know, reviewed and perhaps further  
19 endowed?

20 **MR. DAVID SEYMOUR:** It is our  
21 assessment that they should all be reviewed and  
22 further endowed.

23 First Nations is getting close,  
24 but, you know, just because -- they are like the  
25 people with 95 cents when the can of pop costs a



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1       dollar. They are still not quite there. Some of  
2       them might be more off -- or better off to merge -  
3       - I don't want to speak poorly of the one that has  
4       only got \$2 million; I mean it is hardly  
5       imaginable what a capital corporation of that size  
6       can actually do. But maybe for a small community  
7       it might be worth maintaining it. But, as I said,  
8       when we talk to the banking people, \$25 million  
9       was their bottom line, otherwise if it didn't have  
10      \$25 million in deposit, they wouldn't create the  
11      bank; the branch would be closed.

12                               We have to outreach and realize  
13      that, if we are going to impose the self-  
14      sufficiency equation on them, we have to endow  
15      them to extent that they can become self-  
16      sufficient, otherwise you are just going to create  
17      another problem that will resolve the situations.

18                               **CO-CHAIR GEORGES ERASMUS:** So when  
19      you are saying \$25 million you are talking about a  
20      local branch?

21                               **MR. DAVID SEYMOUR:** Yes.

22                               I am not talking about a national  
23      body, no way. I am talking about a simple branch  
24      office right around the corner. And you watch the  
25      banking system as the -- we will watch it; as the

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1 low interest rate maintains itself over a long  
2 period of time branches will close because they  
3 will have to increase the capital base because 4  
4 per cent on \$25 million is still not enough to  
5 survive -- pay for the maintenance of the thing.

6 Now, clearly one argues that the  
7 twenty-five -- it must be lower than twenty-five  
8 because isn't the community capable of supporting  
9 the bank in terms of providing infrastructure and  
10 so on. However, once the communities turn around  
11 and realize that they have to provided that in  
12 order to have it there, everybody starts to say  
13 "Well, we don't have enough infrastructure money  
14 around." So all of these things start to get  
15 linked together.

16 **CO-CHAIR GEORGES ERASMUS:** What  
17 happens once -- now, for instance, interest rates  
18 have continued to drop in Canada for a number of  
19 years and we now have very, very low interest  
20 rates, savings accounts in the larger banks are  
21 one, two per cent. It doesn't make much sense to  
22 actually put your money in a savings account right  
23 now. So what is actually happening, if someone  
24 wants to go to one of these small capital  
25 corporations to borrow money today, I mean what

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1 kind of rate are they loaning money out at?

2 MR. DAVID SEYMOUR: Well, they  
3 would be loaning money out at the same rate as the  
4 banks would be, in the order of 6 and 7 per cent.  
5 But they will want to have, you know, the higher  
6 security because they can't afford to take the  
7 loss.

8 When -- in other words, instead of  
9 being the risk taker that they were intended to  
10 be, they are very much more risk averse. In that  
11 sense ---

12 CO-CHAIR GEORGES ERASMUS: So in  
13 actual fact they are more conservative than a  
14 larger bank?

15 MR. DAVID SEYMOUR: That is  
16 correct.

17 CO-CHAIR GEORGES ERASMUS: They  
18 have to be?

19 MR. DAVID SEYMOUR: They have to  
20 be.

21 CO-CHAIR GEORGES ERASMUS: By  
22 nature?

23 MR. DAVID SEYMOUR: By their  
24 design.

25 CO-CHAIR GEORGES ERASMUS: They

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1 don't have any option?

2 MR. DAVID SEYMOUR: No option at  
3 all.

4 That to me becomes really  
5 fundamental when one says -- when you look at how  
6 much money is out there in the capital  
7 corporations the Government of Canada can flag and  
8 say "That is fine, well done." But they have  
9 designed it again to be one dollar short. They  
10 designed the system so that they won't lend to  
11 people. They would sooner keep it on deposit at  
12 the main branch of some bank or invest it in  
13 Canada Savings Bonds at 6 per cent than loan it to  
14 you or I because we might be too great of a risk.

15 CO-CHAIR GEORGES ERASMUS: Yes.

16 MR. DAVID SEYMOUR: And that  
17 becomes really the conundrum of the day is to say  
18 "While the intention was great, the design was  
19 poor," to result in a non-productive area.

20 CO-CHAIR GEORGES ERASMUS: Let's  
21 go to your first recommendation, Schedule B bank.

22 MR. DAVID SEYMOUR: Yes.

23 CO-CHAIR GEORGES ERASMUS: How  
24 much capital is needed?

25 MR. DAVID SEYMOUR: Clearly it

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1 would be a very substantial amount if it is going  
2 to be a regional bank.

3 We are looking at at least \$125  
4 million.

5 CO-CHAIR GEORGES ERASMUS: And  
6 with \$125 million how many branches could you  
7 start?

8 MR. DAVID SEYMOUR: Likely five  
9 (5). Very simple, simple mathematics to me.  
10 You have to have ---

11 CO-CHAIR GEORGES ERASMUS: Have  
12 you done the calculations as to where they should  
13 start, these five (5)?

14 MR. DAVID SEYMOUR: No.

15 CO-CHAIR GEORGES ERASMUS: I mean  
16 it seems like it would be self apparent.

17 MR. DAVID SEYMOUR: Yes, because  
18 they have already created ---

19 CO-CHAIR GEORGES ERASMUS: All you  
20 have to do is look at where the populations are.

21 MR. DAVID SEYMOUR: That's right.

22 I mean you could put them all  
23 right where the capital corporations -- you could  
24 take the capital corporations if it was possible,  
25 you know, if the political will was there or the

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1 cooperation was there, take the five (5) and make  
2 them into one branch, one bank, that would have  
3 interlocking deposits, so that they would in that  
4 sense become the bank.

5 I use those numbers because there  
6 is five (5) major capital corporations in this  
7 region; there is intended to be five (5) major  
8 ones -- and the populations and political  
9 structures in this region have lended itself to  
10 having five (5) major areas. Clearly it is only  
11 appropriate.

12 There is interlocking benefits,  
13 particularly in the social housing area, where all  
14 of the value that is done through social housing,  
15 both on and off reserve -- that lending or  
16 borrowing of money is borrowed from major  
17 financial institutions. However, in order to  
18 qualify the lender to a social housing program you  
19 must have a certain capital corporation or certain  
20 capital base. So all of the native capital  
21 corporations cannot, because of their capital  
22 base, lend to reserve housing, reserve or off-  
23 reserve housing; there is a glitch. It is like a  
24 Catch 22 there.

25 CO-CHAIR GEORGES ERASMUS: And all

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1 of this government-guaranteed loans that they  
2 could ---

3 MR. DAVID SEYMOUR: That's right.

4 CO-CHAIR GEORGES ERASMUS: Wow!

5 MR. DAVID SEYMOUR: And, you see,  
6 without that base ---

7 CO-CHAIR GEORGES ERASMUS: Isn't  
8 that amazing?

9 MR. DAVID SEYMOUR: Yeah.

10 CO-CHAIR GEORGES ERASMUS: They  
11 created institutions where they couldn't even take  
12 advantage of their own programs where they  
13 guarantee loans to Indian reserves?

14 MR. DAVID SEYMOUR: That's right.  
15 Because the programs themselves don't allow for  
16 that unless they have the capital base. So you  
17 have ---

18 CO-CHAIR GEORGES ERASMUS: A lot  
19 of clear thinking went into that one.

20 MR. DAVID SEYMOUR: Well, not so  
21 much -- don't blame -- that it was a single mind.  
22 I mean that is one of the problem that we have  
23 here, is that it is not a single mind that you can  
24 identify and say "It is that guy; let's fire him  
25 or deal with him." It is a bunch of people

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1 thinking within a size, a very small, narrow  
2 scope, and saying "What is best for my program."  
3 So the person who develops the social housing  
4 program says "I don't want the "Housing  
5 Authority," whether it be a band council, whether  
6 it be an urban Native housing society, to get  
7 stuck with a bank that went bankrupt. So they  
8 have turned around and said "For the best  
9 interests of the housing program we need to have  
10 secure banks; we need to have banks that have  
11 strong capital bases." However, when they created  
12 the capital corporations they didn't make sure  
13 that they had the kind of base that would take  
14 advantage of that.

15 So in that sense -- I mean that is  
16 just one of the recommendations. I don't want to  
17 -- I mean ---

18 **CO-CHAIR GEORGES ERASMUS:** No, no,  
19 that is fine.

20 That recommendation for that  
21 Schedule B bank, that is not a national -- that is  
22 for the Province of British Columbia?

23 **MR. DAVID SEYMOUR:** Yeah. Well,  
24 our study was only limited to the province.

25 **CO-CHAIR GEORGES ERASMUS:** Yes,



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1 that's fine.

2 MR. DAVID SEYMOUR: While it  
3 seemed appropriate ---

4 CO-CHAIR GEORGES ERASMUS: It is  
5 just for the province.

6 MR. DAVID SEYMOUR: It seems  
7 appropriate for the whole of the country, and the  
8 numbers would be ---

9 CO-CHAIR GEORGES ERASMUS: There  
10 are other recommendations by other institutions  
11 dealing with that, other agencies.

12 MR. DAVID SEYMOUR: Okay.

13 CO-CHAIR GEORGES ERASMUS: Viola,  
14 do you have any questions?

15 Well, thank you. I am really  
16 looking forward to reading that. So bind it and  
17 make it look nice and hand it in to us.

18 Thank you.

19 MODERATOR LOU DESMARAIS: Thank  
20 you, David.

21 That ends our session for today,  
22 except before everyone leaves I want to remind the  
23 women of the Women's Circle tonight. It begins  
24 here at 6:30 with the Cedar Bough Cleansing  
25 Ceremony, and after which there will be five (5)

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1           topic areas covered by the women who assemble  
2           here: pre-natal child care, child and family  
3           services, cultural and healing -- healing,  
4           spirituality, and self-government.

5                                So to all of those who were  
6           interested enough to sit through the day, to all  
7           of those who made presentations, we would like to  
8           thank you on behalf of the Commission.

9                                We stand adjourned at least until  
10          tomorrow morning when we will begin hearing  
11          presentations again at 8:30.

12                               Thank you.

13          ---                   Upon adjourning at 5:20 p.m. to  
14                                resume on June 3, 1993 at 8:30  
15                                a.m. in Vancouver, B.C.

16

17

18

19

20

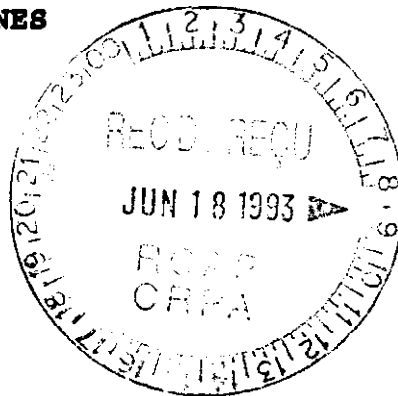
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**COMMISSION ROYALE SUR  
LES PEUPLES AUTOCHTONES**

**ROYAL COMMISSION ON  
ABORIGINAL PEOPLES**



**LOCATION/ENDROIT: CEDAR BOUGH CLEANSING  
VANCOUVER, BRITISH COLUMBIA**

**DATE: WEDNESDAY, JUNE 2, 1993**

**VOLUME: 1**

"for the record..."  
**STENOTRAN**  
1376 Kilborn Ave.  
Ottawa 521-0703



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1

Cedar Bough Cleansing

2

--- Upon commencing at 7:10 p.m., June 2, 1993.

3

--- Opening Prayer

4

MODERATOR DARLENE KELLY: Good

5

evening.

6

My name is Darlene Kelly and I am

7

your moderator tonight. I would like to

8

introduce, on your left, Jane Gottfriedson. She

9

is with the Aboriginal Women's Council. And

10

beside her is Terry Netsena, also with the

11

Aboriginal Women's Council. On your right is

12

Nancy van Heest and she is with the Aboriginal

13

Women's Council and Urban Images. And Marie Baker

14

is beside Nancy, and Marie Baker is with the

15

Professional Native Women's Association and she

16

will be presenting on her own behalf. And our

17

Elder tonight is Bev Julian.

18

And thank you for this

19

opportunity. I would like to apologize for the

20

people who are not here tonight. We had a little

21

bit of a mix-up and a lot of yesterday's thought

22

that we would be presenting Thursday night. We

23

found out yesterday that we would be presenting

24

today, so we tried to contact everybody and I have

25

a feeling that that is why a lot of the people

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1 aren't here tonight which is a real shame. Most  
2 of the -- Wendy, Brenda Wesley, Margaret Harris,  
3 Florence Hackett -- we did leave messages with  
4 them and we just hope that they'll still be able  
5 to join us.

6 For the presenters, could you fill  
7 out your form? It's called the Presenter Contract  
8 Service I think. So if you could fill that out  
9 before the evening is over?

