

COMMISSION ROYALE SUR  
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON  
ABORIGINAL PEOPLES

LOCATION/ENDROIT: CRANBROOK, BRITISH COLUMBIA  
WEST BALLROOM, INN OF THE SOUTH

DATE: TUESDAY, NOVEMBER 3, 1992

VOLUME: 1

"for the record..."

**STENOTRAN**

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Ottawa 521-0703

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1 Cranbrook, B.C.

2 --- Upon Commencing on Tuesday, November 3, 1992

3 at 9:20 a.m.

4 SOPHIE PIERRE: I would now ask Raymond  
5 Abraham to lead us off in an opening prayer.

6 (Opening Prayer)

7 (Honour Song)

8 SOPHIE PIERRE: Denise Birdstone and  
9 Wilfred Jacobs will be doing the first presentation. Come  
10 forward, please.

11 DENISE BIRDSTONE (St. Mary's Indian  
12 Band) : Good morning. On behalf of the Ktunaxa/Kinbasket  
13 Tribal Council I would like to welcome you and present  
14 some information to you on the historical and present day  
15 background on the Ktunaxa people, as well as the  
16 Ktunaxa/Kinbasket Tribal Council and its member bands.

17 The Ktunaxa people, also known as the  
18 Kootenay, have since the beginning occupied those lands  
19 adjacent to the Kootenay River from the Columbia River  
20 north of Donald Station; thence south to that part of  
21 Montana known as Missoula; then west to the Bonner's Ferry  
22 area of Idaho; then north to the Upper Arrow Lakes area  
23 of B.C.; then easterly to the eastern foothills of the

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1 Rocky Mountains. It is within this geographic area that  
2 the Ktunaxa have place names for all the land that they  
3 occupy. I have attached a copy of the Ktunaxa Nation land  
4 claim area for your information and that gives a good  
5 outline of the land claim area and compares the area with  
6 the rest of the Province of B.C.

7 Ktunaxa artifacts have been uncovered  
8 by archaeologists which place occupation of the area by  
9 Ktunaxa back at least 11,000 years. Among the native  
10 linguistic groups in North America, the Ktunaxa language  
11 is very unique.

12 We lived a nomadic lifestyle, following  
13 the vegetation and hunting cycles throughout our territory  
14 for over 10,000 years. We lived in harmony with the earth,  
15 obtaining all our food, medicines and materials for shelter  
16 and clothing from nature. We are the protectors of our  
17 territory, a responsibility handed to us from the Creator.  
18 Our existence continues to centre on this responsibility.

19 The earliest reports of contact with  
20 non-native people date back to 1796. However, white  
21 occupation of Ktunaxa territory did not actually begin  
22 on any large scale until the middle 1800s. Unfortunately,  
23 the Nation's land base was greatly reduced by encroaching

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1 settlement and the reserve system. Reserves were first  
2 surveyed in the late 19th century by the Canadian  
3 government and were decreased in the early 20th century,  
4 both times without the consent of the Ktunaxa people.

5                   The reserve system and the passing of  
6 the Indian Act both led to the eventual creation of  
7 permanent communities, or what are more commonly known  
8 as bands. There are now seven bands within the traditional  
9 Ktunaxa territory; five are in British Columbia and two  
10 are in the United States.

11                   The Shuswap Band includes both Ktunaxa  
12 people and descendants of the Kinbasket family who moved  
13 to the Invermere, B.C. area in the mid-19th century. The  
14 Kinbasket people are from the Shuswap Nation and their  
15 name is used to describe some tribal organizations, since  
16 they share traditional Ktunaxa territory.

17                   The Nation consists of several  
18 communities in southeastern B.C., northern Idaho and  
19 northwestern Montana. We share traditional lands,  
20 culture and language. The Nation is also known as the  
21 Kootenay, spelled K-O-O-T-E-N-A-Y or Kutenai,  
22 K-U-T-E-N-A-I Nation. The five bands in Canada are  
23 Tobacco Plains near Grasmere, the St. Mary's right here

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1 in Cranbrook, the Lower Kootenay located near Creston,  
2 the Shuswap Band near Invermere and the Columbia Lake Band  
3 near Windermere. The two remaining bands are located in  
4 Bonispheri, Idaho and Elmo, Montana.

5                   The Ktunaxa/Kinbasket Tribal Council is  
6 comprised of the five bands that are located in B.C. Its  
7 offices are situated on St. Mary's Reserve lands near  
8 Cranbrook. The Tribal Council has had three name changes  
9 since its inception. It's original name, the Kootenay  
10 District Council was changed in the early seventies to  
11 the Kootenay Indian Area Council. In the middle of 1990  
12 the name was again changed to the Ktunaxa/Kinbasket Tribal  
13 Council to recognize the one Shuswap (Kinbasket) Band whose  
14 members live in the traditional Ktunaxa territory.

15                   Although the bands have individual  
16 offices and administer many of their own affairs, the  
17 Tribal Council was formed to act as a body through which  
18 the bands could work to overcome problems of a common  
19 nature. In addition to the promotion of broad political  
20 interests and seeking the recognition of Aboriginal title  
21 and rights, the Tribal Council provides services in the  
22 area of economic development, community planning and  
23 development, health co-ordination, financial advice,

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1 agricultural advice and any other areas where it is more  
2 efficient and effective to administer those programs on  
3 behalf of all the five bands. Most recently it has  
4 expanded to include a Land and Resources Department to  
5 facilitate the development and implementation of the  
6 negotiation and settlement of the Ktunaxa comprehensive  
7 claim.

8 I have included a chart of the  
9 organization as it stood at August 1992 for your  
10 information. I will very briefly describe the bands,  
11 where they are at and what their land bases are.

12 The five bands of the Tribal Council are  
13 as follows: St. Mary's. This is the band in closest  
14 proximity to the Tribal Council offices. In 1990-91 the  
15 band provided services to 340-plus Ktunaxa and other  
16 Aboriginal people, including their own membership of 200.

17 The band, through its five tracts of land reserved, has  
18 a total of 22,000 acres. Approximately 1,800 acres are  
19 used for agricultural purposes, another 100 for  
20 residential and the remainder is forest and wildlife areas.

21 Its government is comprised of a Chief and four Council  
22 members who have overlapping terms of four years each.

23 The Columbia Lake Band near Windermere



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1 has a population of 210 and a land base of approximately  
2 8,800 acres. The band has not completed its developments  
3 in the area of tourism, though it is located in a prime  
4 area for this type of activity. The successful resorts  
5 in the area are Fairmont Hot Springs, Radium, Panorama,  
6 et cetera. The government of this band is comprised of  
7 a Chief and three Council members who have terms of four  
8 and two years respectively.

9                   The Shuswap Band is in close proximity  
10 to Invermere, B.C. and has the potential to enjoy the trade  
11 offered by tourism as well. The band has a population  
12 of just over 200 and has the smallest land base of  
13 approximately 2,300 acres. The government of the Shuswap  
14 consists of a Chief and two Councillors who serves terms  
15 of two years each.

16                   The Lower Kootenay Band has a population  
17 of 160 members and its land base is comprised of 5,961  
18 acres of prime agricultural potential in the Creston  
19 Valley. The Creston Valley is well known for its fruit  
20 growing. Its government is comprised of a Chief and two  
21 Councillors who are elected to terms of four years.

22                   The Tobacco Plains Band is located in  
23 Grasmere, B.C. and has a population of just over 100

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1 members. Its land base is adjacent to the Canadian/U.S.  
2 International Boundary and encompasses approximately  
3 10,500 acres of agricultural land and forest cover. The  
4 government of this band consists of a Chief and two  
5 Councillors with terms of four and two years respectively  
6 as well.

7 That is a brief summary of the Ktunaxa  
8 Nation, the Tribal Council and the five member bands.  
9 Thank you.

10 **WILFRED JACOBS (Lower Kootenay Indian**  
11 **Band) :** Good morning.

12 As you have heard, the distribution of  
13 the Ktunaxa Nation which straddles the 49th parallel, I  
14 myself in my lifetime have lived in all these reservations  
15 or reserves in our traditional area. I am recently living  
16 in Creston. I am representing the Band Council of the  
17 Lower Kootenay Band.

18 The issues which we wish to address for  
19 the band are numerous. I can't list them at this time.

20

21 The history of our Lower Kootenay -- the  
22 Lower Kootenay is divided into -- it's divided again by  
23 the 49th parallel. Half of our band is in the State of

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1 Idaho and today I have with me a fellow Chief from the  
2 Bonner's Ferry Band.

3                   This year we are celebration -- I  
4 shouldn't say we, but some people are celebrating Columbus  
5 and 500 years ago when he came to this part of the globe.  
6 Also a few years ago we had another person in the name  
7 of David Thompson. He came into the Lower Kootenay area,  
8 where I now live, and he was welcomed there. Our people  
9 weren't war like. An explanation is very simple why my  
10 people were like that. There was such a diverse amount  
11 of resources in the Creston Valley where we did not have  
12 to go out of the territory to look for a source of food  
13 or whatever. It was all there.

14                   So, when David Thompson came into the  
15 area and my people travelled by canoe. They travelled  
16 by water, the waterways were the highway. Living among  
17 the Lower Kootenay people he picked up on one word. The  
18 word was Qulni. Qulni means travelled by water. Qulni.  
19 If you spell it in our modern-day Kootenay language, it's  
20 spelled Q-U-barred "L" N-I.

21                   When he asked his interpreters and his  
22 friends what Qulni meant, and they told him what it meant,  
23 so he wrote in his journals and being of British English

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1 ancestry he had a nasal sound of Kootenay with a "K" instead  
2 of a "Q". Therefore, he put in his journals  
3 K-U- barred "L" N-I. Over the years when people started  
4 studying his journals they came across this K-U- and this  
5 funny-looking letter, a barred "L". A barred "L" you could  
6 describe as being a telephone pole, one line with two lines  
7 running through. They wondered what that stood for and  
8 they figured maybe that's the way he writes his "T" and  
9 so they dropped one of these lines and made it a small  
10 "T" with a cross. That's where  
11 K-U-T-N-I, one of the forms of Kootenay. There are many  
12 forms today of how you spell Kootenay.

13 In the past few years we have gone back  
14 to our traditional name which is Ktunaxa. In the northern  
15 part of our country we call ourselves Ktunaxa. Down south  
16 they call themselves Sunaxa, Ktunaxa/Sunaxa.

17 Getting back to the Lower Kootenays,  
18 where we had one of our food sources was fish, not in the  
19 Kootenay River by any means, but below the falls near Nelson  
20 on the Columbia River, an abundance of fish, salmon, where  
21 my people used to go and harvest salmon annually or quite  
22 frequently.

23 Today all we have left of salmon is the

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1 name. I have learned it to be Swukmo (ph). We don't even  
2 have that source any more. For many years we have brought  
3 our grievances to various levels of government in Canada,  
4 but finally realizing that we were barking up the wrong  
5 tree, so to speak. So we went south and we located, we  
6 found the people who were responsible for the loss of our  
7 salmon.

8 I wanted to bring this point out about  
9 the losses which we have suffered and I am sure that the  
10 other bands, as they present their cases to you that they  
11 will be talking about their particular areas.

12 There is one thing that sticks in my mind  
13 today as a result of the Referendum of late. You there,  
14 Royal Commission, from my band we ask you that you have  
15 to stress and be stronger when it comes to our  
16 self-government. Regardless of that Referendum and what  
17 happened there, we are determined on the Lower Kootenay  
18 to give a true meaning of democracy as it was intended  
19 to be by the people. We do not want any hinderance by  
20 any policies from any levels of government to dictate to  
21 us how we must conform to their ways. It is time for my  
22 people to make laws, to make the laws and not merely by-laws  
23 as we have been permitted to do up to now.

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1                   These are the points that I have been  
2 instructed to bring to your intention at this time. We  
3 will not stop as a result of the Referendum. It has given  
4 us the determination to push further and further away from  
5 the status quo.

6                   In closing, I can assure you that in the  
7 future, even if we go into phase three, that the voice  
8 will be just as strong and even stronger now that the people  
9 know that their concerns are going to be heard at tables  
10 such as this.

11                   I would like to thank you for your  
12 attention. Thank you.

13                   **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
14 much. I would like to thank both of you for your  
15 presentations. It has been useful, informative and also  
16 well thought. We realize that you both spoke from the  
17 heart and that there is a lot of hope in the process of  
18 this Commission.

19                   First of all, I would like to say how  
20 happy we are to be here in your land, in the land of the  
21 Tribal Council and the five bands, to have this discussion  
22 session. We, as you know, were created a year ago  
23 alongside the constitutional process last September. We

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1 were aware from the beginning that this process was a major  
2 opportunity to move public education and to help the  
3 understanding of Aboriginal issues in this country, in  
4 particular because of the high level of the discussion  
5 with the leaders of the Aboriginal organizations, the  
6 various organizations, the Premiers and the Prime  
7 Ministers and various ministers involved.

8                   We, as a Commission, have not seen this  
9 process as a competitor. Quite the contrary, we felt that  
10 there was an opportunity there that should not be lost  
11 and that would be helpful for helping us in performing  
12 our own method. Of course we know from the beginning that  
13 this was a political process and as any political process  
14 it's very difficult to foresee the result, but I must say  
15 that we have started the execution of our mandate knowing  
16 that we had to come up with practical solutions, with  
17 solutions that would be seen as acceptable by Aboriginal  
18 people, but also that could be well understood by the  
19 general public.

20                   We have started two major processes; one  
21 is a public participation process and the other is a  
22 research process. We have started a very important  
23 research program.

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1                   Let me say a few words on the public  
2 participation process. Normally, Royal Commissions like  
3 ours come once and that's it, they go back to their office  
4 to write a report. From the start we have decided not  
5 only to staff the Commission with a majority of Aboriginal  
6 people, but also to do everything that we could to enter  
7 into a dialogue. For that purpose we decided to hold at  
8 least four rounds of Hearings, involving the ten provinces  
9 and the two territories each time, in order to work with  
10 the people to frame the issues, to get to the priorities  
11 as seen by the people. For this reason we felt that we  
12 had to break the Commission into three panels because we  
13 wanted and we still want to visit over 100 communities  
14 in the ten provinces and the territories. In order to  
15 achieve that, the seven Commissioners could not sit all  
16 together all the time.

17                   That's the reason I have with me this  
18 morning Paul Chartrand who is a Métis from Manitoba. Paul  
19 is a professor at the University of Winnipeg.

20                   I am myself René Dussault. I am one of  
21 the co-chairs of the Royal Commission, the other one being  
22 Georges Erasmus, the former Chief of the Assembly of First  
23 Nations. I am a judge with the Court of Appeal for the



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1 Province of Quebec.

2                   We have with us a Commission of the Day,  
3 Lexine Phillips. I wanted to be sure of your name because  
4 I had also Lexine Cayenne at one point.

5                   The Commissioner of the Day approach has  
6 proven to be a very successful one in the first round of  
7 our Hearings. This first round took place from April until  
8 the end of June, where we visited over 36 communities and  
9 we heard from over 850 presenters. The Commissioner of  
10 the Day enables us to get a better understanding of the  
11 community we are in and also to make sure that presenters  
12 feel at ease and give us as much as possible -- give us  
13 information as much as possible.

14                   Commissioners of the Day sit with us as  
15 full-fledged Commissioners. They ask questions of the  
16 presenters. We debrief and we are going to do that today  
17 also after the Hearing, to make sure that we have a good  
18 grasp of what was said to us and a good understanding.

19                   As you may know, we are seven  
20 Commissioners on the Commission. There are four  
21 Aboriginal Commissioners and three non-Aboriginal  
22 Commissioners. I have mentioned Georges Erasmus as the  
23 other co-Chair. There is also, of course, Paul Chartrand.

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1     There is Viola Robinson who is a Micmac from Nova Scotia  
2     who was, before being appointed to the Commission, the  
3     head of the Native Council of Canada. There is Mary  
4     Sillett who is an Inuk from Labrador who was Vice-President  
5     of Inuit Tapirisat of Canada before coming to the  
6     Commission. The two other non-Aboriginal Commissioners  
7     are Bertha Wilson, a retired judge of the Supreme Court  
8     of Canada. Madam Wilson is well known for her well thought  
9     opinions on Aboriginal rights in the last decade with the  
10    Supreme Court of Canada. There is also Allan Blakeney  
11    who has been for more than a decade the Premier of  
12    Saskatchewan.

13                   The mandate of the Commission is very  
14    wide. It is a 16-point mandate that was written by the  
15    former Chief Justice of Canada, Brian Dickson, who acted  
16    as advisor to the Prime Minister of Canada for the setting  
17    up of this Commission. So, Brian Dickson wrote the mandate  
18    and also recommended the membership of the Commission,  
19    the seven Commissioners.

20                   His report was accepted not only by the  
21    Prime Minister and the Canadian government, but also by  
22    all the parties in the House of Commons. So the Commission  
23    has the support of the three parties in the House of

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1 Commons. We hope that this will be helpful when we come  
2 in September 1994 -- we plan to table our final report  
3 less than two years from now, in September 1994. That  
4 will have been three years from our creation and we hope  
5 that this report will be a very important tool to get our  
6 proposals implemented.

7                   The mandate varies from questions of  
8 self-government, land base, economic development, social  
9 issues in the justice area, health, social services,  
10 education, the protection of language and cultures and  
11 on and on.

12                   We've adopted a synthetic approach to  
13 our mandate. Instead of researching all the 16 points  
14 and each point has 10 or 12 items and instead of contracting  
15 out research all over the place on maybe over 200 points,  
16 we have decided to give a lot of thinking about how we  
17 were going to approach our mandate. The way we are doing  
18 it is the following. We have boiled down the 16 points  
19 under four theme areas. The first one is governance, the  
20 second is land and economy, the third is social and cultural  
21 affairs and the fourth is the north. All of these themes  
22 are looked through different perspectives.

23                   Mainly, four of them, the women's

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1 perspective, the youth perspective, the urban perspective  
2 and the historical perspective, that is very important  
3 as a foundation. At the end all of this is focusing on  
4 recommendations that should be whole and integrate all  
5 the aspects of our mandate.

6                   Maybe the major contribution to this  
7 Commission will be to paint the big picture and to show  
8 how justice relates to self-government; education relates  
9 to economic development and on and on, to show the  
10 inter-connectiveness, the wholeness of all these aspects  
11 because it is the first time that a Commission has an  
12 opportunity to look at everything. Usually Commissions  
13 look at justice as such, or health problems, or family  
14 violence, but with no opportunity to link all of those  
15 issues and come up with an aggregate, a wholistic approach  
16 and with plans to put that together.

17                   Obviously, there is no across the board  
18 solution. There is no universal solution and the  
19 situation varies from one part of the country, from one  
20 people to the other, but we hope that you will be able  
21 to tell us how you see your future and, for example, how  
22 you are thinking about self-government. We started  
23 briefly last evening and, obviously, the nation approach,

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1 the Tribal Council, is a strong one, but we would like  
2 to know more about it. Also, we would like to discuss  
3 how you would see at the band level some justice system  
4 for bettering the relationship among the members of the  
5 bands and so on of the community.

6                   At the end of the day, as all  
7 Commissions, one of the major challenges we are going to  
8 have is to blend the information coming from the public  
9 participation process, those four rounds of Hearings, the  
10 special consultations that we are going to have, the side  
11 visits. We visit high school students in secondary  
12 schools. We visit prisoners in penitentiaries and in  
13 jails. We visit businesses, success stories because there  
14 are many success stories, more and more, and it is important  
15 that they be known.

16                   So the information coming from a meeting  
17 like this one and others, from the public participation  
18 process, will have to be merged with the more scholarly  
19 information that is coming from the academic research,  
20 into a single discourse for the Commission. What we would  
21 like in the end is that you could recognize yourself in  
22 the report of the Commission.

23                   Usually what Commissions do is give

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1 results of the academic research and put some good quotes  
2 from Public Hearings in between. We hope to do much more  
3 than that. We would like you to recognize yourself by  
4 the way we are going to express ourselves, by our choice  
5 of words, by the text of the Commission itself.

6 In closing, I would like to say that a  
7 Commission like this one, even a Royal Commission and  
8 that's a big name, but in fact a Commission like this one  
9 will not be able to give more than what you the presenters,  
10 what the people will put into it. The public has to see  
11 that the Commission is really working with a large support  
12 and, of course, we have to deserve that support. It's  
13 our own responsibility.

14 We have to work in order to help a new  
15 relationship to be established because the main thrust  
16 of the Commission is to build a new relationship. To avoid  
17 the various governments, first of all the federal  
18 government, to do what often was done in the past, to come  
19 with more often that not with bad policies. I have in  
20 mind the residential school policies, for example, the  
21 various relocation policies that took place where people  
22 were moved for various reasons. That has affected the  
23 lives of many, many Aboriginal peoples in this country.

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1                   We feel that to avoid those policies,  
2 to be bad policies, but to help governments to come with  
3 sound policies, most of the time, not all of the time,  
4 to do that we need to have a new relationship based on  
5 trust, respect, self-sufficiency and autonomy. Again,  
6 we are pretty much concerned with the fact that  
7 self-government might be a buzz word if there is no means  
8 taken to give financial autonomy to a large extent. That  
9 is the reason why we really hope that the effort that will  
10 be put by the whole community, both Aboriginal people and  
11 non-Aboriginal people, will at the end enable us to come  
12 with solutions that will be seen as acceptable.

13                   As was told to us at the outset, we really  
14 feel that the constitutional debate that took place in  
15 the last year is an asset much more than anything else  
16 because there has been a meeting of wills between the  
17 government and many organizations. Technically it  
18 failed, but the work has to be done. It is essential that  
19 the Commission succeed from the bottom up. The  
20 constitutional process was from the top down somehow and  
21 that's the only way it could be, but that's the reason  
22 why we are meeting -- we want to meet with so many  
23 communities, to speak to all peoples and not only to the

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1 politicians and the larger political organizations, the  
2 national one or even the provincial one.

3                   Again, I would like to thank you very  
4 much for enabling us to be with you for this day of Hearings.

5     We are looking forward for your good ideas and I hope  
6 that you will have an opportunity to read our document  
7 framing the issues. There are copies available outside  
8 the room. The idea is to try to cross the threshold of  
9 explaining the problems and to turn one's mind to the  
10 solutions. We hope we will be able to have a good, frank,  
11 efficient discussion as to how we should together shape  
12 the future. Thank you very much.

13                   I would like now to ask Paul Chartrand  
14 to say a few words.

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

17                   I want to begin by thanking you for  
18 meeting with us here today. I thank you also for your  
19 kind hospitality that you extended to us yesterday evening.

20

21                   Judge Dussault has already done a good  
22 job explaining the role of the Commission and why we are  
23 here. Time is moving on and we hear that you want to say



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1 things to us privately. We are anxious to listen to what  
2 you have to say. I hope there will also be time to ask  
3 questions, to engage in some discussions. I know that  
4 some important issues have already been raised in the  
5 presentations that have been made to us this morning.  
6 I look forward to being able to enter into a discussion  
7 about these issues. I look forward to hearing about the  
8 other issues. Thank you very much.

9 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

10 Good morning and welcome to the Commissioners and the  
11 leaders and representatives of the Ktunaxa/Kinbasket  
12 peoples.

13 In round two, the Royal Commission has  
14 dedicated itself to seeking solutions relating to those  
15 problems and issues which were identified in round one  
16 of the Hearings, especially as they relate to the  
17 relationship between Aboriginal and non-Aboriginal  
18 peoples in Canada.

19 Today we will be hearing various  
20 presentations from the leaders and representatives of the  
21 Ktunaxa/Kinbasket peoples and from the general public.  
22 We are hopeful that these presentations will assist the  
23 Commissioners in making recommendations which are

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1 conducive to creating a more equitable relationship  
2 between Aboriginal and non-Aboriginal peoples in Canada,  
3 especially in light of what has recently happened with  
4 the Referendum. A lot of native people have taken that  
5 as a personal put down from the rest of Canada. I think  
6 these kinds of forums are something that we really need  
7 if we are going to improve that relationship and come to  
8 understand each other a little better.

9 With that, I guess we will move on with  
10 the presentations.

11 **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
12 much.

13 **SOPHIE PIERRE:** The first presentation  
14 will be from Chief Agnes McCoy.

15 **CHIEF AGNES McCOY (St. Mary's Indian**  
16 **Band) :** Good morning.

17 **CO-CHAIR RENÉ DUSSAULT:** Good morning.

18 **CHIEF AGNES McCOY:** On behalf of the St.  
19 Mary's Indian Band I am making this presentation. The  
20 purpose of this presentation is to provide the members  
21 of the Royal Commission on Aboriginal Peoples with the  
22 views of the St. Mary's Band in answering some of the  
23 questions framed by the Commission.

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1                   First is addressing the social and  
2   economic issues. As a nation, the Ktunaxa are addressing  
3   health and social issues in a wholistic manner. One cannot  
4   heal one aspect of a person's well-being without treating  
5   all other areas. The designs of health programs is our  
6   responsibility. The planning, design, delivery and  
7   control of all health, social and economic programs has  
8   to be the responsibility of the First Nations' communities.

9                   One of the major problems facing the  
10   First Nations today is the methods and processes used by  
11   the existing levels of government to "meet the needs of  
12   the Aboriginal community". More often than not, proposals  
13   are prepared that meet the criteria of the funding agency  
14   but not the needs of the community. More frustrating  
15   however, are the piecemeal approaches in the development  
16   of social and economic programs and the disbursement of  
17   funding.

18                  More of the funding needs to get to the  
19   grassroots level and less at the provincial and federal  
20   government bureaucracy level. The delivery of services  
21   to Aboriginal communities should be made available  
22   directly to the Aboriginal communities.

23                  If less money were spent on foreign aid,

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1 the numbers of immigrants were drastically reduced, the  
2 government structures and its bureaucracies were  
3 redesigned with efficiency and effectiveness as guiding  
4 rules, and political representatives spent less on frills,  
5 much money could be saved and used to address the social  
6 and economic concerns of this country.