10 We would like to start the  
11 evening. I am going to present to you the  
12 traditional Native family life cycle because we  
13 feel that once you see the life cycle, this is the  
14 life cycle before the white man contact: how a  
15 village and a Native family lived and the impact  
16 that history has on Native people to help us show  
17 you why we have the many issues that we have  
18 today.

19 Okay. This is the medicine wheel  
20 of a traditional Native family life cycle. This  
21 medicine wheel is approximately 70, 80 -- it would  
22 take you 70, 80, 100 years, it depends how old you  
23 get, to travel. Before the white man came --  
24 well, today even we all travel this medicine wheel  
25 of life. But this particular medicine wheel is a

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1 very healthy medicine wheel.

2 A person's life has four (4)  
3 stages in it, or four (4) phases of our life. We  
4 have our first phase which is our infancy and  
5 childhood. Our second phase is our young  
6 adulthood. Our third phase is our adulthood. And  
7 our fourth phase is our old age phase.

8 As we walk through the medicine  
9 wheel of life we go through four (4) rights of  
10 passage in our life. We begin at infancy and all  
11 our basic needs are met. Our needs for food and  
12 shelter are all met by our parents. Our emotional  
13 and spiritual nourishment are -- we are nourished  
14 emotionally and spiritually. We have a love and a  
15 bonding from our parents and we have the freedom  
16 of childhood. And actually before I go any  
17 further I want to say that this medicine wheel was  
18 put together by the National Association of  
19 Treatment Directors. They get the credit for this  
20 medicine wheel.

21 So in a village before white man  
22 contact children were free to be children. And as  
23 they grew older their responsibilities increased  
24 but only for a short period of time. When they  
25 are ready to go into young adults, their first



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1 celebration begins and they celebrate their  
2 puberty, their first right of passage which is  
3 puberty. Then they move on into their young  
4 adulthood and they learn virtues and they start to  
5 prepare for their adult life.

6 And as they move along this wheel  
7 they obtain new responsibilities, new decisions,  
8 and they have to face the consequences of those  
9 decisions now. And as they move along the wheel  
10 -- I'm really sorry that you can't see this -- but  
11 as they move along the wheel they are reaching a  
12 time in their life when they have to start  
13 thinking about marriage.

14 And so their second right of  
15 passage is coming upon them and this is marriage.  
16 And this is a time to celebrate because they will  
17 be spending the rest of their life with this other  
18 person because they are going to be joining  
19 another person from another medicine wheel, from  
20 another village, is going to be joining this  
21 person and so that is a real celebration for the  
22 two (2) families.

23 So they move on. The two (2)  
24 people now walk together and they move along the  
25 medicine wheel and they learn protocol. They

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1 learn to get along with each other. They learn  
2 about relationships. They begin to have children  
3 and they build relationships around their  
4 children. And all the time that a person is going  
5 around the medicine wheel they have the support of  
6 everybody else in the village that is also going  
7 around the medicine wheel. They have the Elders  
8 that they can turn to. The young infants are  
9 taken care of by the older children. So they  
10 learn from them. And of course their parents  
11 teach them.

12 Then, as they move along the  
13 wheel, they come up to their third right of  
14 passage which is their change of life, also called  
15 their menopause, and that also is a really  
16 important time to celebrate because it is an  
17 important phase in our life.

18 We're going to now go into old  
19 age, a time where we can relax. We've earned this  
20 time and it's a real time for us to celebrate but  
21 in today's society we don't really celebrate it  
22 the way we should or the way the traditional  
23 Native family did. So now that we're moving into  
24 old age it's a time where we can sit back and tell  
25 our stories to infants or to the young children

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1 and to pass on everything that we have learned  
2 going around this medicine wheel onto the next  
3 generation.

4 And the Elders are the keepers of  
5 the customs and the traditions so they are going  
6 to be passing that on before they go into their  
7 fourth right of passage, which is death, another  
8 time to celebrate because they are going to be  
9 moving on to a higher part of their life.

10 In the traditional Native family  
11 life cycle it was a very healthy time. Everybody,  
12 because they know where they are on the medicine  
13 wheel, they are travelling around and they all  
14 have their boundaries, they all have their duties  
15 to do. They all have real clear boundaries  
16 actually. The young boys learn hunting from their  
17 parents and the grandparents and the young girls  
18 learn to be good mothers and to be able -- they  
19 learn from their grandmother and their mother how  
20 to cook. And everybody was valued in the village  
21 and everybody was a part of the harmony that there  
22 was in this medicine wheel.

23 So with that to start our  
24 discussions, what would you think would happen in  
25 a village like this if you were to take all the

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1 children from six (6) years old to Grade 12, all  
2 the young children -- which is about that much of  
3 the pie -- if you were to take them out of there  
4 and put them in a residential school? What do you  
5 think would happen to the village? And that is  
6 what we are going to talk about tonight. We feel  
7 that this happening to our people is why we are  
8 here tonight, is why we have so many issues in the  
9 Native community that we are trying to serve and  
10 help our people with.

11 Are there any questions at this  
12 point?

13 COMMISSIONER VIOLA ROBINSON: I  
14 don't have any questions. I think maybe if you  
15 want to just proceed and once the presentations  
16 are done then if we want to open up dialogue then  
17 if I have questions I would ask questions.

18 MODERATOR DARLENE KELLY: Okay,  
19 okay.

20 So we will move on now to the  
21 regular part of the agenda, and as Margaret  
22 Harrison and Carmella Levy are not here -- or  
23 Rhoda or Brenda Wesley -- it looks like we'll have  
24 Marie Baker start.

25 MS MARIE BAKER: Good evening to

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1 you all and thank you, Royal Commission, for  
2 having us (Native language). Thank you, Royal  
3 Commission, members interested in Native issues  
4 and concerns, an acknowledgement to the Elders  
5 here and all present with the Aboriginal Women's  
6 Council. I am honoured to be here in this Year of  
7 the Indigenous People and the Year of the  
8 Disabled.

9 My name is Marie Baker. I am an  
10 active disabled woman doing research work with the  
11 Aboriginal Women's Council. I have been a  
12 paraplegic since 1970. During open heart surgery  
13 a blood clot lodged in my brain and it left me  
14 paralysed. So I feel I am able to identify with  
15 being disabled and living on the reserve, because  
16 I have always lived on the reserve before being a  
17 paraplegic and since I was discharged from the  
18 rehabilitation hospital. I am very fortunate to  
19 be so assertive and very vocal, self-empowered,  
20 motivated.

21 Someone gave me a little bit of  
22 good advice. I was told the squeaky door doesn't  
23 get the grease -- no, the squeaky door gets the  
24 grease and the silent one gets no grease. I've  
25 used that advice and I've been squeaking all the

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1 way.

2 I used my abilities, not my  
3 disabilities. I know from personal experience how  
4 it is to be a disabled person living on the  
5 reserve. One might be put on the shelf and left  
6 there for a very long time.

7 On the reserve where I live we  
8 have a good system, a very good system, and a good  
9 team of social workers whom are continuously  
10 seeking ways to upgrade the population's quality  
11 and lifestyle in their daily living routines. The  
12 Squamish Nation social development is very  
13 advanced. This is my personal opinion and how I  
14 perceive things, okay. I like living on the  
15 reserve. I couldn't see myself living anywhere  
16 else at this time anyway.

17 Here are some vital issues I would  
18 like documented -- no, wait, I am lost. Here are  
19 some vital issues I would like documented. Last  
20 October, 1992, I went to Victoria to the B.C.  
21 Aboriginal Disabled Network's annual meeting in  
22 Victoria and that was around when I knew I felt I  
23 could be an advocate and a liaison.

24 There was a gentleman who was  
25 recently given a new home to live in, a beautiful

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1 two-storey house with all these stairs at the  
2 entrance. Here the man sat in his wheelchair,  
3 outside at the bottom of the stairs, trying to  
4 figure out whatever on earth possessed Council to  
5 do this ridiculous thing and not even discuss the  
6 plans with the owner. All I could say was "I  
7 don't know, but I'll mention it too whenever I get  
8 to have someone with Claude to listen, okay."

9 FACTS ON DISABLED ABORIGINAL PEOPLE IN BRITISH  
10 COLUMBIA

11 Sixty-three (63) per cent of the  
12 people surveyed in 1990 did not know there were  
13 services to help parents, families and friends of  
14 the disabled people.

15 Fifty-six (56) per cent of  
16 disabled people did not know there were groups to  
17 help them.

18 Fifty-nine (59) per cent of those  
19 surveyed had no knowledge of prevention of  
20 disabilities.

21 Thirty-eight (38) per cent didn't  
22 know of community health programs.

23 Thirty-one (31) per cent were  
24 unaware of housing assistance.

25 Forty-four (44) per cent were

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1 unaware of special education classes.

2 Thirty-three (33) per cent were  
3 unaware they had any legal rights.

4 Using these facts I would like to  
5 recommend that outreach programs be available for  
6 the disabled. There should be set policies and  
7 resources for these issues. Further, I would like  
8 to table this recommendation to recognize FAS and  
9 FAE disabilities.

10 Could I quit now?

11 INTRODUCTION

12 Alcohol-related defects are common  
13 and preventable. There is no known safe level of  
14 alcohol consumption during pregnancy. At risk  
15 groups approaches peoples and FAS and FAE's  
16 culturally appropriation. Aboriginal people a  
17 inner city at risk populations including  
18 transplanted populations, inner city risk  
19 populations including -- oh, no, no, no.

20 No, it's not okay. I'm tired.

21 All this information was compiled  
22 information from the report of the Standing Common  
23 Health and Welfare Social Services Affairs Seniors  
24 and Status of Women June 1992.

25 RECOMMENDATION



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1                   Fetal Alcohol Syndrome and Fetal  
2 Alcohol Effects: to provide income assistance to  
3 families with Fetal Alcohol Syndrome, Fetal  
4 Alcohol Effect children and Aboriginal people to  
5 the effects that FAS and FAE are major problems in  
6 some First Nations communities and observation  
7 discussed above. One of Dr. Jock's  
8 recommendations to the sub-committee was for a  
9 high-profile action committee that could serve to  
10 stimulate and maintain interest in various sectors  
11 of the country to deal with FAS.

12                   I would also recommend that there  
13 be a special Aboriginal committee set up which  
14 would focus on this because of the special and  
15 urgent nature of the problems facing Aboriginal  
16 peoples. The sub-committee agrees with Dr. Jock's  
17 suggestion and we make the following  
18 recommendations.

19                   I don't like Number 18. I like  
20 Number 19.

21                   We will skip 19, 20, and we will  
22 go to 21.

23                   The sub-committee recommends that  
24 Health and Welfare Canada, in cooperation with the  
25 provincial and territorial health departments,

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1 design and implement a research program to develop  
2 diagnostic procedures to identify adults affected  
3 with Fetal Alcohol Syndrome and Fetal Alcohol  
4 Effects. The research initiative shall be the  
5 first step in a comprehensive program to provide  
6 assistance to adults whose lives have been  
7 blighted by induced injuries.

8 Thank you very much for your  
9 patience and consideration. I am very pleased I  
10 have been one of your speakers. I bid you all a  
11 good evening, so good night. I look forward to  
12 meeting -- it's a private joke, sorry. I look  
13 forward to meeting with you again at another date.

14 **MODERATOR DARLENE KELLY:** Okay.  
15 Thank you, Marie.

16 We will have Nancy van Heest who  
17 will be talking about Urban Images for First  
18 Nations Family Violence Program.

19 **MS NANCY VAN HEEST:** Thank you,  
20 Darlene.

21 I would like to say hello to our  
22 commissioner -- it's a privilege to meet with you  
23 -- and also to the officials here tonight doing  
24 the recording and to the women I work with and  
25 other members of the community, and a special

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1 honour to Bev Julian, our Elder tonight.

2 This is weird, you know. I didn't  
3 realize that our goal was a women's circle  
4 discussion, the modern day women and traditional  
5 values. As you see, Marie spoke on some of the  
6 things that come in modern day, which is  
7 alcoholism and not recognizing disabilities. And  
8 Marie did do a good job of your presentation.  
9 Therefore the talk I am going to be giving is very  
10 appropriate for this.

11 Today we live in the modern world  
12 and we find that a lot of our people who come into  
13 the urban setting are unable to live in the modern  
14 world without their traditional values. So we  
15 started a program which we call "Urban Images for  
16 First Nations People in the Urban Setting" and  
17 what we do is we work in this modern day with  
18 modern day people and give them traditional values  
19 so that they can continue on with their life in  
20 the city. I am going to speak a little bit about  
21 that and so I will get right into my little talk.

22 After reviewing the many  
23 statistical reports such as from the Family  
24 Violence and Aboriginal Communities written by  
25 Charlene Frank for the B.C. Provincial Royal

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1 Commission or Commission and from the Indian and  
2 Inuit Nurses of Canada's stats both show that one  
3 (1) out of three (3) Aboriginal women are abused  
4 by her partner, compared to the national average  
5 of one (1) in ten (10), and one (1) in eight (8)  
6 for Canadian women as a whole.