7 Education.

8 As a means of addressing the high  
9 drop-out rate of native students and the lack of basic  
10 skills of the learner upon completion of school, we opened  
11 our own daycare/pre-school, primary and adult high school  
12 programs. These institutions have included in the  
13 curriculum Ktunaxa culture and language. In addition,  
14 the emphasis is on ensuring that each learner has achieved  
15 the basic academic skills necessary to successfully and  
16 meaningfully complete all levels of the educational  
17 process.

18 Although we have been successful, there  
19 remains the hindrance of the lack of total control over  
20 all areas of our education system. Total control and  
21 jurisdiction of all levels of education lies with the  
22 community. We are responsible for all of our citizens,  
23 regardless of whether they live on or off-reserve.

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1 Land Claims.

2 Prior to contact, the Ktunaxa were  
3 totally self-sufficient, utilizing the land and the  
4 resources to live comfortably and to effectively practice  
5 their own form of government. The bands are striving to  
6 regain this self-sufficiency, so that they need not be  
7 dependent on outside governments. It is our belief that  
8 once the governments in Canada recognize and affirm  
9 Aboriginal right and title to the land, the independence  
10 of the bands will be easier to attain and maintain.

11 Jurisdiction.

12 The settlement of land claims is an  
13 important ingredient and imperative for peaceful  
14 relationships between the non-Aboriginal people and their  
15 governments and the First Nations' governments. It is  
16 also essential in the establishment of jurisdictional  
17 boundaries and the clarification of the roles and  
18 responsibilities of the three levels of government.  
19 Through these settlements the Aboriginal people can  
20 legally negotiate with third parties on the development  
21 of natural resources.

22 For many years the Ktunaxa have declared  
23 to those in the forest industry that good sound management

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1 principles and practices must be used to ensure that the  
2 resource will not be exploited to the extent that there  
3 will be nothing left for future generations.

4 Archaeological sites must be protected.

5 Industry and the province continually ignore legislation  
6 that calls for the identification and protection of these  
7 sites. Through settlement, the Ktunaxa stand a better  
8 chance of enforcing sound management and protection of  
9 these natural resources and their history buried in these  
10 sites.

11 Self-Government.

12 The Ktunaxa maintain that we are  
13 self-governing and our continued existence, despite the  
14 attempts by the provincial and federal governments to  
15 assimilate and extinguish us, is attestation to this.  
16 It has always been the Ktunaxa's intent to establish a  
17 positive relationship with the provincial and federal  
18 governments. This relationship must be founded on mutual  
19 trust and respect.

20 The non-Aboriginal people and  
21 governments belief that financial independence is  
22 self-government. They further believe that only they can  
23 give the First Nations the authority and jurisdiction to

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1 be self-governing. This is simply not so. To the  
2 Ktunaxa, self-government is the ability to make decisions  
3 and policies about our own lives without interference by  
4 outside governments.

5 We are a sovereign nation and the  
6 governments of Canada must recognize this. Entrenchment  
7 of this sovereignty in the Canadian Constitution is  
8 expected and acceptable to the Ktunaxa. This is essential  
9 to the development of political self-sufficiency.

10 By being able to make decisions on our  
11 own, without having the Minister of Indian Affairs or  
12 others approve our decisions, the social and economic  
13 problems can be dealt with in a more timely manner.

14 Legislated self-government is not  
15 acceptable to the Ktunaxa peoples. Our forms of  
16 government have been in place and recognized by our people  
17 for thousands of years. It cannot be legislated or  
18 regulated by a foreign government.

19 Fiscal arrangements transferring  
20 financial resources from the federal government to the  
21 First Nations government must be implemented. The current  
22 system of stringent and cumbersome accountability of First  
23 Nations to the federal government must be lessened. First

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1 Nations are first and foremost accountable to their  
2 citizens.

3                               Language.

4                               The preservation and promotion of the  
5 Aboriginal languages must be a shared responsibility of  
6 the provincial and federal governments as it was a combined  
7 effort between these two governments to destroy the  
8 languages of the first peoples in this country. Although  
9 we accept that Aboriginal languages will probably not share  
10 the same status as the French language in Canada by the  
11 non-native peoples, the governments must not ignore them.

12       The First Nations maintain that their first language in  
13 their communities are their own languages. English is  
14 a second language.

15                               Justice.

16                               The relationship between the judiciary  
17 and the First Nations must be redefined. More and more  
18 First Nations are re-asserting their authority and  
19 jurisdiction over their people and infractions against  
20 the First Nations laws and non-Indian laws are being dealt  
21 with at the First Nations level through a system of justice  
22 committees. The focus is on crime prevention and  
23 intervention and in most instances it appears that this



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1 method is very effective as the rate of repeat offences  
2 is very low.

3                   The role and jurisdiction of the court  
4 system in the Ktunaxa government has to be defined. It  
5 would be unfair for an individual to be punished by two  
6 separate judiciaries for the same offence.

7                   Housing and Capital Infrastructure.

8                   The lack of funding from Indian and  
9 Northern Affairs Canada for housing and capital  
10 infrastructure increases the lifestyle of poverty that  
11 the First Nations' peoples live. The lack of housing,  
12 roads, schools, culture and recreation facilities are a  
13 problem for many First Nations' communities.

14                  Many of the citizens of St. Mary's with  
15 incomes below the poverty level, who are fortunate enough  
16 to have houses that don't meet Canadian standards, are  
17 burdened with the costs of wells and septic systems that  
18 were the creation of Indian and Northern Affairs Canada.

19    Indian and North Affairs Canada's policies on these  
20 infrastructure items were gradually changed so that  
21 individual wells and septic tanks are not included as  
22 funded items, unless there are three or more houses  
23 serviced by these systems. These policies cause must

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1 frustration. Community control and adequate levels of  
2 funding to address the housing and infrastructure needs  
3 of First Nations is requisite.

4                   Aboriginal Government.

5                   The First Nations' governments must be  
6 responsible for governing themselves through the  
7 implementation of their laws that have been established  
8 by their ancestors. First Nations' governments are and  
9 have always been accountable to their citizens.

10                   Unfortunately, as a result of the  
11 shameful treatment of the First Nations by the non-natives  
12 since contact, the financial responsibilities must at  
13 first be borne by the provincial and federal governments.  
14 Had history been different and Aboriginal title and rights  
15 recognized long ago, this would not be necessary.

16                   Federal Government.

17                   Less interference by the federal  
18 government its agencies, particularly Indian and Northern  
19 Affairs Canada, is demanded. More and more First Nations  
20 are adapting management systems to suit their needs and  
21 these are proving to be extremely efficient. The old  
22 dinosaur, Indian and Northern Affairs Canada, is more of  
23 a hindrance than help.

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1                   On a broader scale, the Ktunaxa are  
2 seeking a way to establish a working relationship with  
3 the United States governments to ensure that their  
4 membership who make the United States side of the Ktunaxa  
5 territory their home, receive full protection of their  
6 rights and privileges as the first owners of the lands.

7       More specifically, the Ktunaxa seek the assistance of  
8 the Bureau of Indian Affairs in the protection of the  
9 ownership of lands held by "Canadian" Ktunaxa in the same  
10 manner that is afforded the "United States" Ktunaxa. In  
11 the same manner, the U.S. Ktunaxa who decide to make the  
12 Canadian territories their home must be accorded the same  
13 respect and treatment by the Canadian governments as is  
14 accorded by the Ktunaxa government.

15                   Provincial Government.

16                   Aboriginal peoples as the first peoples  
17 of this province must have fair representation in the  
18 provincial legislature to ensure that history is not  
19 repeated. Since British Columbia joined the confederacy,  
20 the views, rights and privileges of the Aboriginal peoples  
21 have almost been totally obliterated were it not for the  
22 federal government's diminutive efforts in ensuring their  
23 control over the Aboriginal peoples. Without electoral

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1 reforms and the settlement of the land question, the  
2 Ktunaxa envision a limited relationship with the province.  
3 This relationship would be circumscribed to the joint  
4 protection, enhancement and management of the natural  
5 resources of the Ktunaxa territory. Through this joint  
6 management effort, finances for the use and exploitation  
7 of the resources would be transferred to the Ktunaxa.

8 In conclusion, the most important issues  
9 facing Canada and the Province of British Columbia is the  
10 need for the recognition of Aboriginal title and rights  
11 and the settlement of the land question. The establishing  
12 of the B.C. Treaty Commission is a good step in this  
13 direction. However, we are concerned that once a treaty  
14 between the Ktunaxa and the two existing levels of  
15 government are signed, there is nothing to protect this  
16 treaty.

17 In conclusion, the Ktunaxa wish to  
18 emphasize that the future of British Columbia and Canada  
19 is dependent on the recognition of Aboriginal title and  
20 rights. If Canada wishes peaceful relationships with  
21 First Nations, then it must ensure fair and just  
22 settlements of land claims in favour of First Nations.  
23 In addition, the rights of First Nations to practice their

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1 own form of government as sovereign nations must be  
2 recognized and respected. Thank you.

3 **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
4 much for presenting us with such a well thought and  
5 developed brief. In this brief you have addressed many  
6 issues; education, health, justice, also the question of  
7 land claims, the recognition of title, the border questions  
8 with the U.S. I think it will be a very useful brief.

9 You have addressed also the financial  
10 question. You say that Aboriginal people should be  
11 accountable to their own people and less to the federal  
12 government. I would like to come back to this in a minute.

13 First of all, on the question of  
14 education, I think you have raised a very important issue  
15 about the culture and the language. We were told last  
16 week, for example, in northern Alberta that it was a big  
17 problem, the policy of the federal government, whereby  
18 Aboriginal people are not seen as having English as a  
19 secondary language, but are supposed to see English or  
20 French, whatever, as their first language and as this being  
21 a major problem because the immigrant in this country and  
22 the school boards are given additional money for making  
23 sure that English as a secondary language will be learned

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1 by the newcomers to Canada. But this does not apply under  
2 that policy to Aboriginal people.

3                   You raised that again this morning and  
4 we feel this is certainly a situation that the Commission  
5 will want to have a very close look at because the  
6 assumption that is there is that Aboriginal people don't  
7 have their own language is certainly an assumption that  
8 is costly in terms of Aboriginal language, the maintenance  
9 of Aboriginal language and the affirmation of languages.

10

11                   I would like, more largely on education,  
12 to read again the first question that we are asking in  
13 the document framing the issues. This is the document  
14 we have published after round one, a month ago. We plan  
15 to publish a document after each round of Hearings, the  
16 four rounds. In this document in particular there is a  
17 Question 27 which reads like this, and we feel that the  
18 community should really have a look at and think about  
19 those kinds of questions. I will read the question:

20 "What action is required to ensure that Aboriginal youth

21                   pursue and obtain technical and

22                   professional levels of education? How

23                   can parents instill high aspirations in

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1                   their children? What is the  
2                   responsibility of communities and those  
3                   in leadership positions? What  
4                   adaptations in education systems are  
5                   necessary? More important, how do  
6                   Aboriginal youth envision their future  
7                   and how do they propose to prepare  
8                   themselves for the responsibilities  
9                   ahead of them with the implementation  
10                  of self-government?"

11                 Responsibility not only in the  
12       governmental functions and in the functions of the delivery  
13       of services; education, health, social services and so  
14       on.

15                 We are asking that kind of question  
16       because we feel that to a certain extent there are solutions  
17       through programs, governmental programs. We feel that  
18       there is a part that will have to be played by the parents  
19       and the community and the leadership to make education  
20       a value that would be important.

21                 May I ask you what your community is  
22       doing or plans to do in order to instill these high  
23       aspirations to the young people and to help this to be

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1 possible? We understand that the maintenance of the  
2 identity of their soul is important but, on the other hand,  
3 because we realize that you live near cities and that there  
4 is an opportunity also that sometimes it is more difficult  
5 up north to move south to get an education.

6 I would like you to tell us, the St.  
7 Mary's Band, what do you have in mind to make sure that  
8 most of your young people will be given the choice and  
9 will be pushed in fact by the community and the province  
10 to go ahead, to forge ahead and to give themselves the  
11 future that they deserve?

12 **CHIEF AGNES McCOY:** For one thing, a few  
13 years ago when the Council got together, we were discussing  
14 the problems of why children were being -- why they were  
15 quitting and why some of the students were behind. I had  
16 a concern because I had a foster child in my care at that  
17 time and he was being pushed from one grade to another  
18 just so he could keep up with his peers. We found that  
19 to be a big problem, not just with my foster child, but  
20 with other children who were just being pushed into the  
21 next grade to keep up with their peers.

22 From then on we decided it would be a  
23 good idea to take over some of our schooling. We started



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1 with daycare and we went on to kindergarten and then one,  
2 two and three. We started from there to give to the  
3 children something that will carry them on so that at the  
4 later grade they wouldn't drop out, things such as to know  
5 who you are and what you are and why you should be proud  
6 of who you are. The culture and the language is mixed  
7 into that program, so that they can carry on because as  
8 a student of the residential school we were -- well, we  
9 had one to one, some of us, and we caught on and some of  
10 us didn't.

11 With education now, we started from  
12 daycare to kindergarten, one, two and three and started  
13 from there.

14 As for the high school students,  
15 something is being tried because we know that there is  
16 a lot of dropouts or kids not going to school at all.  
17 We are trying to find out what is going on and we are taking  
18 that into hand. I am pretty proud because some of the  
19 students did come out and ask after the sitting was over,  
20 they come to you later and asked you why you did what you  
21 did, how did you do it, how did you go back to school after  
22 a long period of absence.

23 We tried to stress to the students how

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1 important education is and how hard it is if there is a  
2 14-year span to go back to school, and how hard it was  
3 for us just to come out of the residential school and right  
4 into public school. We tried to get the point across as  
5 to why education really is important. That is what we  
6 have been doing here at St. Mary's and we are getting to  
7 first base. If one student can come and ask you questions  
8 like that then you've made first base because it only takes  
9 one to go and then that's it, it goes from there.

10 **DENISE BIRDSTONE:** I would like to add  
11 that the whole issue of control over education and not  
12 only just the program and the services, but the decision  
13 making about what we are going to teach our children, how  
14 we are going to teach it, that whole control has to be  
15 held by the community before there is any sense of ownership  
16 by the people. I think many of the problems that we have  
17 had in the past where we have had students drop out and  
18 parents don't support their children's education is a  
19 result of that sense of loss of ownership over their  
20 education. It all goes back to history when the  
21 residential schools were formed and parents didn't have  
22 any control over their children's education and they didn't  
23 have any ownership over their children.

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1                   I think once that control is taken back  
2 by the communities and the programs are developed to  
3 address the needs of the communities, the ownership of  
4 the individual will be increased and there will be more  
5 responsibility that comes with that ownership. An  
6 individual will be more inclined to feel responsible for  
7 their children's education if they know that they've got  
8 that control. I think that's the bottom line, that there  
9 has to be total control over all educational programs,  
10 not just preschool, primary, high school or  
11 post-secondary, but it also has to include the other parts  
12 of a person's educational process, the employment and  
13 training aspects, those are just as important.

14                   **COMMISSIONER PAUL CHARTRAND:** Thank you  
15 for your presentation. I would like to probe some of the  
16 many important ideas that you have put before us. There  
17 is not time to deal with all of them, of course, because  
18 there is so much.

19                   About the sewers, I can understand that,  
20 the Department of Indian Affairs' policy and its  
21 inadequacy. Where I grew up the community was spread out  
22 along the lakeshore for a long, long way. Nobody wanted  
23 to live near anybody else. We didn't have any sewer of

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1 course, but I can see that if you wanted to have sewers  
2 that would present a problem, a big cost. So, we have  
3 these difficulties and I can certainly appreciate that.

4 Let me ask about the point you make  
5 respecting immigration. Your statement is based on your  
6 belief that immigration represents a net cost to the  
7 country, that immigration costs money. Am I right in that?

8

9 **CHIEF AGNES McCOY:** Yes.

10 **COMMISSIONER PAUL CHARTRAND:** Yes.

11 So, if someone were to show that immigration makes money,  
12 you would have no objection to immigration itself. Is  
13 that right? Did I understand your position?

14 **DENISE BIRDSTONE:** No. I think that --

15 **COMMISSIONER PAUL CHARTRAND:** It's the  
16 cost, not the immigration. Is that right?

17 **DENISE BIRDSTONE:** It's partly the cost  
18 and partly the whole aspect that the policies on  
19 immigration aren't made by the grassroots people. They  
20 are made by the top level government and the bureaucracy.

21 I think that is another one of the underlying factor with  
22 that comment.

23 **COMMISSIONER PAUL CHARTRAND:** All

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1 right. Very good. Let's get to that, the issue of how  
2 policies are made, how laws are made, that's very  
3 important.

4 I think you articulate some general  
5 goals i this paper. You talk about self-sufficiency, I  
6 understand that. You talk about the goal of  
7 non-interference from outside governments. I understand  
8 that.

9 A part of our dilemma is to decide what  
10 we are going to say to the federal government. Do we say  
11 to them what we recommend is that you go and talk to the  
12 people, so that you can develop the details of these general  
13 goals or, on the other hand, do you think that we should  
14 provide some of the details? Let me give some examples  
15 from your paper.

16 You referred to some transfers of  
17 resources from the federal government that you would like  
18 to see. In what way would that be squared with your notion  
19 of self-sufficiency?

20 Another one, non-interference from  
21 governments and from the laws of outside governments.  
22 What about your goal of representation in the British  
23 Columbia Legislature? What about your goal of

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1 representation in Parliament? You want a voice in the  
2 making of provincial laws by that representation. You  
3 want a voice in the making of federal laws by that  
4 representation. How does that square with your value that  
5 you do not want interference from British Columbia laws,  
6 from federal laws? Will you vote on the laws affecting  
7 other British Columbians and other Canadians, but you do  
8 not want their representatives to vote on laws affecting  
9 you? Those are some of the questions I wonder if you might  
10 care now to elaborate about or, alternatively, are you  
11 saying to us that these are general goals that you should  
12 tell the government that you ought to talk to the people  
13 about these general goals but that the details are not  
14 yet worked out? I invite you to comment on that, if you  
15 wish.

16 **SOPHIE PIERRE:** The double majority  
17 clause, so long as we get the second one.

18 **DENISE BIRDSTONE:** She just said that  
19 we could use the double majority clause.

20 I think the term or the idea about the  
21 interference from outside governments was more or less  
22 aimed at the problems that we encounter with the provincial  
23 and federal governments. The example I will use is in

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1 the instance when we were establishing a daycare centre  
2 at St. Mary's. For five years we operated a daycare centre  
3 without a provincial licence.

4                   When we went to get the licence, we ran  
5 into all kinds of problems. The Fire Commissioner could  
6 not come out to the reserve because it was federal  
7 jurisdiction. It took about a year before we could finally  
8 get someone from the federal government to come out to  
9 do a fire inspection, so the whole process took much longer  
10 than it would have taken if it were off the reserve. That's  
11 the type of interference that we run into.

12                   A lot of it is administrative probably,  
13 but there are some political interferences as well.

14                   The goal about the representatives in  
15 the provincial and federal government systems, I think  
16 it is a workable goal. There are means and ways of getting  
17 that goal achieved. It doesn't mean that necessarily St.  
18 Mary's Band wants an MLA in the Legislature or an MP in  
19 Ottawa or someone in the Senate. Basically what we mean  
20 is that we expect that there should be at least one, at  
21 the very least one Aboriginal representative in all levels  
22 of the federal government, both the provincial and the  
23 federal government structures.

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1                   I think that, yes, we should be involved  
2   in the decision-making of the provincial laws and the  
3   federal laws because in most cases those laws do affect  
4   Aboriginal communities and the laws that First Nations'  
5   governments make.

6                   In the whole Charlottetown Accord when  
7   we were talking about -- gosh, I can't remember what it  
8   was -- they were talking about the law-making powers of  
9   the Aboriginal communities and one of the principles was  
10  that the laws could co-exist. I strongly believe that  
11  the laws of the First Nations' governments and the  
12  non-Aboriginal governments can co-exist.

13                   I don't remember the rest of your  
14  questions.

15                   **COMMISSIONER PAUL CHARTRAND:** That's  
16  fine. You have explained the main issue here because you  
17  have said that you want Aboriginal representation in these  
18  institutions and why, because you say, if I understood  
19  you correctly, the laws that they make affect Aboriginal  
20  communities. Now I understand. My question was directed  
21  that the goal said this morning that you did not want those  
22  laws to affect Aboriginal communities, but now you are  
23  saying that you accept that it should affect Aboriginal



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1 communities, but you are saying we want representation  
2 to the extent that they will affect Aboriginal communities,  
3 so now I understand.

4 **DENISE BIRDSTONE:** I don't think it  
5 necessarily means that we accept that they affect our  
6 lives, but they do.

7 **CO-CHAIR RENÉ DUSSAULT:** Very briefly,  
8 on the justice system, could you tell us your views on  
9 what kind of -- there are five bands with a certain number  
10 of people living on reserves and from the situation that  
11 exists now to the situation where you would feel much  
12 better. Could you tell us what you see at the community  
13 level, at the band level, at the reserve level as the  
14 possibility for improvement on the justice side from what  
15 is existing how and what kind of -- when you speak you  
16 mentioned that there should be justice committees in each  
17 of the communities or reserves. Could you just expand  
18 a bit on what do you see as a role for these committees?

19 **CHIEF AGNES McCOY:** We have a justice  
20 committee that goes along with the wellness committee and  
21 which has to do with the abuse of alcohol and drugs. It  
22 is a variety of fields and how it stretches out. We have  
23 that committee working along with the justice committee.

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1 This has to do with the justice and some of our people  
2 who go to court. The justice committee helps us in some  
3 ways and we want our input into some of our people who  
4 are going before the court and some of the waste. They  
5 say -- I believe that sending people to jail doesn't do  
6 them any good.

7                   Whereas, if we step in and help the  
8 justice in some of the term sentences that they do pass  
9 on to our people, that we now have input and we are getting  
10 some of that in place.

11                   Whereas, between the justice committee  
12 and the St. Mary's Indian Band and the rest of the bands  
13 that meet, they meet every month and we go over issues  
14 that are concerning the five bands. It seems to be doing  
15 well. It's opening a door between even the RCMP, the  
16 probation officer the law office here in town and it has  
17 opened a door where people can talk to each other, where  
18 they come to us now and they ask us for our input for the  
19 sentences for these people who are coming before court.  
20 I feel we've come a long way.

21                   **CO-CHAIR RENÉ DUSSAULT:** How long have  
22 these committees been working?

23                   **CHIEF AGNES McCOY:** The wellness

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1 committee has been going on since 1979 or 1980. The  
2 wellness committee has been on since about 1980 and the  
3 justice committee just started about two years ago. It  
4 is working well. We have Judge Warenchuk sitting in at  
5 some of the meetings and it goes pretty well.

6 **CO-CHAIR RENÉ DUSSAULT:** Is it a  
7 committee for the whole Tribal Council?

8 **CHIEF AGNES McCOY:** Yes.

9 **CO-CHAIR RENÉ DUSSAULT:** Is there a  
10 representative from each band? Is that the way it works?

11 **CHIEF AGNES McCOY:** Yes.

12 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

13 I would like to say something and that is that too often  
14 we are required to fit into criteria that is set down by  
15 government. We continually tell government what our  
16 problems are and what we need to solve those problems.  
17 It always seems to fall on a deaf ear. They never listen  
18 to what we want and we always have to fit into their slot.

19 Even if we don't fit into their slot, we have to mould  
20 ourselves to fit into their slot if we want assistance.

21

22 The wellness committee that Agnes refers  
23 to was initially the alcohol committee which dealt with

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1 alcohol and drug abuse. The communities got together,  
2 realized that alcohol wasn't the problem; it was a symptom  
3 of a deeper problem and that's when the people decided  
4 that what we needed was a wholistic approach to wellness,  
5 which meant everything from addressing alcohol and drug  
6 problems to mental health, to social health, to educational  
7 well being, to physical health. It encompassed  
8 everything. Those are the kinds of initiatives that we  
9 need the support from government for.

10 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

11 One last question on the financing of  
12 self-government or the developing of self sufficiency,  
13 we realize that most of the time there won't be a large  
14 taxation base for future self-government to a certain  
15 extent and that's a question that will have to be debated.

16 There could be authority by the Aboriginal government  
17 to tax their own people for certain things, but obviously  
18 that will not give the financial base. The money will  
19 have to come from resources, royalties on resources that  
20 are on the territory or other means. Did you think about  
21 how in the Tribal Council area how you could become to  
22 a larger extent self-sufficient or what could be the means?

23 We are saying that because we are opening a dialogue and

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1 we would like that after today you continue to think about  
2 practical means to achieve the goal and that we keep in  
3 touch together, if you would send us additional ideas.

4 I was wondering whether you had given  
5 some thought to this financial aspect?

6 **DENISE BIRDSTONE:** I think that first  
7 of all we need to settle the land claim issue first and  
8 foremost. That will lend itself well to financial  
9 self-sufficiency. I think that inevitably there will be  
10 some form of taxation by First Nations upon its citizens.

11 I am not sure if it will be 100 years from now or 200  
12 years from now.

13 I think as we evolve and as we grow and  
14 the value of the dollar continues to decrease, some time  
15 in the far future that will have to happen.

16 On taxation, each First Nation has to  
17 be responsible for developing its own taxation laws.  
18 Agreements have to be made between the First Nations'  
19 government and the provincial and federal government so  
20 that double taxation does not occur.

21 A second area where financial  
22 self-sufficiency could come into play is an area of  
23 jurisdiction. First Nations have the jurisdiction for

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1 gaming laws in their First Nations' communities. I  
2 personally take it a step further and say that we have  
3 the jurisdiction for those gaming laws in our territory.  
4 Gaming, as one Indian leader in the United States put  
5 it, is the white buffalo of the -- sorry, gaming is the  
6 buffalo of the 21st century.

7 Even though there is some ethnical and  
8 moral questions behind gaming, I think that ultimately  
9 it is the answer for many First Nations' communities.  
10 We have seen examples in the United States where First  
11 Nations' communities were able to build schools, cultural  
12 facilities and recreational facilities solely on the  
13 revenues from gaming. It has become the employment basis,  
14 the economic base for communities that were destitute.  
15 I think the jurisdiction question has to be settled, so  
16 that's another avenue of economic potential.