7 Another report based on a survey  
8 in Vancouver also states that women and children  
9 are most often regarded by those surveyed as the  
10 abused. Eighty-three (83) per cent of the  
11 respondents indicated their belief that it was  
12 more often the wife who was abused. I see I have  
13 some sisters from the Helping Spirit Lodge and  
14 they work with that every day of the week.

15 Further, at the national level the  
16 Canadian Panel on Violence Against Women compiled  
17 a progress report showing the creation of a  
18 national action plan to end violence against  
19 women. In her public address at the launch of the  
20 panel the Honourable Mary Collins said:

21 "Violence against women must  
22 come to an end. It is  
23 unacceptable in any form in  
24 Canadian society. Zero  
25 tolerance must be our goal.

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1                   We must seek out the  
2                   underlying causes of this  
3                   violence and devise solutions  
4                   which will prevent it from  
5                   occurring in the future.  
6                   Only through prevention can  
7                   we achieve long-term  
8                   permanent solutions."

9           I think our Urban Images approach is prevention  
10          and I would like to speak on that.

11                   Urban Images started addressing  
12          family violence and other issues which were  
13          originally diagnosed as simply unemployment. The  
14          government policy and solution nine (9) years ago,  
15          in 1984, was to simply give Aboriginal women life  
16          skills and basic employment skills and place them  
17          into the work force.

18                   Our funding came from Canada  
19          Employment and Immigration and the Urban Images  
20          program was generally to develop and present a  
21          positive self-image, develop growth through good  
22          communication skills, community development skills  
23          and job search techniques to prepare for  
24          employment and independent family life and to  
25          develop a positive view of one's self, family and

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1 friends, and to increase the Native Indian woman's  
2 understanding of attitudes and behaviours  
3 necessary to get and keep employment in an urban  
4 society.

5                   Initially Urban Images worked to  
6 help women literally get off the streets, out of a  
7 life of prostitution or substance abuse, and to  
8 assist persons who wanted to get off social  
9 assistance and to become independent. In the  
10 eight (8) years the program ran there are  
11 approximately 500-plus Aboriginal women in  
12 attendance with 376 graduating.

13                   In 1993, after self-evaluation and  
14 a change in funding source, Urban Images changed  
15 its program focus to the Aboriginal family and now  
16 we have men in our classroom. The rationale for  
17 this shift of focus is that family systems is a  
18 more effective method. Previously the program was  
19 aimed at helping only the individual prepare for  
20 employment. There was no recognition of the  
21 importance of working with the whole family.

22                   What family systems does is it  
23 begins a healing process of the individual and the  
24 family. This healing of the person has a rippling  
25 effect on the whole family. It is a series of

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1 interlocking, graduating modules designed to heal  
2 the person, prepare the person to deal with life  
3 in general, future employment, and includes a  
4 self-designed life action plan.

5 We have found that it is  
6 insufficient to simply teach the individual to  
7 dress properly, learn typing skills, some self-  
8 awareness, and then push them back into the world  
9 on their own. What really works is that we work  
10 with the whole person using the following  
11 curriculum modules. And they are: the family  
12 system approach includes looking at: what a  
13 healthy family is, using the family systems'  
14 theory, family systems' concepts, family of  
15 origin, family genograms, family life cycle, the  
16 alcoholic family, the healing process, working  
17 with families in treatment, healing ourselves,  
18 implementation and planning. Then we go into  
19 ongoing personal development and healing, and,  
20 thirdly, we go into employment skills, and,  
21 lastly, we give practicum training.

22 What we are seeking to do is to  
23 teach the student how to empower themselves,  
24 working with them to help them help themselves.  
25 The program is a quiet, safe haven where students

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1 learn to explore their issues and concerns in a  
2 sympathetic fashion. We help them rebuild  
3 themselves and their family, then we give them  
4 information to prepare to deal with themselves and  
5 the world at large. It is through this process of  
6 interactive education and self-help that we  
7 prepare our students for their future in  
8 employment.

9                   The students come from  
10 environments of multi-generational social  
11 problems: family violence, alcohol and drug abuse,  
12 ongoing social assistance, and other social  
13 environmental problems of the urban Aboriginal  
14 population. We have learned by experience through  
15 internal project evaluation and professional  
16 independent evaluations of our program that we  
17 must do a program using the family systems  
18 approach because that is what works.

19                   We know that it is a waste of  
20 money to simply use a narrow, pre-employment  
21 program to help Aboriginal people prepare for the  
22 working world and life in general. Unless the  
23 students empower themselves to successfully  
24 address their personal issues and future problems  
25 these same problems will return and destroy them



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1 while they seek an improvement in their lives in  
2 work or school. We believe the family systems  
3 approach to pre-employment to be an holistic  
4 approach to helping Aboriginal people.

5           It is as effective as it can be  
6 given the limited financial resources we have been  
7 allocated. The Urban Images for Native Women  
8 Program which ran for eight (8) consecutive years  
9 had an 80 per cent rate of disclosures within the  
10 first month of each program. The staff who were  
11 not trained specifically in interdisciplinary  
12 issues referred these women for counselling but  
13 found the women did not want to go elsewhere to  
14 deal with their problems.

15           And why do these problems exist?  
16 As we have learned from looking at the Native  
17 traditional family life cycle which Darlene has up  
18 there, with the invasion of the European or  
19 Western societies into our homelands, taking away  
20 our children to put into residential schools or  
21 foster homes like we saw in the sixties scoop,  
22 this has created turmoil amongst our people. What  
23 we see today is that it created chronic  
24 unemployment, a high drop-out rate in our schools,  
25 substance abuse, family violence, the highest

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1 suicide rate in Canada, overcrowded housing and  
2 rising crime rates. Because our basic culture was  
3 removed we have no more solutions to our problems.

4 In a quote from The Road to  
5 Healing it states:

6 "We require permanent  
7 culturally appropriate long-  
8 term remedies. Women need to  
9 be recognized as one of the  
10 most important pillars of our  
11 communities."

12 It further states:

13 "The effort of colonizers to  
14 deal with our dilemma has  
15 been a dismal failure. We  
16 must be given the opportunity  
17 and the means to work  
18 ourselves out of our  
19 despair."

20 We believe that the solutions will  
21 come from our people and we as Aboriginal people  
22 know what healing is for ourselves and our  
23 community. What will happen if we don't continue  
24 with Urban Images for First Nations people working  
25 with the traditional family life cycle? If we

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1 don't do this project the circle (Traditional  
2 Family Life Cycle) will be incomplete and broken  
3 forever, spiralling down into future generations.  
4 The shame that this generation carries could be  
5 imposed on the next generation who will then  
6 impose it on their children.

7 It is by completing the circle  
8 which is related to the way we think and perceive  
9 our life on earth that we will practice and put  
10 spiritual values found in our traditions and  
11 ceremonies into our lives again. Our strength and  
12 our visions and dreams, our ability to interpret  
13 the songs, dances of the Earth, Sky and Spirit  
14 worlds. If we can remember our purpose then only  
15 then will we survive.

16 Thank you for listening.

17 MODERATOR DARLENE KELLY: Thank  
18 you, Nancy. That was very good.

19 Commissioner, before I introduce  
20 Terry to do her presentation next, I would first  
21 like to introduce Margaret Harris. And beside  
22 Margaret is Florence Hackett from Indian  
23 Homemakers, and beside Florence is Brenda Wesley.

24

25 And if the three (3) of you could

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1 just fill this out and make sure -- fill it out  
2 before the evening's ---

3 Thank you.

4 So, Terry Netsena is next, please.

5 MS TERRY NETSENA: Yes, thanks,  
6 Darlene.

7 My name is Terry Netsena and I  
8 work for the Aboriginal Women's Council. I am the  
9 Coordinator and I would just like to give a very  
10 brief background of the Aboriginal Women's  
11 Council.

12 The idea was formulated in 1984 at  
13 a conference in Vancouver and some women's groups  
14 got together and decided that they needed an  
15 umbrella structure to represent the Aboriginal  
16 women of the province and it was done in '84 and  
17 '85.

18 And the purpose of the umbrella  
19 organization is seen as threefold: to act as a  
20 strong lobbying force to procure additional  
21 funding and support from government and private  
22 sector for these women's organizations to continue  
23 their individual mandates; to encourage networking  
24 and better communications within the Native  
25 women's groups, other Native organizations, the

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1 community at large and with government departments  
2 for a better exchange of information; the third is  
3 to lobby for funding for increasing access to  
4 information through the development of a training  
5 program for community facilitators and to develop  
6 information packages for these workshops.

7 Current affiliates of the  
8 Aboriginal Women's Council include B.C. Native  
9 Women's Society, Professional Native Women's  
10 Association, Island Women of Native Ancestry,  
11 Upper Island Women of Native Ancestry, Okanagan  
12 Women's League, Urban Images for Native Women,  
13 Naukana Native Women, First Nations Women's Group,  
14 Kwakwiltl Women and Yukon Indian Women's  
15 Association.

16 In the recent past the Aboriginal  
17 Women's Council has been heavily involved in  
18 projects that directly address the issues of  
19 family violence and sexual assault. And in  
20 particular in the past year we have gotten  
21 involved in several projects. Recently the issue  
22 of policing has come to the forefront. Coalition  
23 meetings have been held with other women's groups  
24 to address this issue and we recently did a  
25 presentation at the Oka Commission regarding this.

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1 I have recently checked into  
2 studies done on Aboriginal women and policing,  
3 however I was unable to access anything  
4 specifically and I did some interviews on my own.  
5 In the past two (2) months I interviewed several  
6 women who had encounters with police in the past.  
7 I have documented these interviews as best I could  
8 and I have left out the details of the individual.  
9 I will make reference to common themes that become  
10 apparent in the interviews and discussions and if  
11 you do not understand my report, please ask  
12 questions at the end of the session. All of the  
13 women I interviewed were of First Nations descent  
14 and were between the ages of 30 and 50 years of  
15 age. I will just maybe give a couple of  
16 descriptions of the interviews for you to hear.

17 The first woman I interviewed had  
18 four (4) encounters with police, the first one  
19 beginning when she was 15 years old in a northern  
20 community in which she was treated very roughly  
21 and handled quite abusively by police. When she  
22 was 19 she was in an abusive relationship and was  
23 assaulted one night and had left the home and  
24 wandered the streets and a male stranger came  
25 along and raped her. She was able to return home

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1 again and at that point she phoned the police.  
2 The police arrived and quickly evaluated the  
3 situation and noticing that she was of Aboriginal  
4 descent they just told her "Well, since you've  
5 been drinking there's nothing that we could do for  
6 you." Usually they say to call 9-1-1 and when 9-  
7 1-1 is called they don't take things too  
8 seriously.

9 Another incident happened when  
10 her boyfriend committed suicide and the police  
11 arrived and they didn't even barely investigate  
12 the death. They were more concerned with doing a  
13 drug bust in this lady's home.

14 So it's a common occurrence for  
15 Aboriginal women to report assaults and policemen  
16 coming on the scene and just trivializing the  
17 whole matter by just saying "Oh, you'll be okay,"  
18 or you know "There's nothing we could do, you  
19 don't have the evidence," or this type of thing.  
20 It's a very, very common theme.

21 Another mission I've taken upon  
22 myself is to bring to the awareness of the women  
23 living in the downtown east side there is the  
24 incredible oppression and violence that these  
25 women live under. And because of their class and

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1 race you know it's not taken too seriously and  
2 people have given up on these type of people and  
3 just said "Well, you know, that's the way they  
4 choose to live." I'm not totally convinced that  
5 these people have chosen to live that way you know  
6 because we heard a lot about the abuse in  
7 residential school. It's a very long history of  
8 oppression and it's not to be cured overnight.

9 In the past 10 years in the  
10 downtown east side 52 women were killed. Of  
11 these, 49 were of Aboriginal descent. Of the 52  
12 we believe that at least 40 of them were  
13 prostitutes, and for sure 18 were prostitutes.  
14 And in the last four (4) that were found in the  
15 Hastings and Victoria area were prostitutes that  
16 were known in our Aboriginal community.

17 The laws have to be changed to  
18 allow the sex trade workers to get some protection  
19 because we can't continue in this way with these  
20 helpless women being killed and no one doing  
21 anything about it. We need to bring about some  
22 justice for the people who are killing them.

23 The Aboriginal Women's Council is  
24 currently attempting to get programs in the  
25 downtown east side. We have not been successful



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1 to date. There are many organizations working  
2 down in the downtown east side, many of them are  
3 churches, and there are some non-Aboriginal  
4 women's groups and they are doing the very best  
5 they could and we thank them for that. However,  
6 it's long overdue that for the Aboriginal women is  
7 to define our own problems and develop our own  
8 goals and objectives.

9 We know only too well what  
10 people's good intentions have done to us in the  
11 past and we wish not to repeat history. There is  
12 much to write about on the policing issue however  
13 we don't have the resources or proper funding to  
14 really effectively address this issue.

15 There is a few recommendations  
16 that I would like to make on the policing issue.  
17 First is that when women report sexual assault  
18 cases the police need to be sensitized to deal  
19 with the women appropriately. It seems that the  
20 police currently say there is nothing they could  
21 do or they just leave it up to the individual, the  
22 victim, to continue on in the cycle that they are  
23 in.