17 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

18 **COMMISSIONER PAUL CHARTRAND:** I must  
19 say that issue is quite a complex one that will have to  
20 be looked at. I don't believe there is room to debate  
21 it here now, but there are many complexities, as you have  
22 introduced, yes.

23 **CO-CHAIR RENÉ DUSSAULT:** Do you have

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1 additional comments to make?

2 **SOPHIE PIERRE:** No, not a comment on any  
3 of the questions, but just a comment on the process.

4 We had set up the schedule in such a way  
5 that each band would make a presentation. We overlooked  
6 the possibility that there would be a number of questions  
7 coming from the Commissioners. Some of these  
8 presentations or some of these questions, I think there  
9 is more than one band that wants to respond to it and right  
10 now only St. Mary's has made their presentation. Wilfred  
11 Jacobs is just fidgeting here because he wants to respond  
12 to some of these questions, but they haven't made their  
13 presentation yet.

14 I wonder if just in terms of process if  
15 we could listen to the rest of the presentations and then  
16 when you ask your questions any one of the bands could  
17 respond or all of them could respond, otherwise you will  
18 be asking similar questions to each individual community  
19 and we could do it faster if we went the other way, if  
20 I might make that suggestion.

21 **CO-CHAIR RENÉ DUSSAULT:** There is  
22 another way we could go also, to hear all the presentations  
23 and then open up the floor.

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1                   **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

2       I think that is what Sophie is suggesting.

3                   **SOPHIE PIERRE:**   Yes.

4                   **CO-CHAIR RENÉ DUSSAULT:**   That's fine.

5       Perfect.

6                   **SOPHIE PIERRE:**   Gwen, I think you are  
7       next.

8                   **GWEN PHILLIPS CLEMENT (Ktunaxa**

9       **Independent School System):**   I was kind of wanting to get  
10      involved in that earlier discussion too, but it was St.  
11      Mary's forum.

12                   It gives me great pleasure to have been  
13      afforded the opportunity to speak with you today.   It would  
14      have been quite easy to have participated in round one  
15      of the Public Hearings; the phase which was dedicated to  
16      the identification of issues of concern to my people and  
17      those of Aboriginal peoples throughout this land.   We are  
18      very much aware of the issues with which we must deal on  
19      a daily basis.   However, I am standing -- sitting here  
20      today -- I thought I might be standing, to provide you  
21      with recommendations for change; ideas which will  
22      hopefully assist in laying the groundwork for the  
23      establishment of a new and meaningful relationship between



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1 our Aboriginal peoples and the non-Aboriginal people that  
2 call this land in which we live, home.

3                   This task is one on which we have focused  
4 much time and energy and it is not an easy one. Change  
5 takes time and is not readily accepted, but with trust  
6 and a common goal success can be attained.

7                   I am here to speak on the topic of  
8 education. Although this small word is easy to say, its  
9 potential effect is too great to imagine. In the  
10 publication "Framing the Issues", you have isolated  
11 social, cultural, governance, land and economic issues,  
12 but in reality, education is an integral part of all of  
13 these issues and cannot be isolated. We must focus on  
14 educational issues in the broadest sense. Only then will  
15 we be able to make progress within our social, cultural,  
16 government, land and economic initiatives.

17                   Our goal is to provide our people with  
18 an educational experience that will prepare them to enter  
19 a career of their choice, while maintaining pride and  
20 cultural values which are truly Ktunaxa.

21                   I am going to speak on a number of issues  
22 and topics that we have been dealing with throughout the  
23 Ktunaxa Nation or on a more limited basis the Columbia

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1 Lake, St. Mary's and Tobacco Plains communities which are  
2 represented by the Ktunaxa Independent School System.

3                   When we speak of education it is not only  
4 meant that the Aboriginal person must become better  
5 educated in the non-Aboriginal school of thought. The  
6 non-Aboriginal person must be made aware of our history,  
7 our traditional lifestyle and the downfall and resurgence  
8 of our peoples as history became today. This information  
9 must become a compulsory component in the teaching of all  
10 Canadians.

11                   The federal government must support and  
12 fund the development of Canadian historical curricular  
13 materials for use in public schools, which appropriately  
14 represent Aboriginal history on a national level.  
15 Sponsorship of the development of a generic curriculum  
16 model for representing local history should also be  
17 provided. This generic model would provide the framework  
18 for the development of curriculum based on local history.

19 The actual information relevant to each First Nation would  
20 be incorporated into the curriculum at the local level.

21 Funding for publication and distribution to all public  
22 and private schools should be provided by the federal  
23 government. Such materials should form part of the

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1 mandatory provincial schools' curriculum.

2                                   Presentations by and inclusion of  
3 Aboriginal people in all aspects of student life provides  
4 for dialogue such as this to take place.

5                                   Universities and colleges, those  
6 responsible for educating our care givers; the doctors,  
7 teachers, social workers, et cetera, must also incorporate  
8 Aboriginal education into their program course work.  
9 Familiarity with traditional Aboriginal lifestyles,  
10 including family structures, history, teaching  
11 methodology and other issues, will assist in alleviating  
12 many difficulties which may be encountered in their future  
13 career field by providing a better understanding of the  
14 people with whom they will be dealing.

15                                  Aboriginal communities should be  
16 provided adequate resources to provide cross-cultural  
17 workshops to those professionals dealing with Aboriginal  
18 people on a daily basis. This would of course include  
19 public school teachers, administrators and counsellors,  
20 as well as those public and private agencies with whom  
21 we must work in meeting our goal of community and national  
22 wellness.

23                                  Balanced Educational Opportunity.

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1                   Once again, we must consider the  
2   education of Aboriginal people through the non-Aboriginal  
3   teachings as well as through the traditional teachings.  
4   We must create a balanced educational program for our  
5   Aboriginal learner, in order to allow for the development  
6   of a balanced individual. We cannot disregard either  
7   educational experience, but manage the teachings so that  
8   the Aboriginal person can take the strength of their  
9   history with them into the future. We must encourage our  
10   people to become doctors, lawyers and the like, while  
11   maintaining pride in their ancestry.

12                   The Ktunaxa people speak a language that  
13   is not shared by any other people in this world. It is  
14   of extreme importance that the continued existence of this  
15   precarious yet vital resource be assured. Aboriginal  
16   language funding provided by the federal and/or provincial  
17   governments must be distributed based on the vulnerability  
18   of the language itself; not on politically correct funding  
19   formulae. A national inventory of Aboriginal languages  
20   must be completed and a plan put in place to ensure the  
21   immediate rejuvenation and protection of those in  
22   distress. The provision of federal funding for a daycare  
23   immersion approach to promote early literacy should be

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1 explored.

2                   The idea situation as far as providing  
3 a sound, well-balanced education program for our  
4 Aboriginal learners would be based upon early instruction  
5 in language and culture, perhaps age 1 through 10. While  
6 a child is framing his or her personality it is of great  
7 importance to ensure that their Aboriginalness is  
8 nurtured. The ease in which a language is learned  
9 decreases with age, thus the need for early immersion.  
10 This would include the introduction to mathematical  
11 concepts, et cetera, using their traditional language.

12                   Both adults and children would  
13 participate in this co-operative program. Adults could  
14 possibly provide one day a week childcare services in  
15 return for four days a week of daycare. They could then  
16 pursue their own educational goals.

17                   The early industry would take place  
18 using the concept of a community school; a school which  
19 is owned and operated by the community members themselves.

20 Community members of all ages are encouraged to  
21 participate in program development, policy making,  
22 instruction, supervision and financing of school  
23 activities. Ownership brings pride and enthusiasm.

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1                   Co-ordinating the efforts of other  
2 agencies, such as social assistance and justice, can  
3 provide the additional manpower needed for such an intense  
4 early program, with little additional financial resources  
5 required. In addition, a community profile, present and  
6 future, should be completed and co-ordination of all  
7 programs and services timed to create momentum in community  
8 growth and development. The educational requirements of  
9 all age levels should be considered. It is essential that  
10 parents become active in the education of their children  
11 and also be offered an opportunity to further their own  
12 educational pursuits.

13                   Gradual immersion into non-Aboriginal  
14 education would take place with entry into a non-Aboriginal  
15 system at approximately 12 years of age. Gradual  
16 immersion is important as culture shock would be severe  
17 otherwise and the fact that immersion take place at all  
18 is also important. After all, we as Aboriginal people  
19 must learn to compete within the world market.

20                   The non-Aboriginal system would, of  
21 course, be required to make changes to their curriculum,  
22 counselling and support systems, to better deal with the  
23 Aboriginal student's needs. Where students travel away

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1 from their home community to attend the higher grades,  
2 support services and an "extended family" may need to be  
3 established to provide a sense of community away from home.  
4 Establishing a student residence owned and operated by  
5 their home communities could help alleviate the culture  
6 shock.

7                   Strengthening student support in the  
8 maths and sciences at an early age would allow for increased  
9 Aboriginal participation in career fields based on such  
10 course work. In addition, by designing science curriculum  
11 that utilizes Aboriginal themes and highlights Aboriginal  
12 achievements, students might develop a more positive  
13 attitude towards these non-traditional areas of study.

14                   Co-ordination and networking of  
15 Aboriginal education organizations is of extreme  
16 importance. We know that the financial resources provided  
17 for education are not endless and we must therefore provide  
18 a sound structure for the management and use of these  
19 resources.

20                   There must be representative  
21 organizations established on a regional basis, with a  
22 mandate given to co-ordinate the efforts of all Aboriginal  
23 education authorities and to provide up-to-date

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1 information and assistance to those requesting the same.

2 We cannot continue to develop the same language curriculum  
3 model time and time again on a nation by nation basis,  
4 or pay high cost, non-Aboriginal consultants to develop  
5 the same model for a school board, time and time again  
6 on a nation by nation basis.

7 Funding of this Aboriginal  
8 representative organization should be jointly sponsored  
9 by the federal and provincial governments.

10 In the Province of British Columbia the  
11 Aboriginal contribution to the provincial tax base is  
12 significant. However, we do not receive the same benefits  
13 as the non-Aboriginal citizen with respect to education.

14 The province must contribute their fair share to the  
15 education of all citizens, regardless of cultural  
16 identity. This base funding should then be expanded upon  
17 through negotiations with Aboriginal educational bodies.

18 The provision of services specifically geared toward  
19 improving the success of Aboriginal students, in addition  
20 to the provision of relevant Aboriginal curricular  
21 materials, would then become the responsibility of the  
22 Aboriginal community, through funding provided by the  
23 federal government.



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1                   In British Columbia Region of Indian and  
2 Northern Affairs, the education department was dismantled,  
3 yet the person years attached to that department remained  
4 intact within INAC. The funding for Aboriginal education  
5 which previously supported the bureaucracy should be  
6 transferred to the communities along with the increased  
7 responsibilities we have assumed with the shuffle of  
8 education personnel to other posts within INAC.

9                   One area of great concern to the Ktunaxa  
10 people, yet by no means restricted to our nation, is that  
11 of the provision of special education funding for  
12 Aboriginal students. Federal payments are provided based  
13 on the guidelines developed by the provincial Ministry  
14 of Education. Due to the economy of scale and high  
15 incidence of what is termed low-cost special education  
16 amongst our student population, our small schools cannot  
17 begin to provide the required services. Our community  
18 schools depend solely on the federal government for  
19 education funding and even the Aboriginal independent  
20 schools are not eligible for provincial grants to provide  
21 anything but the bare essentials. Co-operation between  
22 the education and health ministries must be initiated and  
23 joint funding provided to deal with special education

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1 needs.

2                   While the focus of post-secondary  
3 education funding is on professional degree programs, the  
4 focus of the majority of our Aboriginal students is on  
5 trades or certificate programs. Since jurisdiction over  
6 this type of training has been transferred to the Canada  
7 Employment Centres and the criteria for sponsorship often  
8 times out of reach, many Aboriginal people are left with  
9 no alternative but to remain untrained and unemployed.  
10 There must be a rethinking of the methodology and  
11 mechanisms for the administration of federal funding for  
12 occupational skills training to be transferred to the local  
13 Aboriginal community level.

14                   Post-secondary education in general  
15 will likely be addressed by each band individually, as  
16 each administers their post-secondary program  
17 independently.

18                   In closing, I would like to say thank  
19 you to the Commission for listening to what I have had  
20 to say and for the sincere desire to ensure that my words  
21 and the words of many others will assist in forging this  
22 new relationship between the Aboriginal and non-Aboriginal  
23 peoples of Canada.

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1                   **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
2 much for a very concrete, eloquent and well-crafted brief.  
3 I think this brief offers exactly what we are looking  
4 for, solutions. It is quite obvious a lot of thinking  
5 has been put into the brief. Again, we are going to go  
6 back to the brief in the general discussion period, but  
7 I must say at the outset that it is a very impressive brief  
8 and we are very happy to have had the opportunity to get  
9 it. Thank you very much.

10                   **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**  
11 The next presentation is by Joe Nicholas, Chief of the  
12 Columbia Lake Indian Band.

13                   **CO-CHAIR RENÉ DUSSAULT:** Before  
14 proceeding to the presentation, I would like to check about  
15 the opportunity at one point to break for two or three  
16 minutes for a short stretch and a coffee break. We might  
17 want to do it after the next presenter.

18                   **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**  
19 Yes.

20                   **CO-CHAIR RENÉ DUSSAULT:** Thank you.

21                   **CHIEF JOE NICHOLAS (Columbia Lake Indian**  
22 **Band) :** Good morning everyone. My name is Joe Nicholas  
23 and I am Chief of the Columbia Lake Band. I have been

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1 Chief for 12 years, but I am also in education. I consider  
2 myself an educator. I have worked in a secondary high  
3 school for ten years and I am now in the elementary system.

4

5 The Columbia Lake First Nations Chief  
6 and Council are not part of the working staff in the office.

7 We feel it would be a conflict of interest, so our Chief  
8 and Council hold other jobs besides being in office. Our  
9 Chief and Council are not paid positions. I actual fact,  
10 it's really hard in that kind of a system.

11 Just a scenario, if the Prime Minister  
12 had to take on another job it would be pretty tough running  
13 the country I think.

14 I also have to apologize, I have to leave  
15 after my presentation because like I said I work in the  
16 school system. I am the volleyball coach and I have to  
17 travel to another school to play today. I apologize for  
18 having to leave early.

19 I would like to thank the Royal  
20 Commission for the opportunity to express my concerns and  
21 my peoples' concerns regarding self-determination for  
22 Aboriginal peoples and our community in particular. I  
23 think in the 12 years I have been Chief and been meeting

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1 with other chiefs in B.C., even in Canada, especially in  
2 our own area, we share a lot of the same concerns for what  
3 is happening.

4 Our struggle for dignity, our struggle  
5 for fulfilment as First Nations' people and our struggle  
6 for just the plain hope that our tomorrow will be better  
7 for our children emphasizes the commitment of the Ktunaxa  
8 Nation to advance the right of First Nation people to govern  
9 and manage our socio-economic future. The face of my  
10 people are often despaired faces, formed by federal and  
11 provincial legislation and the government's limited,  
12 ineffective, bureaucratic, policy execution. The  
13 fundamental rights and the fundamental opportunities that  
14 other Canadians experience are distant realities for the  
15 majority of First Nation people. Self-determination for  
16 our people, our resources and our culture is essential  
17 to the ultimate prosperity of the First Nations and in  
18 turn, I believe, Canada as well.

19 I would like to share some very practical  
20 concerns with the Commission in hopes that it will impart  
21 a better understanding of the contemporary concerns of  
22 our First Nations' community.

23 Over the past few years, our community

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1 has made an immense effort to advance ourselves by  
2 developing a strategy that will secure our economic future  
3 and in turn give us the ability to take control of our  
4 social and cultural development. Economic security is  
5 critical since it provides the luxury of planning for the  
6 long journey back to recovery. I can say with all  
7 confidence that the potential for economic security is  
8 well within our community's reach. However, many  
9 obstacles and distractions have been encountered.

10                   The management of our reserve lands is  
11 controlled by the Department of Indian Affairs. The  
12 inability of the department to execute land related  
13 policies have served to, in fact, benefit the  
14 non-Aboriginal land developer and in complete contrast,  
15 inhibit the Aboriginal development initiatives.  
16 Non-Aboriginal developments have fed on the inept  
17 department enforcement of development policy and have  
18 therefore created developments based on short-term profits  
19 at the expense of land resources. General development  
20 standards and maintenance criteria are ignored because  
21 department personnel do not monitor and do not enforce  
22 the terms of lease agreements and the standards of  
23 construction and maintenance that are outlined in most

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1 leases. Traditionally, First Nations' people  
2 have not been privy to the terms and detailed negotiations  
3 of a lease. The very fact that we are forced to watch  
4 our lands deteriorate unwittingly before our eyes, without  
5 any sense of control, is destructive in itself. When a  
6 lease expires, the community is forced into accepting an  
7 exhausted development and the stigma of owning an economic  
8 and environmental liability.

9 An example I guess is we recently had  
10 to evict a non-native tenant from our lands. We couldn't  
11 come to an agreement on a new lease and what we did inherit  
12 was an environmental nightmare. At the time of eviction,  
13 the tenants were allowed to destroy our infrastructure.  
14 I think they destroyed it in the amount of \$90,000 and  
15 it cost us about \$160,000 just to get it back into running  
16 condition. This was supposed to be a campground at one  
17 time and it ended up being a trailer court. The people  
18 I am speaking about filed bankruptcy and are now immune  
19 to any kind of prosecution. They now live in the valley  
20 where we are and without any kind of conscience of what  
21 happened to our lands. Again, the people suffered for  
22 that.

23 We seek economic support in planning the

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1 long-term development of our own economic development  
2 properties. Fundamental to the sustainability of our  
3 communities, to any community for that matter, is prudent  
4 planning and utilization of our limited resources.  
5 Planning support is taken for granted by most municipal  
6 corporations yet First Nation communities that have seen  
7 a once limitless land base diminish into "dude ranch"  
8 dimensions cannot receive the necessary funding that will  
9 plot our economic sustainability.

10                   The Aboriginal Business Development  
11 Program will not support real estate development and  
12 complementary recreational facilities, even though it may  
13 be, in fact most likely be, the most viable and profitable  
14 development opportunity in our community.

15                   Again, you ask them for funding and they  
16 tell you it's like building a house and a swimming pool.  
17 They want you to sort of work on the swimming pool first  
18 before you can build a house beside it. Build something  
19 small with a small amount of money we will give you and  
20 then we'll go from there and see how things happen.

21                   No other funding source for  
22 comprehensive planning is made available to First Nation  
23 communities. Objectivity seems to be lost in every



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1 funding and support organization; even those that wear  
2 the mask of business. Every community must be judged on  
3 its unique needs, resources and opportunities. Blanket  
4 policy condemns a program to a life of compromise or often  
5 failure.

6                   If we are privileged to begin execution  
7 of a development plan, we must surmount the land management  
8 nightmare within the department. Environmental policy  
9 and designation process of reserve lands significantly  
10 increase the risk for development investment. We welcome  
11 the control over environmental exploitation, but reserves  
12 pay a severe penalty when compared to surrounding  
13 jurisdictions and as mentioned above, without any monetary  
14 offsetting.

15                   The designation process drastically  
16 delays development expediency and therefore increases the  
17 cost of development. Again there is no monetary  
18 compensation to offset the penalty of developing on  
19 reserve. Generally, attracting investment on reserve  
20 lands requires risk compensation. Funding should be based  
21 on making the best development decisions and levelling  
22 the playing field.

23                   In taking over property taxation, that's

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1 a critical component of self-determination, the very  
2 governments that granted us the authority to tax; deny,  
3 stall or just plain ignore the new found authority by  
4 refusing to pay the property tax levies. Crown  
5 corporations and governments alike are mocking First  
6 Nations by disregarding their own legislation, again  
7 legislation that represents a fundamental first step to  
8 self-determination.

9                   In addressing the bottom line regarding  
10 economic issues, the reality of development obstacles and  
11 opportunities are not being addressed. Development that  
12 has the potential to support long-term economic security  
13 and long-term community employment cannot proceed past  
14 the initial feasibility stage. Yet, when in fact,  
15 non-Aboriginal developments of a similar nature have been  
16 designed, constructed and operationally subsidized 50,  
17 70 and sometimes 100 per cent, right here in this valley  
18 and elsewhere in the country. In our part we are talking  
19 about the airport at Fairmont and probably some of the  
20 infrastructure that goes into that development.

21                   I must question the sincerity of our  
22 governments' commitments to self-determination when I  
23 witness these things. These policies seem to only commit

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1 to the continued marginalization of First Nations' people.

2                   The underlying theme is that each First  
3 Nation community must gain the control of their own social  
4 and economic development. As the department devolves,  
5 added responsibility is passed on to the communities.  
6 What is critically needed as this so-called devolution  
7 evolves is the commitment of government funding for staff  
8 training and for funding, added overhead costs that are  
9 related to the transfer of responsibilities. We ask for  
10 competitive training, training that will permit our people  
11 to effectively compete with the non-Aboriginal  
12 communities. Again, every community is unique and should  
13 be given the resources to devise a strategy that will ensure  
14 a realistic transfer of program control from the ivory  
15 tower to the grassroots First Nations communities.

16                   The application of token social programs  
17 are again a demonstration of the inability of big  
18 government to address regional and community based  
19 Aboriginal issues.; Security in continuous funding over  
20 a long period of time is required in order to support the  
21 simple luxury of planning for the long road back to a  
22 dignified lifestyle. All too often, social development  
23 programs are reactionary and underfunded and way too short

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1 in duration in order to affect social advancement. The  
2 unweaving of the problems and the rebuilding of our  
3 communities require internal commitment from our people  
4 and the external commitment from the governments.

5 First Nations' people must be given the  
6 opportunity to help themselves. Given the resources and  
7 control of the planning process, our people will, on their  
8 own, rise above the adversity that has been handed to us.

9 This country has gone to great expense to see the  
10 destruction of our culture and has benefitted enormously  
11 from the wealth of the land we so generously gave up.  
12 We seek no revenge. We ask for no hand out. We ask for  
13 no sympathy. We only ask for the right to hope, that is  
14 the right to grow with dignity within the lands that have  
15 been the traditional home of our people, the Ktunaxa, for  
16 the past 10,000 years.

17 The road to self-government will require  
18 the dedication of great leaders, instilled with great  
19 patience, great courage and great vision. I look to this  
20 Commission for these qualities and place in part the hopes  
21 of my people in your experienced hands. Thank you.

22 **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
23 much for sharing your concerns and thoughts about how the

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1 future should be handled. We only hope that we will be  
2 able to respond to the hope that you are putting to the  
3 Commission. Thank you very much.

4 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

5 A ten-minute break?

6 **CO-CHAIR RENÉ DUSSAULT:** Yes. We  
7 should have a ten-minute break and we are going to extend  
8 the discussion certainly up to 12:30, so we have some room  
9 there to catch up. Thank you.

10 **COMMISSIONER PAUL CHARTRAND:** If I  
11 don't get a chance later, I want to wish your volleyball  
12 team well.

13 --- Short Recess at 11:20 a.m.

14 --- Upon Resuming at 11:32 a.m.

15 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

16 We have basically everybody back in the room now. Our  
17 next presenter is Chief Josephine Shottanana of the Tobacco  
18 Plains Band. Josephine.

19 **CHIEF JOSEPHINE SHOTTANANA (Tobacco**  
20 **Plains Indian Band):** Good morning.

21 Rebuilding Relationships.

22 To rebuild a new relationship based on  
23 trust and respect, the Canadian government has to change

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1 all its policies of colonialism, dismantle the present  
2 DIA structure by completing phasing it out and let the  
3 native people be in total control with Aboriginal  
4 governments.

5                   Aboriginal governments should be  
6 allowed to exercise all its powers in all areas of Indian  
7 self-government in all their traditional territories.  
8 The costs to finance the arrangement can be derived from  
9 the budget operated by Indian Affairs and fair treaty  
10 negotiation settlements for equitable land and resources.

11  
12                   Education. The present system of  
13 Indian Affairs education policies and the master tuition  
14 agreement arrangements are not meeting the demands of  
15 Indian education. Constant funding cutbacks and  
16 inadequate budgets cannot meet the needs for education.  
17 Indian control over Indian education could be a very  
18 effective part of Indian government.

19                   Health. Aboriginal health care can  
20 stand much improvement to its present day of application.  
21 To have healthy people you need a community that has and  
22 continues to have a healthy economy, less poverty and  
23 above-adequate housing. Health today is treated like a

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1 welfare program and handled in the same way Indian Affairs  
2 handles Aboriginal programs.

3 Justice. If justice is to prevail, then  
4 the government that continuously makes new laws every time  
5 an Indian court case regarding land claims settlements  
6 or taxation cases arise, has to look back in history and  
7 rejustify itself.

8 After this rejustice has been accepted  
9 by native people, then, and only then, can we see a trust  
10 developed and two governments working side by side. From  
11 this arrangement a new relationship can be born and the  
12 three orders of government can work together to make a  
13 society that Aboriginal people can be proud of.

14 I would like to address one point that  
15 I do not see covered in this Commission. The point is  
16 that the Commission should ask for an audit of its present  
17 day Indian Northern Affairs annual operating budget and  
18 make it public with the Royal Commission findings.

19 I believe that recognition of inherent  
20 right to Aboriginal self-government should be implemented  
21 and resolved, as was stated in the Charlottetown Accord.

22 If the Commission is sincere in its findings and  
23 implements direct changes that will better the life in

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1 Indian communities, then I will agree that this process  
2 has done some good. Thank you.

3 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

4 Thank you.

5 Are there any brief comments from the  
6 Commissioners?

7 **CO-CHAIR RENÉ DUSSAULT:** I would like  
8 to join the Commissioner of the Day in thanking you for  
9 presenting your views.

10 I think it is better to keep our  
11 questions for the overall discussion period. Thank you.

12

13 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

14 Wilfred, you are presenting for the Lower Kootenay Band?

15 **WILFRED JACOBS (Lower Kootenay Band):**

16 Good morning again. Wilf Jacobs, Lower Kootenay Band.

17

18 I guess what I've got to say here is just  
19 ditto, ditto, ditto, ditto. All of these concerns that  
20 are being brought forth today are similar to our concerns,  
21 the Lower Kootenay Band, but there is one thing I would  
22 like to bring out on behalf of the Lower Kootenay Band.