24 And it seems to be an attitude  
25 that Aboriginal women and children are accessible

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1 for sex and it's not an issue if they are  
2 assaulted. The police need to realize their  
3 important role in eliminating sexual assault and  
4 violence against women and children. It is of  
5 extreme importance how the police handle sexual  
6 assault cases because much is riding on their  
7 reports and investigation. The police are of  
8 extreme importance in the family violence and  
9 proper procedure should be followed.

10 And the training of the police  
11 officers are very important in reach in the goal  
12 of decreasing family violence, any form of  
13 violence against women and children. The  
14 legislation that came out on violence against  
15 women and children recently in the province here  
16 has been long overdue. In the paper, the  
17 legislation, it outlines the police officer's  
18 response to any report of violence and the  
19 procedure and we would really like to see them  
20 follow that procedure.

21 The Minister of the Attorney  
22 General will be doing some workshops for policemen  
23 and other players in the justice system, however,  
24 there could be room for participation of First  
25 Nations women and sensitizing and giving

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1 orientation sessions to some of the groups.

2 The other area of concern are the  
3 women who are being stocked. There seems to be  
4 little assistance or protection by police. In  
5 many cases it is reported that extreme violence  
6 occurs before any assistance is given. I would  
7 like to refer to an article in the province. The  
8 article was in the Sunday paper on May 16th, 1993.

9 Bonny Gallagher, a clinical  
10 psychologist was quoted and she apparently works  
11 with the Richmond RCMP and she attended the first  
12 conference of stocking and she was quoted as  
13 saying that victims are told by police that  
14 usually in every case that everything is going to  
15 be all right. Can you imagine being stocked and  
16 they phone the police and someone coming in and  
17 saying you know "Everything is going to be all  
18 right." And in many cases women have been found  
19 the following day either dead or they end up  
20 somehow beaten or hurt.

21 And she was quoted as saying the  
22 three (3) factors which greatly increased a  
23 woman's chance of being murdered by her partner  
24 were separating or leaving the relationship, the  
25 other factors being between the age of 30 and 44,

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1 and the other factor is of being of Aboriginal  
2 descent.

3 Recommendations made at this  
4 conference were that more education of those in  
5 the justice system and more support for victims be  
6 made a priority.

7 Okay. I will just brief over what  
8 else I have on policing: is that there is blatant  
9 racism by police officers and this needs to be  
10 addressed.

11 On the issue of Aboriginal  
12 justice, recently there has been some projects  
13 starting up and being developed on Aboriginal  
14 judicial systems. In the province here there is  
15 one in particular that I would like to refer to  
16 where women have lost considerable faith in. The  
17 concept of Aboriginal justice is a good one,  
18 however the players involved are of the utmost  
19 importance to make an effective system. Any  
20 Aboriginal justice system has to be community-  
21 driven and not family-dominated.

22 Aboriginal women have very little  
23 faith in the Canadian judicial system. However,  
24 we are not quite ready to put complete trust in a  
25 system that leaves so much room for abuse and

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1 correction. Any form of justice needs  
2 accountability, credibility and sound decision-  
3 making. Full participation by Aboriginal women is  
4 essential in making any justice system work.

5 Another case that I have been  
6 working on, or assignment that I've had, is on the  
7 Bishop Hubert or Patrick O'Connor case. The  
8 Aboriginal Women's Council is currently  
9 intervening in the case of Bishop O'Connor to  
10 address the following:

11 (a) The disclosure order given by the  
12 court to access of all medical evidence of the  
13 women who were victimized by O'Connor.

14 This type of disclosure order  
15 further victimizes the victims and is a very  
16 intimidating form of practice.

17 (b) The stay of proceedings has a  
18 great impact on the Aboriginal community and the  
19 disclosure of sexual assault cases.

20 History has shown that Aboriginal  
21 women have very little faith in the system and the  
22 handling of the O'Connor case has further eroded  
23 the trust relationship between the courts and  
24 Aboriginal women, if there was ever any.

25 Part of healing the past will be

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1 to bring about justice for Aboriginal people who  
2 have been victimized or treated unjustly. The  
3 judicial system should be accessible to any  
4 Aboriginal person as it is to other people in  
5 society, be it the wealthy, Caucasian, male,  
6 whatever type of person it should be there for us  
7 as well. It is in the interest of the Aboriginal  
8 women to pursue justice as it is the cornerstone  
9 of well-being and protection of our rights as  
10 individuals.

11 Yesterday I signed the O'Connor  
12 affidavit that we were filing with the courts  
13 here. I just want to go over briefly some of the  
14 things that were included in it.

15 We stated in there that the AWC  
16 are concerned with the reform of rape laws and how  
17 these laws affect the lives of the First Nations  
18 victims. The AWC is concerned for First Nations  
19 women who are stereotyped based on gender, class  
20 and race. This puts First Nations women at a  
21 triply disadvantaged position. Oppression is  
22 experienced by First Nations women throughout the  
23 life cycle. Oppression begins on the reservation  
24 and proceeded in the past through the residential  
25 school system. Today oppression is carried on in

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1 the regular school system, and finally into the  
2 regular mainstream of society. The oppression of  
3 First Nations women is reproduced in the work  
4 place and in the justice system.

5 It is extremely difficult to  
6 convince First Nations women who have been  
7 assaulted to seek justice. Very little confidence  
8 and trust has been placed on the judicial system.  
9 This comes from generations of being treated  
10 unjustly. In the case of the O'Connor trial the  
11 women did come forward and submit themselves to  
12 the mercy of the court, only to be victimized and  
13 let down again. The situation does not encourage  
14 other or future victims to place themselves in  
15 this difficult situation.

16 The outcome of the O'Connor trial  
17 has set some very dangerous precedents for the  
18 future cases. One is the relevance of material to  
19 be accepted as evidence in the pre-trial stage and  
20 in the trial stage. Statistics have shown that up  
21 to 80 per cent of First Nations women are  
22 assaulted by the age of 15.

23 These startling facts do not  
24 coincide, however, with the number of assault  
25 cases that are brought to trial; it is very, very

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1 minimal.

2 We are assaulted even more I  
3 believe for women with disabilities, different  
4 forms of disabilities. The statistic for them is  
5 about 30 to 40 per cent, ranging from mental  
6 disabilities to physical disabilities of various  
7 kinds but it's in that range, 30 to 40 per cent.  
8 And the 80 per cent is very, very high.

9 I think this concludes my report.  
10 Thanks for listening.

11 MODERATOR DARLENE KELLY: Thank  
12 you, Terry.

13 COMMISSIONER VIOLA ROBINSON:  
14 Excuse me. Can I just ask ---  
15 Can we have a copy of what you  
16 read tonight?

17 MS TERRY NETSENA: Yeah.

18 COMMISSIONER VIOLA ROBINSON:  
19 Okay. Maybe for the staff.

20 MODERATOR DARLENE KELLY: Okay.

21 I think we only have till 9:00  
22 o'clock and in order for us to have some  
23 discussion after the presentations could you  
24 please try to keep your presentations five (5) to  
25 eight (8) minutes in length?



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1 I have calculated it out here.

2 So could we have Margaret Harris  
3 next, please?

4 **ELDER MARGARET HARRIS:** I don't  
5 know if I'm presenting something but I'm an Elder  
6 who was asked to come and speak from experience.  
7 I was a foster parent for 33 years and before I  
8 left Prince Rupert I was boarding young Indian men  
9 and young Indian girls and boys that are going to  
10 high school. And I was sharing with my niece  
11 today that I was brought up -- I was a Metis but  
12 brought up in a traditional Cree way with my old  
13 aunt. So all the teachings that I gave to the  
14 young men and women that I looked after are real  
15 traditional Indian way of teaching.

16 I was sharing with her a young boy  
17 that was on parole and he was in and out of  
18 correctional centres. And they kept phoning and  
19 asking me to take this boy and I thought "Well, I  
20 have all these children. How can I deal with  
21 someone that needs so much help?" And I had at  
22 one time 17 children in my home, foster children.  
23 At the time when we were foster parents there was  
24 no such thing as a receiving home, so private  
25 people would take them in. And every child that I

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1           took in was always a Native child.

2                         So Michael came to live with us  
3           and I said to him "Michael, who are your people?  
4           Where do you come from?" He says, "Well, I come  
5           from Hazelton and I'm a Muldo." I said "Michael,  
6           you are prince, a royal prince. Your people are  
7           hierarchy people. You are not a nobody. You are  
8           someone, a very special person."

9                         Michael turned out to be the best  
10          boy that I have ever looked after. Michael was  
11          searching and he couldn't find his identity  
12          because his mother was shot by his father when he  
13          was born and was taken away and put in with his  
14          aunt. Now, aunties and uncles don't always treat  
15          you good. Your very own people don't always treat  
16          you the way we think they do and wish they would.  
17          So he drifted from foster home to foster home  
18          until he came to live with us.

19                        The year we took him during the  
20          summer he went home. His aunt phoned me and she  
21          said "What have you done to Michael? Why has he  
22          changed? Why is he so loving and patient and  
23          understanding?" I said "Oh, Michael only needed a  
24          little bit of attention and care and he got it  
25          from us."

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1                   The other girl I looked after that  
2 was abused by her father was a girl from Ontario.  
3 I was asked if I would take these two (2) young  
4 girls from Attaro Inn (PH) and I said yes. And  
5 one morning I heard this awful screaming and here  
6 come these two (2) young girls from downstairs and  
7 her mother and her father had abused her. So I  
8 spent time and talked with her. By the time she  
9 left our home she was healed but I want to just  
10 read you the letter they left me.

11                   "Margaret,  
12 I just had to write a final  
13 note of thanks. You have  
14 been a great help. I am so  
15 glad you took us in. My mom  
16 just had one of those  
17 feelings when your name was  
18 mentioned while reading the  
19 list of bodies. I have  
20 learned so much this year in  
21 school, here, and a lot more  
22 about God. That's what I'm  
23 thanking you for most. And  
24 also for being there when I  
25 needed you. I love you,

StenoTran

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1 Margaret, and you have been  
2 as much a mother to me as my  
3 own."

4 That's from one foster daughter that I had.

5 Another boy I took in -- Sheila  
6 got healed, not by going to a psychiatrist but by  
7 just talking to her, that there is a greater power  
8 that could heal you than going to a psychiatrist  
9 and that's love and understanding and listening  
10 and her able to bring it out to me and tell me  
11 what happened to her. Before this she used to  
12 scream and say oh -- I said "What happened?"  
13 She'd say "Well, he was coming to my bed and I was  
14 trying to turn on my tape recorder but I couldn't  
15 get it to work." And she never had nightmares  
16 after she left our home.

17 This young man here I took in, a  
18 single parent. We called him -- his name was  
19 Ronald and we called him Ronald Reagan. Ronald  
20 was a beautiful boy who needed a lot of love and I  
21 didn't really know I gave it to him but when he  
22 left me in June -- the end of June -- he wrote me  
23 this note:

24 "Dear Margaret,  
25 I would like to ask you the

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1 following questions: how long  
2 can you look after ---"

3 Oh, no, this is a Chinese lady. I have been a  
4 grandmother to Chinese ladies and ---

5 "Margaret,

6 When you read this, if you  
7 read this, I hope you read  
8 this, Margaret. You and your  
9 family are good people and I  
10 have grown to know you very  
11 closely and I will miss that.  
12 Some people say life is a  
13 circle; if you meet someone  
14 you are destined to meet him  
15 or her again. I really hope  
16 this will happen.

17 Ronald Reagan."

18 So I just want to share with you  
19 and my way of being brought up was not by books,  
20 not by education, because we were neither treaty  
21 Indians. We were non-status. We were not white.  
22 We were here in the middle, drifting, trying to  
23 find our own identity. But my people were great  
24 people, understanding people, and they taught us  
25 pride and to try to survive on our own and they

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1 always used to tell us "Now when you have grown up  
2 and you use others that need your help remember  
3 what you went through and don't turn anyone away  
4 from your door."

5 This is the greatest healing I  
6 find today as I looked after my nieces and nephews  
7 which is my duty now, is to open my eyes and my  
8 ears and listen to what they have and what  
9 problems they have and they bring them to me. And  
10 in my Indian way I try to counsel them and I feel  
11 that I have reached them.

12 And I was telling my daughter the  
13 other day my way of teaching is much different  
14 than the teaching we have today. I said we never  
15 had this syndrome or that syndrome because we were  
16 brought up to listen and if we didn't go to bed at  
17 night we were told -- grandma would knock on the  
18 wall and say "Did you hear that? The bogeyman is  
19 coming. Go to sleep." And we talked one more  
20 time "He's at the door now. Go to sleep." We  
21 went to sleep. My son-in-law said "But weren't  
22 you afraid that he was at the door?" I said "No,  
23 because evil didn't come to me if I listened."  
24 Destruction didn't come to me if I paid attention  
25 to my teaching or my grandparents.

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1                   So this is the teaching that I had  
2 and this is the teaching I would like to share  
3 with you.