23 On the research of our land claims, prior to 1981 I had



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1 a lot to do with the research of the whole Ktunaxa land  
2 claim area, but because of the time we were allowed to  
3 make our initial research we at the Lower Kootenay area  
4 weren't permitted at this time to do any further research  
5 in our area.

6 I would like to carry on with our  
7 research at this time. One of the things that I have done  
8 with the research is that I relied heavily on the elders  
9 that were still alive. Many of them have passed on at  
10 this time. The other part of the research was the archival  
11 research. I left the archival research because I believed  
12 that the archival material would always be there, that  
13 we could get back to it eventually. Now that we have  
14 exhausted our elders and they are no longer with us, many  
15 of them, we in the Lower Kootenay Band would like to  
16 continue our research as soon as possible. Even as I am  
17 speaking here, you all realize that the resources that  
18 we are after, our land base, is being taken up by industry  
19 and whatever is out there. This is sort of urgent to be  
20 addressed as soon as possible.

21 As I mentioned earlier when I made my  
22 presentation, we at the Lower Kootenay area and I'm talking  
23 about the Lower Kootenay River area, we have our two bands.

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1 We have one a Yucca Noka, that's in Creston and the other  
2 part of our band is in Bonner's Ferry.

3 I would like to introduce Chief Raymond  
4 Abraham of our sister band in Bonner's Ferry to address  
5 this Commission. Chief Raymond, please.

6 **CHIEF RAYMOND ABRAHAM:** I would like to  
7 thank Wilfred Jacobs. I have been Chief for 18 years.  
8 I have dealt with the federal government for 18 or more  
9 years and I sit and I listen day in and day out of the  
10 problems that Indian people have, the Ktunaxa people  
11 especially. I listen to the problems, the concerns  
12 that they have in addressing their needs to the Royal  
13 Commission. The one thing that I look at, all of these  
14 are legitimate concerns, but I also look at the federal  
15 government. I say you must have a document that thick  
16 (indicating) or that thick (indicating) and within that  
17 document, 1,000 pages, 2,000, 3,000 pages, the federal  
18 government has the funding for the needs of what you call  
19 Canada. Those are your needs. That is what you have  
20 determined to be your needs.

21 The Kootenay people are no different.  
22 Those needs are the same needs that you have determined  
23 within your government to say yes, this is what we are

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1 going to do, tomorrow, next year, ten years from now.  
2 Each year, each several years, the Canadian government  
3 does a comprehensive plan. They have an annual plan to  
4 carry out the objectives to meet their goals. The Kootenay  
5 people have exactly the same needs. Funding should be  
6 provided by the Canadian government to meet these needs  
7 of the Kootenay people.

8 I have heard several concerns of what  
9 the needs are. The Canadian government has a social  
10 services program, they have a budget for that. The  
11 Kootenay people have social services needs as well. They  
12 need funding to meet their goals, just the same as the  
13 government does.

14 There are educational needs, law  
15 enforcement needs, judicial needs. The Kootenay people  
16 long before the first white man stepped into this  
17 territory, they had their judicial system. They had their  
18 social services system. They had their form of  
19 government. They had their military and to this day the  
20 Kootenay people have never given up their Aboriginal title  
21 or their right to travel within their Aboriginal territory.

22 In looking at that document, just the  
23 cover, and understanding what it means, the way I look

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1 at it is the Canadian government has acknowledged by saying  
2 that the Aboriginal peoples, they have acknowledged that  
3 the Kootenay people were here long before they came. To  
4 try and develop a constitution which will include the  
5 Ktunaxa people can turn out to be a fiasco. Like I said,  
6 I've dealt with the government, the United States  
7 government for 18-plus years and I know from experience  
8 how they can twist words. It's a never-ending battle and  
9 it's no different in the Canadian government in dealing  
10 with the Aboriginal people.

11 What my recommendation is to the  
12 Kootenay people is to enter into negotiations, to  
13 eventually sign a treaty with the Canadian government and  
14 within these treaties that your needs are outlined and  
15 that you never give up that right to freely roam in your  
16 Aboriginal territory, to hunt, to fish, to gather. That's  
17 the way the people lived 10,000 years ago. They lived  
18 off the land. Then when the blackrobes came in they  
19 destroyed, they took away from the Kootenay people the  
20 centre, the very centre of their existence and their  
21 strength which was their traditional religion.

22 The policy of the government was to  
23 divide and conquer. In 1927 by outlawing the freedom of

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1 the Kootenay people across Canada to practice their  
2 religion, by throwing these people into confinement, these  
3 people that practised their religion, they destroyed a  
4 culture.

5                   Maybe there are very few people left  
6 today in the Kootenay nation that still know and practice  
7 their religion. Now it is up to the people once again  
8 to re-educate their own people back into learning where  
9 their strength came from. If you provide the funding to  
10 get these people back on the right track that's a start.

11

12                   Yes, education is important because my  
13 grandfather told me, my grandfather was chief before I  
14 was. He said, he told the children, you go out and you  
15 get your education. Education is important. The white  
16 man is very cunning, he is very sly with his words. You  
17 learn how to play his game and you learn how to play it  
18 better because if you don't, he'll eat you up. But don't  
19 ever forget where you come from. Don't ever forget your  
20 past and that's your culture and your religion.

21                   The Kootenay people today are struggling  
22 to regain their culture and their language. There are  
23 many aspects that they have to regain and it's up to the

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1 people to band together and to act as a nation. Within  
2 these seven bands these are all my children. That's the  
3 way a chief speaks. These are my children. I have to  
4 look out for the welfare of my children.

5 I see people entering into the RCMP.  
6 Hundreds of years ago the Kootenay people had their own  
7 law and order system and it can be that way again. They  
8 can make their own law and order codes. They can have  
9 their own judicial system, but it is going to take the  
10 assistance of the federal government. If  
11 self-sufficiency, self-government is the issue, then those  
12 are just a few avenues which the people need to reach a  
13 comfortable level of self-government.

14 Hopefully this Commission will take back  
15 the words and interpret the words that you've heard today  
16 in a manner to which these people are understanding  
17 themselves because housing and all these things, yes, they  
18 are legitimate concerns. But in signing a treaty with  
19 the Canadian government, the government has to promise,  
20 yes, all of these things that you have listed out we will  
21 provide those services, the funding to administer those  
22 services on the band level. That's what self-government  
23 to me is, where the band administers their own affairs.

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A lot of the bands go under the Indian Act. The Indian Act has been interpreted in so many different ways. It goes to the benefit of the ones that are in administration. Even the Indian Act is tearing the Kootenay nation apart. That's why if there is going to be a Constitution developed -- the Constitution should be with the individual bands on how they are going to govern themselves and the responsibility of the federal government is to provide the financial resources so these people can meet their goals and eventually reach self-sufficiency.

That's all I have to say right now.

Thank you.

**CO-CHAIR RENÉ DUSSAULT:** Thank you very much for your thoughtful and eloquent speech and presentation.

**COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

The next presenter we have is Margaret Teneese, representing the Shuswap Band.

**MARGARET TENEESE (Shuswap Indian Band) :**

Good morning. I am Margaret Teneese from the Shuswap Band.

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1 I think you guys now have in your mind  
2 a clear understanding of what we have been saying here.

3 I don't think I need to get deeply into the concerns of  
4 the Shuswap Band because we more or less have the same  
5 problems, but what I'd like to do though is allow you guys  
6 to understand that the Shuswap Band does suffer the same  
7 as the other bands and because we have a small population  
8 on reserve that makes it very difficult.

9 I am going to speak from not as a leader,  
10 simply because I am not a leader in the context of what  
11 you guys call the Indian Act, but I will speak from the  
12 membership. I think that one of the main concerns I have  
13 as a member is the social problems. We know that through  
14 history it took many years for the social dysfunctions  
15 we see today, so we know that there are no easy overnight  
16 solutions. We are not going to wake up tomorrow and find  
17 alcoholism gone. It has taken us years to deal with the  
18 sexual abuse, to even come out from the light and start  
19 sharing with us, with each other, sexual abuse.

20 I've been one of the main advocates of  
21 these problems, simply because I have been a victim, a  
22 victim of child sexual abuse, a victim of physical abuse,  
23 emotional abuse, sexual abuse and as I got older a victim



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1 of the greater social dysfunctions of the society as a  
2 native and as a woman. With that I am expected with all  
3 of these things on my shoulder I am expected to compete  
4 with the greater society and to me that's almost an  
5 impossible. It's almost impossible for me to do that.

6 I find myself playing a game of catch  
7 up, catch up with the rest of society. When I did attempt  
8 to go to school and when I was reviewing the history of  
9 education and the attempts of government trying to  
10 implement their views of education on my people, I realized  
11 when doing a paper on education that the main purpose of  
12 government trying to educate was us, was to get rid of  
13 us eventually. In my mind I asked myself that you were  
14 giving us the tools of not only fulfilling the government's  
15 objectives of eventually getting rid of us, but you are  
16 also teaching us to do the same to our children and in  
17 that way instilling shame in our own way of life on our  
18 cultures and our identities.

19 Over the years I realized that my  
20 strength would have to go back to start understanding my  
21 own traditional values, my history and my language. I  
22 find it a real struggle to try and fulfil that, simply  
23 because now I am now a statistic of poverty.

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1                   For me to effectively learn my language,  
2 my culture, to have me become a stronger individual I would  
3 also need a stronger economic base and as I look back at  
4 my own reserve and see what my reserve does lack and the  
5 people, I just feel like crying because of the struggle  
6 that I've gone through. I've had the support of my family  
7 in order to get me where I am today and I look at the rest  
8 of the people that don't have that and I try my best to  
9 help these people in the best way I know how, because they  
10 too have suffered the same things I have. The sad thing  
11 I see is that for many of us who don't have the proper  
12 guidance, we fall into the traps of helplessness.

13                   I realize I am sure there are solutions  
14 that we can implement on our daily basis, of working toward  
15 a healthy community. I myself have become more active  
16 in not just the justice system. I represent the movement  
17 I hope that every individual within the Ktunaxa nation  
18 will start to implement and that's our own strength within  
19 our communities, the sharing of information, the sharing  
20 of ideas.

21                   I listened to you this morning talking  
22 about ways we can deal with our justice, the people that  
23 go to court. Some of the ideas that I have suggested and

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1 I am now going to start using because in my mind only Indian  
2 people can help Indian people.

3 I hold a job with the language program  
4 and I believe the language program has a lot to offer.  
5 I believe that the jails are for rapists, serial killers,  
6 murderers. They are not for people that have breached  
7 their probation because they were found drunk in a public  
8 place. That's the category many of our people fall into  
9 and when they are sent to jail they are introduced to a  
10 whole new way of life, of surviving and they come back  
11 with that attitude. They come back to a reserve with that  
12 attitude and because we are vulnerable to us those ways  
13 are acceptable.

14 Rather than sending our people to jails,  
15 I feel we have a lot of solutions on our own reserves and  
16 the language program has opened -- we've opened our doors  
17 to take on people that have community hours to do and  
18 perhaps learn something in a more positive and more  
19 appreciative way. I feel the other programs can offer  
20 the same solutions.

21 We find ourselves looking elsewhere with  
22 the other tribes for other solutions, such as circle  
23 sentencing. That is empowering the community, the

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1 membership, to start utilizing our own traditional values  
2 and helping our own people, direct them in a more positive  
3 way.

4 I think that is about all I have to share.

5 I am really glad that you guys took the time to spend,  
6 last night and most of today, listening to us. Thank you.

7

8 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

9 Thank you, Margaret, very much for those heartfelt and  
10 thoughtful words.

11 It's ten after twelve, I guess we will  
12 have one more. According to the agenda we have -- because  
13 we have scheduled until 1:30 for lunch.

14 **SOPHIE PIERRE:** The presentation by  
15 Frank Sam, we got a message this morning --

16 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

17 Leo is going to be presenting on his behalf.

18 **SOPHIE PIERRE:** Frank is here.

19 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

20 I will call upon Frank Sam from the Shuswap Band who is  
21 representing the Ktunaxa/Kinbasket Veterans.

22 **FRANK SAM (Ktunaxa/Kinbasket Veterans):**

23 Hi. My name is Frank Sam as so and so says. I'd like

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1 to ask somebody, one of you, what is a veteran, an army  
2 veteran? Can anybody explain that?

3 I've been telling people for years and  
4 nobody seems to recognize my voice. I am all alone in  
5 this world. I was overseas, fought for my country. Today  
6 I have nothing. What did I fight for? Everything I do,  
7 it seems nobody recognizes me.

8 I will tell you, if it hadn't been for  
9 me, you guys wouldn't be sitting here where you are. I'd  
10 like to see some of you go over to Germany today, go over  
11 to Hungary, east and west and you'd find out what it means  
12 to be poor. Everything I do, go to the Veterans, go to  
13 the Veterans, go to the Legion. The Legion sends me to  
14 the Department of Veterans Affairs. The Veterans sends  
15 me back to the Legion and so I'm stuck in between.