4                   Thank you.

5                   **MODERATOR DARLENE KELLY:** Thank  
6 you, Margaret. You are an inspiration to us all.

7                   **ELDER MARGARET HARRIS:** Thank you.

8                   **MODERATOR DARLENE KELLY:** I would  
9 like to introduce Brenda Wesley next.

10                  **MS BRENDA WESLEY:** My real name is  
11 HaswiilDoogit. I am a Wing (PH) Chief in the  
12 House of Hakbagwootik. I was raised by my  
13 grandmother; her name was Aunt Kalobiks (PH) and  
14 she was one of the most beautiful matriarchs of  
15 the Gitksan Nation, Simpshan (PH) and Niga'a. Our  
16 language is almost the same. There are few words  
17 that are different in each dialect.

18                  I chose the topic of preservation  
19 of our culture because if we are going to strive  
20 for self-government we have to recognize that if  
21 we are going to preserve our culture then there  
22 will be the gentleness of a hierarchy. There will  
23 always be a hierarchy, no matter where we go, but  
24 with each nation our cultures have a strain of  
25 similarities and one of them is a feast hall or a

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1 long house. And that's what I would like to  
2 remind everyone here. I know quite a few here  
3 right at this table that are in a big chief's  
4 house. In our language we call them Sigdim Naak;  
5 that's a great lady.

6 And to preserve a culture the  
7 various ways of recognition it starts with  
8 attitude and attitudes begin right from the  
9 cradle. And there was a beautiful Haida Sigdim  
10 Naak that was her favourite phrase. I was taught  
11 right from the cradle to respect my sovereignty.  
12 And I've got her permission to use this  
13 expression.

14 And that's another one of the  
15 factors that I wanted to remind us of is that in  
16 our culture if we're going to use someone else's  
17 song or dance which depicts our history, we've got  
18 to have permission from that chief or the Sigdim  
19 Naak, the chief's wife or oldest daughter, whoever  
20 is present in the gathering where you are at.

21 And like I said our songs and our  
22 dances tell our history. There are some non-First  
23 Nations people will say "You Indians, you get up  
24 and you dance for your queen and she took away  
25 your land." Well, we dance for our dignity



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1 because of the history that is behind those dances  
2 and those songs.

3 And my aunt is Margaret Harris.  
4 She revived our dances. When we were children my  
5 grandmother, Aunt Kalobiks (PH), she taught us  
6 these things but I didn't really pay attention.  
7 And then when I had my own children I wanted to  
8 make sure that they kept up our language and  
9 that's one of the ways that our culture will -- we  
10 preserved, by learning the songs and with that  
11 story the key words -- even if they just know the  
12 key words -- that will be initiative to learn more  
13 of the language and use of it every day. Again,  
14 that's from childhood. So, the attitudes begin to  
15 preserve our culture as children.

16 Two (2) years ago my son, Dwek  
17 (PH), who is a First Nations carver, we went to  
18 his daughter's school and he carved in front of  
19 the Grade 4 students and I told the story -- I got  
20 permission from my uncle and I told the story of  
21 Woodite (PH), one of the First Nations' prophets.  
22 And they learned to respect our culture.

23 If a person learns as a child to  
24 respect something the dignity will go along with  
25 it and that's one of the ways that non-Natives

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1 will respect us as we respect ourselves. What  
2 Auntie Margaret was talking about the children  
3 that she took care of, their self-esteem rose with  
4 their identity and that's what happens when we  
5 have recognition of our chief's houses and our  
6 artists. And if we see dealers exploiting our  
7 artists we should care enough to band together.  
8 All the organizations that are here are really  
9 powerful -- the Aboriginal Women's Council, the  
10 Professional Native Women. We are a matriarchal  
11 society. People will listen to us.

12 The Indian Homemakers'  
13 Association, we're the senior women's provincial  
14 organization. When our Elders get together you  
15 can feel the dynamics. It's powerful and it's  
16 beautiful. And when they speak, that is  
17 preserving our culture and every time we have an  
18 AGM we have our agenda and we carry them all  
19 throughout the year.

20 And I'd like the ones that are in  
21 positions of authority now, like Bev Julian -- she  
22 speaks all the time of our spiritual healing  
23 that's depicted in our art and that is spoken of  
24 in our feast halls.

25 And I would just like to say to

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1 the women in the positions of authority, the  
2 healthy spirit lodge is very powerful. They do  
3 cultural healing there. We talk about it but if  
4 we could get our art work, get programs, get  
5 monies to develop these programs for the artists  
6 such as the making of our ammolites that are  
7 traditional. They cost a lot of money and if we  
8 would get monies for these and get a women's  
9 centre where we could have these programs  
10 developed then we will be preserving our culture.

11

12 You have a lot of say when you  
13 present your submissions for funding. Keep it in  
14 my mind. Like there is a powerful lady here, a  
15 beautiful lady, and she does a lot of work for our  
16 people and that's one of the ways that we preserve  
17 our culture. Use your positions wisely, like  
18 Auntie. She took us all together and we used to  
19 have so much fun making our blankets. And now my  
20 son, he is going to Aim's (PH) Job Development.

21

22 Those are the kind of things that  
23 preserve our culture and that's one of the things  
24 I want very much is to -- one of them would be a  
25 women's centre where we'd have a base to develop  
these programs and a place for the artists to

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1 work; set aside a place for them. And a room as  
2 well as training the counsellors and everything  
3 are very much needed, but the art is a positive  
4 way, a fun way of preserving our culture and our  
5 language. Our language is so important.

6 And when we make these things  
7 there's names for everything and in every nation  
8 they are all positive. There is ammolite. My  
9 father was an Eagle. My grandfather was an Eagle.  
10 And my sister here, she is of the Eagle Clan. So,  
11 I would like you to see her put it on me and for  
12 you to remember that when I was a princess I was  
13 given the name HaswiilDoogit and then later on in  
14 the feast hall I may get the matriarch name and my  
15 father's sister would have to put this on me. So  
16 I would like you to witness my sister putting it  
17 on me. And a chief just stands there and it's  
18 waited on out of respect and dignity.

19 ELDER MARGARET HARRIS: Can I just  
20 talk a little bit again? Can I?

21 COMMISSIONER VIOLA ROBINSON: Yes.

22 ELDER MARGARET HARRIS: I just  
23 wanted to explain to you as Brenda is doing this  
24 that in our Indian tradition if we really follow  
25 it there is so much we could do for the young

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1 people.

2 Now it's the auntie's duty to put  
3 the ammolite and the blanket on but Brenda in  
4 return will have to pay her for doing this. So  
5 when you are little your auntie buys your first  
6 bracelet and tells you that you're a princess so  
7 you should never hit people. She buys you a first  
8 pair earrings and she also tells you that you  
9 can't listen to gossip.

10 But then you have to start saving  
11 money for when the next feast comes up. You have  
12 to pay auntie double of what she did for you or  
13 what she paid for these items. And so we're  
14 always working. So if Brenda says if we can come  
15 back to these traditions, we will have our young  
16 people working and having something to work for.

17 Thank you.

18 MS BRENDA WESLEY: Thank you,  
19 Auntie Margaret.

20 Auntie Margaret is our first lady  
21 of the Gitskan Nation and we have a dad's group  
22 called the Datlomhas (PH) Dancers. And I have a  
23 six-year-old grandson. Some of you have seen him  
24 dance.

25 And one other way of preserving

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1 culture is the naming feast. My granddaughter,  
2 because her brother had died and he's a prince, he  
3 is going to have a feast in the Squamish Nation  
4 because they belong to the -- we are a matriarchal  
5 society. The naming feast will be in the long  
6 house in North Van.

7 His maternal grandmother and  
8 aunties will follow tradition, put on the feast  
9 and we're saving money now and buying gifts so we  
10 can give them out and it's going to be May 8th,  
11 1994. And we've already talked with Lawrence in  
12 the Band Office there -- Lawrence Baker -- and so  
13 now we're making preparations and everyone here is  
14 invited. It's always the surrounding villages  
15 that come.

16 And my aunt is making me a  
17 blanket. I was going to wear it tonight. The  
18 aunt on your father's side makes your first  
19 blanket that you wear when you have a naming. And  
20 her name is going to be 10,000 Sockeye. Some of  
21 you know her from our Ketari (PH) Native Church.

22 And one of the things I wanted to  
23 talk about was language to preserve our culture.  
24 Every chance we get to use our language we do that  
25 quite often at Helping Spirit Lodge. There's

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1 three (3) Gitskan workers and we use our language  
2 at every opportunity. And if we could get classes  
3 at the Native Ed Centre that was one of our plans  
4 before, to have Auntie Margaret teach the dances  
5 and Barbara to teach the languages.

6 If we could promote these kind of  
7 programs that would be an excellent solution to  
8 preserve our culture; very much needed so that we  
9 could get the recognition that is our due and it's  
10 also a lot of fun. I learned a lot of Cree as a  
11 front-line worker and from my aunt and it's really  
12 interesting.

13 That's my time. Thank you.

14 **MODERATOR DARLENE KELLY:** Thank  
15 you, Brenda.

16 I thought that was a really good  
17 example of going through the traditional Native  
18 family life cycle. One of the things that we've  
19 lost is the protocol that is so important.

20 Okay. I would like to introduce  
21 Florence Hackett next.

22 **MS FLORENCE HACKETT:** I am  
23 Florence Hackett. My Indian name is Turtle Woman.  
24 It was given to me by my grandmother. I am from  
25 the Homako (PH) Band of Butte Inlet. We are now

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1 relocating to Kam River; there is a new  
2 reservation. And I have been working at the  
3 Indian Homemakers' Association for eight (8) years  
4 now and my new title is now Social Program  
5 Coordinator Manager, which I am not used to yet  
6 because I was a family counsellor for eight (8)  
7 years.

8 And I've come into the picture  
9 with the Indian Homemakers' Association on the  
10 basis of knowing the organization for eight (8)  
11 years and also knowing the structure of the Indian  
12 Homemakers' and their mandate. The Indian  
13 Homemakers' mandate and primary purpose is to help  
14 the Native women and their children and we  
15 basically had expanded ourselves into helping the  
16 Native families for about six (6) years. I had  
17 Gordon Phillips as my fellow worker.

18 And we've been working on the  
19 basis of trying to develop job training for the  
20 First Nations Aboriginal women on the basis of  
21 family counselling, justice workers for the Native  
22 women at the BCCW, correctional centre for women.  
23 We have a full-time Native woman working there as  
24 our Native liaison worker. And we also do  
25 training for secretaries and in the last eight (8)



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1 years that I've been there I've noticed all the  
2 Native women that have been trained through the  
3 Homemakers' have expanded into the other Native  
4 organizations.

5           The Indian Homemakers' have a  
6 group that is called the Eagle Women's Self-  
7 Healing Circle. The idea came from when we were  
8 counselling our clientele we noticed the majority  
9 came from foster homes and were basically looking  
10 for their traditional ways of learning how to  
11 become themselves or to find their roots. And the  
12 Eagle Women's Self-Healing Circle helped a lot of  
13 the women and we had Beverley Julian come in as  
14 part of the Eagle Women's Self-Healing Circle to  
15 help a lot of women that came there.

16           And a lot of them appreciated the  
17 circle and meeting the Elders that still come  
18 there. We try to bring in different types of  
19 traditional Elders so that the women won't feel  
20 left out if they are Cree or Cosalish (PH) or  
21 Interior. We try to have the women identify with  
22 the Elders that come from their background and  
23 their roots.

24           Sandra Green is our new president.  
25 She lives in Prince Rupert and would like to have

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1 the full support of all the Native women's  
2 organizations because she feels the northern area  
3 is always left out. She would like to see the  
4 focus of the women come together. Her vision is  
5 of all the women's organizations coming together  
6 to speak as one voice and not be indifferent any  
7 more, to learn to work together as a collective  
8 now that we are going through a new rebirth.

9 The Indian Homemakers' is now run  
10 by First Nations Aboriginal women for the first  
11 time since March and we are basically looking at  
12 getting in contact with the community and having  
13 the community participation from the reserve level  
14 as well as the urban setting. We have basically  
15 started to reach out to the community.

16 We have made our first newsletter  
17 which is the First Nation Eagle Women's Circle,  
18 which explains the things the Indian Homemakers'  
19 are doing as well as the urban setting community  
20 in advertisements. We have distributed this First  
21 Nations Eagle Women's Self-Healing Circle to all  
22 the reserves Chief and Council. We have basically  
23 distributed another 250 at the Trout Lake Powwow.  
24 We have travelled through the reserves,  
25 distributed in Prince George, Massett, Prince

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1 Rupert, Duncan, Kamloops, Fort St. John, and we  
2 will continue distributing these newsletters.  
3 Everyone is welcome to put in an edition for our  
4 next one which will be coming out in two (2)  
5 weeks. And you could put your poetry in there and  
6 become famous.

7 So basically we are looking at job  
8 creation as well for the Native women. We are  
9 allowing the Native women to come into the Indian  
10 Homemakers' to share their ideas and their visions  
11 with us and we would like to help them access the  
12 funding to youth programs, as well as to the  
13 women's programs.

14 We went through cutbacks -- 10 per  
15 cent cutback from Secretary of State -- but we're  
16 not going to look at that as a crisis right now.  
17 We are looking at bases of other funding. We are  
18 looking at our vision as to becoming a women's  
19 drop-in centre because we've noticed that many of  
20 the women from the reserve level as well as in the  
21 urban setting don't have a place to meet and don't  
22 have a place to come together.

23 And we feel as a women's drop-in  
24 centre that we would be of better service to our  
25 First Nations Aboriginal women that need our

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1 services and job development and education and as  
2 my fellow worker, Brenda, mentioned about the  
3 language to be taught to our Native people. We  
4 may all come from different areas but we all speak  
5 from the same place of spirituality and healing  
6 from the heart. We all know about self-respect  
7 and respecting each other as women. We know how  
8 our empowerment as women and we know in our hearts  
9 that we are the ones that will become responsible  
10 to heal our families, to heal ourselves, and to  
11 bring back the healthy attitudes and values back  
12 into the community. We know in our hearts also  
13 that it is our responsibilities that we will be  
14 the Elders that will have to go out and share and  
15 have the courage and the strength to share our  
16 Native and traditional way and giving leadership  
17 to the younger generation.

18 I have learned a lot about  
19 humbleness and humility in the eight (8) years  
20 that I've been working with the Homemakers' under  
21 poverty wages, but because I love the Native women  
22 and what they stand for and what they are supposed  
23 to be through my grandmother's eyes, I know that  
24 it's my job as Turtle Woman to give back the  
25 empowerment to all women, to give them the same

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1 respect and love that my grandmother left with me;  
2 the same respect and love of empowerment of pride  
3 and dignity that she left with me as my gifts.

4 And if I didn't have my  
5 traditional upbringing I wouldn't have the roots  
6 and foundation within my heart to know the  
7 direction that I have to take. I have come a long  
8 ways and I hope through the Indian Homemakers'  
9 Association that we will be able to develop all  
10 the women's programs and job creation that the  
11 women out there need to feel needed back in their  
12 communities.

13 And with all the reserves that  
14 have went out to see and speak at I can feel part  
15 of my own people, I can feel part of the women's  
16 groups, I can feel part of the other groups and I  
17 can feel the changes that will be happening in the  
18 next few years. And I believe as a women's  
19 collective and as a women's group we can start the  
20 healing which has already started and we can  
21 empower ourselves to lobby for our future  
22 generations of women and the children and to stop  
23 child apprehension, to change the Child Welfare  
24 Act which is going through a process now. We have  
25 accomplished Bill C-31 to reinstate women but we

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1 know as women we have to change a lot more than  
2 that in order to get justice served.

3 We serve the women inmates and we  
4 have to go a long ways to help the women that are  
5 in prison to find justice and to find their own  
6 empowerment. We are looking at a halfway house  
7 for them. We are hoping that a halfway house for  
8 inmates will prevent women from going to prison  
9 and will give them the opportunity to find their  
10 roots and the right path before they end up in  
11 long-term imprisonment.

12 We also hope that our children and  
13 our reserves will take back their own Child  
14 Welfare Act into their own communities. I was  
15 very surprised: the Squamish Band has now taken on  
16 their own child apprehension, has done their own  
17 empowerment of treating their own people and will  
18 be having their own children returned back to them  
19 through the Minister of Social Services and  
20 Housing. I would like to see all reserves and all  
21 women to be a part of that when their children  
22 will be returned and we don't have to feel that we  
23 need other structures of government and the system  
24 to tell us how to bring up our future generation.

25 I thank you for allowing me to

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1 participate here. I thank you for sharing all  
2 your visions and your dreams, as well as your  
3 accomplishments. I hope that we can work together  
4 as a team for the future.

5 Thank you.

6 **MODERATOR DARLENE KELLY:** Thank  
7 you, Florence.

8 I would like to now introduce  
9 Gloria Nicholson with Professional Native Women's  
10 Association.

11 **MS GLORIA NICHOLSON:** First of all  
12 I think I would like to just apologize for being  
13 late and I do appreciate this opportunity to be  
14 here and just to share with the Commission really  
15 the work that the Professional Native Women's  
16 Association has been doing in the area of healing  
17 ourselves and our communities.

18 I think probably all the issues  
19 and concerns of our people have been discussed in  
20 one way or another in the area of justice, in the  
21 area of education, in the area of housing fully  
22 and I'm sure that the Royal Commission has quite  
23 an extensive file on the material that has been  
24 gathered to date. And I sincerely hope that just  
25 across the country that our women are truly being

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1 heard.

2 As I said earlier we have been  
3 sponsoring a series of workshops on healing. And  
4 we came to the realization a few years ago how  
5 important it was for us to go through the healing  
6 process because all of us carry within us multi-  
7 generational pain and trauma of all the years of  
8 oppression.

9 And the process that we have used  
10 really has been in learning, not only about  
11 ourselves but in learning the different techniques  
12 of how we carry pain within us and how that pain  
13 is eventually manifested in our physical bodies.

14 So it's really been a learning  
15 experience for us and it has also been a humbling  
16 experience and in the end also -- by the end of  
17 one of our one-week sessions our people feel so  
18 much lighter because they have been able to shed a  
19 lot of the pain that they have carried within  
20 themselves for generations.

21 And it is, amazing when you look at  
22 it that some of the pain that is revealed to you  
23 in some of the processes that we have used is  
24 something that is probably things that have been  
25 buried deep within you for many, many generations.



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1 And I have personally experienced that.

2 In the beginning, because I was  
3 part of the team that was organizing this, I more  
4 or less kept myself I think really aloof. I felt  
5 that because I was part of the organizing team I  
6 could not allow myself just to really open up.  
7 But at the last workshop that we had -- and that  
8 was the fourth workshop of a series of four (4) --  
9 I experienced myself a lot of healing. And even  
10 in realizing that I know that I still have to have  
11 further healing to go through because the healing  
12 process is something that is ongoing.

13 I just want to also say that we  
14 are going to be sponsoring another healing  
15 workshop, starting on the 11th to the 18th of  
16 June. And I was just going through our list of  
17 participants today and I guess we have 70 per cent  
18 of our participants are women. So it just tells  
19 me once again that women are once more in the  
20 forefront of a movement that needs to happen in  
21 order for our people to become strong nations  
22 again. We can have all the education in the world  
23 but if we aren't healed that education is not  
24 going to get us too far in life.

25 And this was brought really to my

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1 attention by two (2) graduates of law a few years  
2 ago. And I had asked them what they were going to  
3 be doing you know, now that they had their degree  
4 and they had been called to the bar. And I was  
5 very surprised when they both said "We are going  
6 to take time out now and pursue our own personal  
7 healing because we have been so busy with our  
8 education that we haven't had any time for our  
9 personal development and growth," and also to deal  
10 with a lot of the hurt and the anger that stayed  
11 within them even though through the years of going  
12 to university they hadn't managed to be able to  
13 push that aside. But they realized that they  
14 needed to deal with it.

15 And a big part of our healing has  
16 to be spiritual because traditionally we were very  
17 spiritual people. And throughout the years we  
18 have lost a lot of that spirituality. Now we are  
19 going back, relearning, and it's wonderful to have  
20 people like Bev Julian who are working directly in  
21 the healing.

22 And we have many more people who  
23 are discovering -- which is true -- discovering  
24 that you do have the power within us to heal, that  
25 we do have the power within us to assist other

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1 people in their healing. Because I can't claim to  
2 be a healer; I can only assist someone else in  
3 their healing. The only person that I can really  
4 heal is myself. And so that is what we need to go  
5 back to is to be able to believe in that Creator  
6 within us, to be able to go forward.

7 One of the things that I would  
8 really like to see come out of this Royal  
9 Commission is the realization that if we are  
10 really going to benefit from this Commission that  
11 the Number One thing is that we are the only ones  
12 who can really do anything for ourselves. We are  
13 the only ones that can heal ourselves. We are the  
14 only ones who are going to be able to provide the  
15 programs that are needed by our people because we  
16 understand the problems because most of us have  
17 been through the problems.

18 So I really hope that the  
19 government will see fit to really look at things  
20 in perspective and think of the millions of  
21 dollars that were spent in the residential schools  
22 to keep the residential schools going, taking our  
23 children away and putting them in the residential  
24 schools. That took a lot of money and it took a  
25 lot of children. There wasn't many generations of

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1 the residential school. And I feel that there can  
2 be many generations where our healing is going to  
3 take place.

4 And I sincerely hope that this  
5 will be a big consideration because we need to  
6 really work with our children. We need to gain  
7 back what we have lost and we are just grateful  
8 that there is enough left of our culture, just  
9 like what our sister Margaret has shared with us  
10 and what Brenda has shared with us, there is  
11 enough of our culture that we know that we can and  
12 it is our responsibility to pass that on to our  
13 children.

14 But everything today revolves  
15 around the cost of making things available to  
16 people, and particularly people in the urban area.  
17 When we consider how many people we have in  
18 Vancouver alone and no matter how many services we  
19 may have it's still never enough and we know that.

20  
21 So I regret that I wasn't here for  
22 the opening because to me the Cedar Bough is very  
23 sacred. The cedar tree is very sacred. If we had  
24 more time, if we weren't restricted in time, I'm  
25 sure that all of us would have so much to share

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1 with each other: our legends, our histories, our  
2 beginnings, because we all have our creation  
3 stories.

4 But I just want to end by saying  
5 that when the day comes that our children will be  
6 really free, then we will feel that we have taken  
7 that giant step forward. Because right now our  
8 children are not free. Many of our children are  
9 caught between two (2) worlds right now and it is  
10 up to us to be able to share with them our  
11 traditional teachings to once again balance that  
12 wheel, our medicine wheel, so that we can once  
13 again become a strong nation.

14 And I close by saying that I  
15 honour all Aboriginal women because I know that we  
16 have carried the culture of our people within us  
17 and that we will be ones who will really bring it  
18 forward, and that as we gain strength so will our  
19 cultures gain strength.

20 Thank you for listening.

21 MODERATOR DARLENE KELLY: Thank  
22 you very much, Gloria.

23 I would like to know introduce  
24 Jane Gottfriedson, President of the Aboriginal  
25 Women's Council.

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1                                   MS JANE GOTTFRIEDSON: Good  
2 evening and welcome, Viola, to our province again --  
3 and you are here in good weather this time -- and  
4 fellow speakers and participants in the  
5 Commission.

6                                   I want to share with you some of  
7 our struggles in I guess the movement to have  
8 Aboriginal women participating in the self-  
9 government process. And it has been a struggle;  
10 it hasn't been easy. There has been doors shut on  
11 us and just trying to participate, to have an  
12 equal opportunity to speak and address our  
13 concerns and issues, to bring forth the concerns  
14 of women in the community, our grandparents, our  
15 aunties and those people that can't come out and  
16 speak that depend on people like myself to do that  
17 for them.

18                                  And trying to participate I guess  
19 even in the constitutional process and trying to  
20 assist the male dominated organizations in  
21 preparing for the different meetings has been a  
22 struggle. As we are talking about equality and  
23 fairness, equal participation, and then we are  
24 talking about justice, we are talking about family  
25 violence issues, sex abuse, land, divorce

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1 settlements, you know there is all kinds of things  
2 that are going on across the country and we've had  
3 women come forth and ask us to assist them to  
4 address these issues, to take them on and fight  
5 for them.

6 And a lot of times it's with -- we  
7 have to take up battle with high priority, high  
8 profile chief who has divorced someone who has  
9 some claim on land but because of the way the  
10 Indian Act is structured the male usually has a  
11 certificate of title.

12 We have been in a real struggle on  
13 South Island with a justice project and trying to  
14 deal with this issue in a very careful -- as  
15 carefully as we could, as we could go in there and  
16 do the work that needed to be done, address the  
17 issue, but the women that were being sexually  
18 abused and assaulted were living in the community.  
19 They had no recourse. They were still there at  
20 the hands. I could get on the plane or get on the  
21 ferry and go home and I live in a very good  
22 community where women are the leaders there and  
23 very respected.

24 So, going into these communities  
25 where women are not valued was a real eye-opener

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1 for me. And then realizing that they were in very  
2 life-threatening situations and all kinds of means  
3 were done to silence them.

4 And I know these ladies know about  
5 the long house system, the pay-offs and the  
6 different methods that were used there to silence  
7 the Elders or the family heads, the courts, when  
8 the women go into court, the intimidation methods  
9 used within the courts to silence them. And we  
10 have been very, very supportive to these people  
11 because it's taken a lot for them to come forth  
12 just to testify and to share these awful things  
13 that have happened to them and to their parents  
14 and to their children. And it's multi-  
15 generational.

16 We've had to get the national  
17 organizations involved to assist us here and in  
18 February were successful in stopping the program  
19 and putting it under review. But we don't know  
20 what the participants will do. We have no idea  
21 what their next step or action will be.

22 The bottom line that we found in  
23 all our travels, all the different committees and  
24 projects that we've been working on, is that there  
25 is a great need for healing. There is no way we



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1 can develop self-government if our communities are  
2 sick. It only creates corruption, destruction,  
3 conflict. There is no accountability, there is  
4 just all the awful things that can happen are  
5 going on. The power and control. There are so  
6 many things that are happening and there are no  
7 checks and balances and that needs to be done.

8 And if people aren't well and it's  
9 this type of community is a norm, no one thinks  
10 anything of incest or rape or wife beating,  
11 corruption within administration or bands; they  
12 think nothing of it, it's a normal thing that goes  
13 on. There's so many things going on across the  
14 country that are accepted.

15 And many times the women's  
16 organizations have stood up and said "Enough.  
17 Stop." We're not very popular at times. We get  
18 threats. You kind of avoid your family life so  
19 that your family doesn't get involved in some of  
20 these issues and politics.

21 Just recently, as an example of  
22 what we can expect in self-government today -- is  
23 the West Bank Band is a good example where because  
24 of politics and the power and control issue one  
25 fellow who has been making his CMHC house payments

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1 for a number of years was given notice that he was  
2 behind in his payments. The chief went in with a  
3 moving company, moved him out lock, stock and  
4 barrel, and claimed he owed the band \$3,500.00.

5 There was some investigation and  
6 in turn they found that the chief owed the band  
7 \$150,000.00 for his 600 square foot mansion. If  
8 that's justice -- this man and his family were  
9 thrown out on the street for a bill that he  
10 thought he had kept up all this time.

11 And it's really true what these  
12 ladies have been saying around the table tonight  
13 that our culture is really, really important and  
14 we as women are the first teachers and we have a  
15 lot of responsibilities. And we're very fortunate  
16 to have people like Bev Julian with us and we  
17 treasure those people.

18 The other thing with self-  
19 government that we are I guess promoting or saying  
20 is that each nation will define their own laws and  
21 the type of government that we want and it's not  
22 for us to impose or for us to say. We each have  
23 culture, we each have our special way of doing  
24 things although there are similarities we each  
25 have our own ways. We have our long houses. We

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1 have our sweat lodges. We have our sacred herbs,  
2 medicines, trees, the waters, the animals, the  
3 Fishes and the Water People and Sky People. And  
4 those are all very important to us and it's up to  
5 us to teach those little ones and to prepare for  
6 anything that we do, any decision we make that we  
7 think seven (7) generations down the road.

8 Thank you.

9 MODERATOR DARLENE KELLY: Thank  
10 you, Jane.

11 That concludes our presenters.

12 COMMISSIONER VIOLA ROBINSON:

13 Well, first of all I want to say that how pleased  
14 I am to be here tonight and to sit with my sisters  
15 from the West Coast -- I am from the East Coast --  
16 and to have you share your information with me.  
17 It doesn't matter where one goes in this work, you  
18 are always learning and you are always gaining a  
19 wealth of experience either from the women or from  
20 the Elders or youth and from the things that you  
21 hear.

22 I want to tell you that the  
23 presentations that were made tonight here I just  
24 want to comment on some of them. I think the  
25 medicine wheel, that concept that we hear that is

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1 moving across the country for Aboriginal people,  
2 that's something I think that has been missing for  
3 some generations. It got lost somewhere and it  
4 got taken out of shape by all kinds of policies  
5 and external forces that forced us to stray away  
6 from that circle, but it's nice to -- I feel  
7 encouraged as we go across the country to know  
8 that people are starting to think back. They are  
9 going back to this thinking and it's becoming very  
10 powerful and it's really encouraging.

11 The Urban Images. I was listening  
12 to your presentation with great interest and I  
13 think that the work that you are doing is very,  
14 very important and I was just wondering about  
15 that. Is that -- do I have the presentation here?

16 That's been going for eight (8)  
17 years. And did you say how that is funded? Did  
18 you say it was funded through ---

19 MS NANCY VAN HEEST: It used to be  
20 funded through CENI but because they looked at it  
21 as getting people in the work place or continuing  
22 on to further education they have since cut the  
23 funding because we didn't make their bench mark of  
24 a high percentage rate. They didn't understand  
25 that Aboriginal women had a different ---

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1

COMMISSIONER VIOLA ROBINSON:

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Right.

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MS NANCY VAN HEEST: So CENI said there weren't enough graduates. And the second thing you will notice is we went to focus on the family rather than just looking at the individual.

And right now we're looking for funding. We hope to get funding for medical services, the Provincial Medical Services Division. We haven't secured any yet but ---

COMMISSIONER VIOLA ROBINSON: Yeah, I think this is very interesting. It's interesting that one of the things that the Commission has been grappling with is the urban issue. Governments don't recognize urban initiatives as valid groups that -- you know they pass the buck. The federal government says "We're only responsible for certain people" and the provincial government is saying "Well, if you're Indians..." you know you just keep getting pushed back and forth.

And the Commission, one of the mandates, is we have to look at the urban situation and how government can deal with the

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1 urban situation. We are looking for models of  
2 self-government or initiatives that are being  
3 undertaken in urban centres that probably can work  
4 in others so we can make some recommendations that  
5 might work. So this is an interesting concept  
6 that you have here and that seems to be working.

7 So I think you know all the  
8 information that we would need is here and it will  
9 be recorded in several different ways, through  
10 here and through the transcripts as well as  
11 through the recorders over there. So I will just  
12 leave that for now but I just want to tell you  
13 that all these things will be taken into  
14 consideration.

15 The one on policing, the one that  
16 you did. You said you were going to give us a  
17 copy of your presentation and the staff will -- I  
18 will just put it here, the staff will get it later  
19 and make copies of it.

20 You have some -- I think you know  
21 that it's really -- it's traumatic to hear the  
22 kinds of things that's going on in the cities.  
23 And some of the things that you've said here  
24 tonight is really -- well, we've heard them before  
25 you know but each time you hear them it's still a

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1 shock you know how we can be treated by agencies  
2 that are supposed to be for the good of our people  
3 but still we're at the very -- that it's not  
4 happening.

5 For instance the police. You  
6 recommend sensitizing for police and the training  
7 of police. I wonder, is -- like we heard today,  
8 we had presenters here today from the Tribal  
9 Justice Commission, and they were talking about  
10 they are going from community to community. They  
11 are in their third community now and they are  
12 training police and they are training -- they are  
13 not only training Aboriginal police but also  
14 municipal police are also taking the course and  
15 it's supposed to be culturally appropriate and  
16 supposed to be trained in sensitivity to  
17 Aboriginal people and that.

18 Do you think that's a good thing  
19 and that should be used in this area here or ---

20 MS TERRY NETSENA: Tribal  
21 policing?

22 COMMISSIONER VIOLA ROBINSON: Yeah  
23 -- the course that they are giving.

24 MS TERRY NETSENA: Yeah.

25 COMMISSIONER VIOLA ROBINSON:

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1           Could that benefit the policing in the Vancouver  
2           area or can they access that training?

3                           **MS TERRY NETSENA:** I'm sure they  
4           could but we need to lobby and talk to the police.  
5           We have had some meetings with the police and they  
6           were trying to recruit Aboriginal women but we  
7           weren't too sure about -- I met a woman who had  
8           her daughter go through police training and she  
9           says that poor girl you know she could have  
10          committed suicide it was so difficult, so  
11          traumatic for her passing through this ordeal.  
12          And there's just so much sexism and racism in the  
13          police force she says it's just overwhelming. You  
14          can't even imagine having to deal with something  
15          like that.

16                           And I believe her daughter  
17          graduated but you know -- and her daughter was  
18          non-Native and you know so you can imagine if a  
19          Native person had to pass through. And I know of  
20          police officers who have and you know the high  
21          incidence -- and myself was married to an RCMP and  
22          the high incidence of you know violence and abuse  
23          as a result of what happens in the work they do  
24          you know is not encouraging for anybody.

25                           But I came upon this idea to get



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1 involved with these Aboriginal women because you  
2 know we need to be involved and it's our  
3 responsibility to take the issue on. In policing  
4 there is two (2) issues: there is the issue of  
5 over-policing. There are segments of society who  
6 are over-policed, for example youth who just  
7 wander down the street. So it's not just a simple  
8 thing.

9 You know in our issues with family  
10 violence we need to have the proper training for  
11 police officers to handle the incidence, to bring  
12 these things to court, to get you know help for  
13 the women that are traumatized.

14 **COMMISSIONER VIOLA ROBINSON:** The  
15 legislation that you talked about that is the  
16 recent legislation that introduces new procedures  
17 for I guess based on family violence and ---

18 **MS TERRY NETSENA:** Specifically  
19 women in relationship, violence in relationships.

20 **COMMISSIONER VIOLA ROBINSON:**  
21 Right.

22 Are you going to be able to be  
23 involved in the workshops that are going to occur?  
24 You say they are going to be holding workshops?

25 **MS TERRY NETSENA:** Yeah, it's

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1 right in the legislation where it states that they  
2 are going to be doing these different workshops  
3 with the different members in the judicial system.  
4 And I contacted the Minister of the Attorney  
5 General and they said that they had some of course  
6 limited resource and that people were going to  
7 give them orientation and different workshops but  
8 it wasn't clear to me. They weren't sure who was  
9 going to do it and that's an issue for us as to  
10 who is doing it.

11 COMMISSIONER VIOLA ROBINSON:

12 Right.

13 I suppose it's workshops for the  
14 police to orient them to the new legislation?

15 MS TERRY NETSENA: Yeah, for the  
16 new legislation and the handling procedures.

17 COMMISSIONER VIOLA ROBINSON: Yes.

18 MS TERRY NETSENA: Yeah, proper  
19 handling procedures and things. But we were -- I  
20 definitely expressed an interest in being involved  
21 in the process but I haven't been successful to  
22 date in getting our foot in the door.

23 COMMISSIONER VIOLA ROBINSON: We  
24 have been doing research in the justice area and  
25 there are many I guess parts of justice, like you

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1 know with the -- there is the policing and the  
2 RCMP issue and then there is the law enforcement  
3 and then there is the law and then there is the  
4 judicial system and the courts. However, I think  
5 this is one area here that we are trying to deal  
6 with as well.

7 But I can't seem to get my head  
8 around you know from this policing issue here. I  
9 guess it's something that is being worked -- they  
10 are trying to work at through this police  
11 training. I don't know. There just has to be a  
12 way it seems to me that this urban situation has  
13 to try to get their input into this training to  
14 try to get some people in there.

15 MS TERRY NETSENA: Yeah, yeah.

16 COMMISSIONER VIOLA ROBINSON: Yes,  
17 or get the support, yeah.

18 Anyway, we have that down and  
19 that's a concern you know and certainly that will  
20 be looked at during the research and as work  
21 proceeds in the justice area. And we are looking  
22 at it. There are some forms -- like there are  
23 some things happening like say for instance in  
24 Toronto there is organizations in the City of  
25 Toronto that are funded through the provincial

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1 government that looks at working with the police  
2 and the justice system with Aboriginal people. So  
3 that is one model there, you know that is  
4 happening. As well I think there are some things  
5 starting to happen in Winnipeg, but as things  
6 happen we will begin to bring all this stuff  
7 together.

8 Also I wanted to mention too with  
9 your presentation, Margaret Harris, was very, very  
10 inspiring. If we had a lot, lot, lot more people  
11 that were doing what you are doing I think we'd  
12 have all lot less problems. But unfortunately we  
13 don't all have the same technique and the  
14 experience that you have to be able to do that but  
15 I want to commend you. I think it's very  
16 inspiring to learn that there are people like you  
17 out in the world here and that are working with  
18 young people and giving them the kinds of support  
19 that is needed for them to move on.

20 The Indian Homemakers'. I was  
21 encouraged by the vision of unity that was talked  
22 about, Florence Hackett. I think that's important  
23 too and it's so true about the women's collective.  
24 You need a women's collective to begin the healing  
25 and I guess that's been said here.

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1                   And in places where we've been and  
2 when positive things are happening in the  
3 community it's always happening because of some  
4 woman or women's initiatives. They always begin  
5 something and even with the Alcoli (PH) Lake  
6 situation. You couldn't have had a community that  
7 was as bad as we had was in Alcoli (PH) Lake and  
8 now that is healed and it's a model community for  
9 other communities to follow and that was all done  
10 by the initiative of one woman I guess and it just  
11 kept working and working. So I guess it's true  
12 that I don't see how you can ever go wrong by  
13 having a collective for empowerment and also to go  
14 ahead and the vision of unity I think is really,  
15 really important.

16                   I guess the Professional Native  
17 Women's Association -- oh, before I go any further  
18 I think the first speaker -- I was going to speak  
19 about the disabled -- that was the presentation  
20 that you gave was an excellent presentation and we  
21 have had presenters from the disabled community in  
22 different areas.

23                   We were just in Calgary last week  
24 as a matter of fact and we had a group, it was a  
25 disabled organization, an Aboriginal organization

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1 that came forward and made a presentation to us  
2 and it's so important you know to be recognized  
3 and to -- and it's true you know that they've been  
4 left out for so long -- or I guess not left out  
5 completely but I don't know if it's an oversight  
6 tor what but even in the communities they've been  
7 complaining that even to access some of the band  
8 offices don't even have access for wheelchairs and  
9 for people to get in to speak to their leaders and  
10 the schools aren't really addressing that.

11 So we're hearing this and your  
12 message is very clear and I have everything here  
13 and your recommendations I think are good  
14 recommendations. This is I think probably one of  
15 the better written presentations that we've had  
16 here with all the statistics that you have here.  
17 It's going to be very, very helpful in our work  
18 and the recommendations that's written out. We  
19 don't really have that much from the disabled.

20 MS MARIE BAKER: Excuse me. I  
21 borrowed statistics from the Aboriginal Peoples  
22 Network you know with Ian Hinksman in Victoria.

23 COMMISSIONER VIOLA ROBINSON:  
24 Right. Okay.

25 MS MARIE BAKER: I didn't dream up

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1 those statistics. I get a monthly letter.

2 COMMISSIONER VIOLA ROBINSON: They  
3 are helpful because we didn't have them. So we  
4 have them now and that kind of information is  
5 very, very helpful to us.

6 MS MARIE BAKER: Excuse me. There  
7 is another survey being done next week.

8 COMMISSIONER VIOLA ROBINSON: I  
9 might mention here too as well that any further  
10 information that you might have, or progress, or  
11 any information or anything that you might want to  
12 present, send to us in a form of a brief or  
13 written in the form of recommendations or progress  
14 or anything that might be helpful for the  
15 Commission you know we would really welcome that.

16  
17 The door is open and we are  
18 anxious to get briefs and written presentations on  
19 any kind of helpful advice you can give us or  
20 information that will lead to some fruitful  
21 recommendations. And this is not the end now. We  
22 will continue to receive for the next possibly --  
23 at least till December. If there is anything that  
24 you can come up with or that you think is  
25 important don't hesitate to put it down in writing

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1 and send it to the Commission.

2 The Professional Native Women's  
3 Association. Your presentation was very, very --  
4 I think it was very moving, inspiring. I think  
5 it's so true you know about the healing and the  
6 workshops that you've been holding. What you've  
7 told us is something that we've been hearing over  
8 and over and over.

9 The business about residential  
10 schools we'll be producing some interim reports.  
11 And I believe one of the reports that we're  
12 working on at the moment as a matter of fact is  
13 residential schools. There is an awful lot of  
14 information on residential schools: the impact of  
15 residential schools. And the research is on that  
16 and the AFN also is doing research on it; we're  
17 doing some. And there is a good possibility there  
18 will be a report coming out, an interim report.

19 Now an interim report will be just  
20 that, an interim report. That doesn't mean that's  
21 the end of it because the final report will also  
22 have further recommendations following interim  
23 reports that might be produced. But we are  
24 strongly considering doing some one on -- and one  
25 will be on residential schools we think and



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1 possibly there might be one on suicide as well.

2 One of the things I think that we  
3 were not sure about and that is what's to be done  
4 you know about that. What is it that we might be  
5 looking for as a reparation or as a -- is it a  
6 settlement? Is it an apology? What could happen  
7 that would help heal those who have suffered from  
8 the impacts of the residential school?

9 We know it's been handed down  
10 generation after generation going back to the  
11 early twenties I think when they first came out.  
12 So that goes back a long ways and people today are  
13 still suffering from that. It's just being passed  
14 on and on and on and I think it would be helpful  
15 to know what kinds of things are people looking  
16 for as sort of a reconciliation? We'll be having  
17 a "consultation" I guess you would call it -- a  
18 consultation or a big meeting anyway with all the  
19 church groups in Canada -- the World Council of  
20 Churches or something -- later this fall, that  
21 date is set and it's probably one of the items I  
22 think that will surface there will be residential  
23 school.

24 Of course I think we will be  
25 bringing that up anyway. And the kinds of

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1 recommendations that we might want to make on that  
2 would be good if people were to think about that,  
3 what should be said or what should happen. We've  
4 heard many things and different things but we need  
5 to know. So you know I hope that's some kind of  
6 an encouragement for you. It would be really  
7 helpful.

8 Jane, your presentation on self-  
9 government and you mentioned of course all the  
10 things you've said too we've heard you know from  
11 going from community to community and hearing from  
12 people.

13 You mentioned about -- I just  
14 wanted to question the -- you said about that  
15 South Island justice project and you did  
16 something. What is happening with that now?

17 MS JANE GOTTFRIEDSON: It's under  
18 review right now.

19 COMMISSIONER VIOLA ROBINSON: It's  
20 under review?

21 MS JANE GOTTFRIEDSON: Yes. What  
22 is happening: we have requested that the AFN,  
23 Native Council and Native Women's Association and  
24 we've also invited the Metis to be on the review  
25 committee. Then there will be the Attorney

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1 General and Justice and various other government  
2 agents on the other side to do a -- hopefully a  
3 fair and impartial review of the project.

4 The project as it laid out is a  
5 good project but somewhere it got strayed off its  
6 objectives and goals and it became very abusive to  
7 the victims and the abusers were being let off  
8 with very -- with very lenient punishments.

9 **COMMISSIONER VIOLA ROBINSON:**

10 M'hm. Okay, I wasn't aware exactly what was  
11 happening.

12 **MS MARIE BAKER:** Yeah, well we've  
13 tried to keep it very quiet because of the victims  
14 and we tried to handle it in a very good way  
15 without using the media. It has hit the media at  
16 different times but not front page. But we've  
17 tried to keep it quiet but there are media that  
18 are aware of what we are doing.

19 **COMMISSIONER VIOLA ROBINSON:** It's  
20 probably not hit nationally either, just in the  
21 local area.

22 **MS MARIE BAKER:** No, we've been  
23 keeping it very quiet.

24 **COMMISSIONER VIOLA ROBINSON:**

25 Okay. That's good to know.

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1                   And I don't have any questions for  
2 you. I think your presentation is very  
3 straightforward.

4                   Are there any other questions that  
5 anybody would like to ask me?

6                   **ELDER MARGARET HARRIS:** I would  
7 like to ask you -- I go to the prisons to put on  
8 shows. I have a dance group, family dance group.  
9 And at the men's prison they are taught so many  
10 different things: how to carve, how to do this and  
11 how to do that. And there was a prisoner that was  
12 released and he had a beautiful show that he was  
13 going to take on the road when he goes the next  
14 day.

15                   But I also go to the women's  
16 prison and they don't do anything, nothing at all.  
17 They haven't made any crafts. And I was just  
18 sharing with Brenda today that we went there once  
19 to put on a show at Christmas time. They had  
20 nothing to display. And we wonder why they come  
21 out of there and then they go back on the streets  
22 again.

23                   It's just like your young boys and  
24 girls: if we are able to train them, their arts  
25 and crafts or whatever; everybody has a talent but

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1 we got to develop that talent. So if we can get  
2 in there and help these ladies maybe make one  
3 blanket, can you imagine how proud this lady would  
4 be to show off that she can do this. And then  
5 they can teach each other after that.

6 So I'm really wondering why. Why  
7 is it that women prisoners have nothing, they are  
8 not taught anything, and yet the men are doing so  
9 much? And I feel that we should be able to help  
10 them develop something so that when they come out  
11 they won't be useless and go back in there again.

12 COMMISSIONER VIOLA ROBINSON: Go  
13 ahead, Jane.

14 MS JANE GOTTFRIEDSON: I just want  
15 to share just an experience we had going into the  
16 prison.

17 We went in there and met with the  
18 sisterhood and they had requested us to come in.  
19 They had a number of concerns and issues that they  
20 wanted to deal with and one of them was that very  
21 thing: that they were not getting any crafts or  
22 articles to work in, they weren't getting people  
23 to come in. There was only one Elder coming in.  
24 Although they loved her dearly they said they  
25 would like to see other Elders.

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1                   As we were leaving the prison one  
2 of the I guess life people woman -- lifer -- made  
3 a request to us that she wanted yarn to do a  
4 blanket. Well, me being very naive I told her we  
5 would have it there the next day. Well, we put  
6 one of our youth on it to see what the protocol  
7 was. To this day we have not been able to get the  
8 yarn to her.

9                   There is such a mess, so much red  
10 tape, and all the rest of it, that we're still --  
11 you know like I feel like a fool because I  
12 promised this elder woman that we would have this  
13 yarn in. And I mean it was -- well, I guess the  
14 needles are the ones that stopped us because -- I  
15 didn't realize that they could use these things --  
16 well, I didn't even think about weapons and them  
17 hanging themselves or different things like that.

18                   They had quite a time just getting  
19 a piece of hide in, and I don't know how they were  
20 going to cut it but they had the hide. They  
21 wanted to do moccasins or something with it. But  
22 they said that was a real struggle with them, was  
23 just to get material in. Their big thing was  
24 their yearly powwow and that was it. And if the  
25 Elder didn't come in I believe it was once a

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1 month, if that, to do the sweats with them.

2 So I don't know what it is, it's a  
3 process or what. It's a real struggle to just get  
4 things in for them.

5 **MS DARLENE KELLY:** But why isn't  
6 it the same struggle for men? I mean men carve in  
7 the prison with knives; I'm sure they don't use  
8 their fingers.

9 **ELDER MARGARET HARRIS:** And the  
10 women have nothing you know.

11 **MS BRENDA WESLEY:** Ms Robinson, I  
12 wanted to specifically ask about is it possible to  
13 revive a society something like the Indian Arts  
14 and Crafts Society?

15 Last summer I was approached by  
16 Darlene Marzari to sit on the board and help the  
17 First Nations artists so that it would cut down on  
18 the exploitation of our First Nations artists. So  
19 I phoned her and the secretary was going to write  
20 me a letter and let me know what my next steps  
21 would be but I haven't heard from them. Who would  
22 we approach if -- like Darlene Marzari was -- she  
23 is the Ministry of Tourism and she is in a  
24 position to begin.

25 Artists wouldn't really have a

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1 union but if they could have a collective that  
2 would protect their status. And a lot of times  
3 the dealers would buy beautiful historical works  
4 at minimum price, and then turn around and sell  
5 them overseas at five times what they paid the  
6 artist. And even some people that appreciate  
7 artwork would buy them at minimal price. How  
8 could the artists protect themselves?

9 **COMMISSIONER VIOLA ROBINSON:**

10 That's a good question there because that's been  
11 brought up before to us. We were in Winnipeg once  
12 and the very same issue was brought up, where  
13 artists and -- well art -- as well as crafts, they  
14 were wondering how they could -- they were being  
15 exploited.

16 Now, in the States -- I think in  
17 the States they've got some form of legislation  
18 that protects artists and their crafts. And they  
19 were asking if the same kind of legislation could  
20 happen in Canada. And that's been an issue that  
21 has already been raised and it's something I think  
22 that is recorded in our work and certainly it will  
23 be again.

24 But I don't know. I guess you  
25 know it seems like it doesn't seem like something



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1 a Royal Commission should look at. It just seems  
2 like something that people could almost lobby for  
3 or if you could get on the side of your MP's or  
4 MLA's or whatever and politically sensitize them  
5 and get their support in protecting your work from  
6 exploitation. Because that's what it is and it's  
7 been going on for quite some time that it should  
8 be able to happen. It should.

9 And I guess that would be the only  
10 -- we know of it and I hope it doesn't wait till  
11 our report. There are many things you know our  
12 report won't come out -- won't be finished until  
13 around the end of '94 and probably be in spring of  
14 '95 by the time it's published and put out. So a  
15 lot of these things I think you know we don't want  
16 to be an impediment to progress of any kind by any  
17 level of government. So something like that it  
18 should -- if you could get enough support and make  
19 some approaches to the right people and it seems  
20 you've already got one person there -- is it in  
21 Tourism in B.C.?

22 MS BRENDA WESLEY: Yes.

23 COMMISSIONER VIOLA ROBINSON: Yes,  
24 you've got one advocate there and if you could get  
25 some more and work together on something like this

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1 you should be able to make it happen. I hope you  
2 do on those kinds of issues, but it's certainly  
3 one that there are many who share your concern.  
4 I've heard it before.

5 Well, if there are no other  
6 questions of me I will make some closing remarks  
7 to say that I certainly enjoyed your presence here  
8 tonight and the sharing that we've gone through  
9 and it's enlightened me and I hope that I've been  
10 of some benefit here at least. You made your  
11 concerns known and the Commission has them. We  
12 will have them and I hope that -- keep an eye on  
13 what is happening with the Commission as documents  
14 come out and reports come out. Look at them and  
15 see if they reflect your views or your ideas or  
16 whatever, and if not by all means -- like I say we  
17 have an open door policy at the Commission. Just  
18 write your concerns and write to us and let us  
19 know. We're open to hearing from you.

20 MS DARLENE KELLY: On behalf of  
21 all the women here I would like to thank you,  
22 Viola, for this opportunity and Bev Julian will be  
23 doing a closing.

24 --- Closing Prayer

25 --- Upon adjourning at 9:50 p.m.