16 I have a letter today. I had a reboard.  
17 What a reboard is in regards to your pension and they  
18 told me after I had completed my -- they told me your pension  
19 is raised. It will take anywhere from nine to six months  
20 to find out what you get. When I was called into the  
21 services, I didn't say I'm coming nine to six days. I  
22 couldn't. Today the things that go back and forth, I often  
23 wonder why I was in there. I don't think half of you know

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1 what the war was. I was a prisoner of war. Thank God  
2 it was only five days.

3 Today when I ask for anything, what do  
4 I get, go to the Veterans. I feel I am not even an Indian.

5  
6 When we went into the service we were  
7 promised, oh, you'll get a house when you get back. You  
8 will get this, you will get that. Today I've never even  
9 got it yet, so I don't know where that came from. We got  
10 a measly \$2,300 when we got back. Right away the  
11 Department of Indian Affairs took control over it. We  
12 never seen the colour of that money. He bought it for  
13 us with the money that we were supposed to have got.

14 The reason why -- you people might say,  
15 "Well, why the hell did you go in there?" I had no choice.  
16 You hear today that there was no conscription for the  
17 Aboriginal people. I won't use the word Indian, the  
18 Aboriginal people. My brother spent three months in jail  
19 in Nelson for not going towards his call up. That was  
20 part of the reason I went in. I didn't want to go to jail.

21

22 Now the best part of it, when you got  
23 out of the army you weren't even allowed to join the Legion.

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1     You couldn't even go and play pool or cards in the Legion.  
2     Today I am asking, I am a member of the Legion, can't  
3     I get this long service so that I can be recognized as  
4     one of you. We couldn't help it when we were deprived  
5     from joining the Legion when we came out. We weren't even  
6     allowed. I remember one day some of our white friends  
7     told us, come on, get into the ranks, march with us. There  
8     is a glass of whisky on the other end and so five of us  
9     went. When we got back in front of the Legion the police  
10    was there and they picked every one of us out, the five  
11    of us, and put us in jail until one minute after midnight.  
12    Then they told us, "Now you can go home. Today isn't  
13    the 11th, it's the 12th". That's part of the thanks I  
14    got.

15                   We weren't made aware that we could get  
16    \$6,000 and continue our education. Maybe I couldn't have  
17    anyways because I never had any high school. It was more  
18    or less high school and they made sure they made it high  
19    school because 90 per cent of the natives only went to  
20    grade 6 anyways. That's as far as they taught you and  
21    then they kicked you out of school.

22                   A lot of you people might not know, I  
23    know at one time an Indian couldn't even leave their

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1 reservation without a permit. Then they call us lazy  
2 Indians.

3 I've never had any help from -- anything  
4 I've done I've always done it myself. That's why I am  
5 beginning to think I am all alone in this world. There  
6 is no more veterans. You look around and where can you  
7 see one. I've always told people what veterans are and  
8 they don't believe me. I wish somebody would tell them  
9 what a veteran is. That's about all I've got to say.

10 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

11 Thank you very much, Frank.

12 What we decided a little earlier this  
13 morning was that we were going to listen to all the  
14 presentations and then the floor would be open to comments  
15 and questions and dialogue a little later on. Is that  
16 satisfactory with you? Are you going to be here a little  
17 later?

18 **FRANK SAM:** Yes.

19 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

20 Then we will address this issue a little later.

21 I believe lunch is waiting for us  
22 downstairs in the Club Room. Am I right?

23 **CO-CHAIR RENÉ DUSSAULT:** I think it



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1 would be better to have the discussion period --

2 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

3 I don't know that there is time.

4 **CO-CHAIR RENÉ DUSSAULT:** I don't know  
5 the logistical aspect. If the lunch is ready and we have  
6 to go right now.

7 **BERNIE WOOD:** Lunch is supposed to be  
8 ready at 12:30.

9 **CO-CHAIR RENÉ DUSSAULT:** I think we  
10 should benefit from the time left to start the discussion,  
11 but I would like before you go to tell you that at the  
12 Commission we are aware of the sad situation of the  
13 Aboriginal people who went into the forces during the war  
14 have suffered. We are going to have a special look at  
15 the whole question of veterans.

16 We thank you for coming to make this  
17 testimony to the Commission. I want to tell you that we  
18 are highly concerned with what has happened. We are going  
19 to have a thorough look at the situation. We hope we will  
20 be able to come up with ideas or solutions that would help  
21 at least to ease the pain that you have suffered. Thank  
22 you.

23 We started to discuss this morning when

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1 we had the first brief from St. Mary's, some of the issues  
2 came up on education, on justice, on the financing of  
3 self-government and there were other people who wanted  
4 to participate in that discussion. Maybe we could just  
5 start there.

6 If there are some of you -- for example,  
7 our friend here wanted to say something about some of the  
8 questions or the dialogue that followed the first  
9 presentation, so you should feel free to open up.

10 **WILFRED JACOBS:** I got all the answers,  
11 but now I forget the questions.

12 **CO-CHAIR RENÉ DUSSAULT:** Give us the  
13 answers.

14 **WILFRED JACOBS:** I would like to make  
15 a few comments to Mr. Sam about the veterans. What he  
16 has said here applies to all of Canada, how the forgotten  
17 veterans, especially the Native Veterans Association of  
18 Canada, but the United Native Nations have undertaken the  
19 task of trying to speak for the native veterans of Canada.

20

21 I talk with Frank quite often about the  
22 representation that they have in trying to voice their  
23 grievances without any recognition whatsoever. As I speak

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1 to you I am also a veteran, but not a war veteran.

2                   Some of the things that took place that  
3 I experienced, I too went in for a reason. I signed a  
4 contract with Canada so that they would take care of me  
5 to survive in this world. I signed a three-year contract  
6 with Canada that they would take care of me and that I  
7 would don their uniform.

8                   Many changes took place in my life while  
9 I was in the service, things that I didn't even realize  
10 at the time. There are some of you who will know, but  
11 most of you don't know that for three years I wasn't an  
12 Indian. I was enfranchised. I had lost my status as an  
13 Indian, not even realizing what I had done.

14                  After three years when I signed my papers  
15 -- before I signed my papers I asked my counsellor who  
16 was very honest with me at that time, he was trying to  
17 entice me into signing up for another three years. My  
18 question was what are my chances of advances in this man's  
19 army? I was looking for a commission. He says to me,  
20 he was quite honest with me and he stated to me, "With  
21 the colonial attitude of the Canadian army, which is  
22 British, your chances are nil for a commission in this  
23 man's army."

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1                   With that attitude of course, I said  
2   thank you but no thanks. My final salute and I was gone.

3

4                   Mr. Sam mentions conscription, there is  
5   no conscription for the native veterans, the native  
6   soldiers or the native people at that time.

7                   In talking with Frank, there was a form  
8   of conscription which is undescribable, especially here  
9   in British Columbia, over in the Okanagan and in Vernon  
10   there is a large military instalment. They had a camp  
11   known as the zombie camp. Maybe Frank hasn't told you  
12   about this experience that the native people had to go  
13   through. The zombie camp was set aside away from the main  
14   camp and they had people in there who were constantly under  
15   guard, on duty seven days a week, 30 to 31 days a month  
16   and they were kept in confinement until they broke their  
17   spirits, where they would supposedly voluntarily sign up  
18   to join the army. Only then were they allowed into the  
19   main camp.

20                  Many of these occupants in the stockade  
21   I guess, so to speak, were native people. So not too long  
22   ago when the statement was made that there was no  
23   conscription for the native population, that's not true.

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1 It must hurt the veterans that are alive today of what  
2 took place at that time. They are very modest veterans  
3 in the native population. I think it is very important  
4 that you, the Commission, look into what I have said here.

5 It is probably not even on record about the zombie camp,  
6 but I really believe that there are veterans out there  
7 who will attest to this fact.

8 There are a lot of descendants of the  
9 veterans from the Ktunaxa Nation, another fact which I  
10 may point out, per capita from the Ktunaxa Nation there  
11 were more personnel in the army right from the Ktunaxa  
12 Nation per capita in Canada.

13 No, Frank, there are some of us who  
14 remember. Thank you.

15 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

16 Thank you very much, Wilfred.

17 It's now 12:30. I understand lunch is  
18 supposed to be ready at 12:30. I guess we will head down  
19 to the Club Room for lunch. We will reconvene here at  
20 1:30.

21 --- Lunch Recess at 12:30 p.m.

22 --- Upon Resuming at 1:40 p.m.

23 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

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1 If you would all be seated now. We would like to get  
2 started again.

3 What we are going to be doing is  
4 completing the presentations that were slated to started  
5 at 1:30 from the Tribal Council and representatives of  
6 the Tribal Council. We will then have discussion on the  
7 presentations that were made this morning. We then have  
8 on the agenda a presentation by Keith Chief Moon from the  
9 Blood Reserve at Standoff. We also have Bob Kimmerly of  
10 the United Church and that's the order we are going to  
11 do things.

12 I would like to call on Sophie Pierre,  
13 the Administrator from the Ktunaxa/Kinbasket Tribal  
14 Council to make her presentation.

15 **SOPHIE PIERRE (Administrator,**  
16 **Ktunaxa/Kinbasket Tribal Council):** Thank you very much,  
17 Lexine.

18 Before we get started and for the sake  
19 of process and how we are going to do things here this  
20 afternoon, if there are any other members of the general  
21 public who have joined us here during this open forum,  
22 if you also wish to make a presentation we would be happy  
23 to make note of your name and to put it down so that we

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1 have some sort of sense of the use of our time this  
2 afternoon. The person you can let know this is Cheryl  
3 Casmir. Cheryl, would you stand up, please, so people  
4 will see you.

5 If it is your intention to make a  
6 presentation, please let Cheryl know and we will be happy  
7 to accommodate you.

8 Thank you very much and good afternoon,  
9 members of the Aboriginal Royal Commission. I am going  
10 to be speaking this afternoon on behalf of the  
11 Ktunaxa/Kinbasket Tribal Council. We have presented to  
12 you a document listing a summary of topics that we wish  
13 to bring to your attention.

14 You listened this morning to  
15 presentations that were made by the individual First  
16 Nations' communities, the concerns that they had that they  
17 were bringing forward to you as individual communities.  
18 After my presentation, we will also be hearing from Chief  
19 Paul Sam from the Shuswap Band who was unable to be with  
20 us this morning and he can bring forward the issues from  
21 his community.

22 I am going to be speaking quite generally  
23 and listing off some of the concerns that we have. We

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1 have already gone into a couple of them in more detail  
2 this morning when the individual bands made their  
3 presentations. We are going to be talking about  
4 Aboriginal justice, about programs such as housing and  
5 capital. We are going to be talking about our wellness  
6 program. I am also going to be talking about economic  
7 development and the fiscal arrangements that are presently  
8 in existence with First Nations and in particular with  
9 Tribal Councils and the federal government. Those are  
10 the issues I will be discussing with you.

11 To start off on justice, it is a  
12 well-known fact that the current justice system fails the  
13 Aboriginal peoples of Canada. Aboriginal inmates make  
14 up a disproportionate share of inmate population in  
15 correctional facilities. This is a result of many  
16 factors, but mainly from poverty and cultural alienation.

17 In order for Aboriginal justice systems  
18 to be effective in our communities, we need to focus on  
19 healing the emotional and spiritual scares of our people.

20 A system of Aboriginal justice committees must be  
21 established to replace the court system for most cases.

22 Peacekeeping, rather than policing, through community  
23 involvement focusing more on crime prevention and



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1 intervention is the key approach to Aboriginal justice.

2 We have already gone this morning in some detail on that.

3 In terms of program areas, program  
4 services that we receive through the Indian and Northern  
5 Affairs Department, housing and capital infrastructure  
6 is a major program area that the Tribal Council remains  
7 involved in. Most program areas the bands handle on their  
8 own, but we still become involved in housing and capital  
9 infrastructure.

10 It is an internationally recognized fact  
11 that in Canada the standard of living in Aboriginal  
12 communities is far below the standards of the mainstream  
13 society. Indian reserves are often islands of poverty  
14 in the affluence of Canada. Lack of housing, water, sewer,  
15 electricity, roads, schools, recreation and sports  
16 facilities and other amenities are still a major problem  
17 for most Aboriginal communities. This results solely from  
18 an inadequate -- maybe more importantly though, from an  
19 inefficient use of funding that is provided to the  
20 Department of Indian and Northern Affairs.

21 Once again, parity can only be realized  
22 with policies that optimize community control and cost  
23 efficiency. In particular, Canada Mortgage and Housing

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1 Corporation must be more sensitive to Aboriginal needs  
2 and more open to Aboriginal control of the housing program.

3 Before the federal government engages in a massive public  
4 works renewal program, why doesn't it concentrate first  
5 on Aboriginal communities?

6 On the issue of wellness, it was  
7 described to the Royal Commission members this morning  
8 that we consider the term "wellness" as a wholistic term  
9 for our communities, rather than isolating particular  
10 problems in areas such as drug and alcohol abuse or any  
11 of those other statistics that we find so high within  
12 Aboriginal communities. We prefer to look at solutions  
13 in a wholistic manner.

14 Aboriginal peoples in Canada have the  
15 right to the same high quality of health-care services  
16 received by mainstream Canadian society. However, as the  
17 last Royal Commission on Health Costs in British Columbia  
18 determined, Aboriginal peoples do not enjoy the same  
19 quality of health services as the rest of society.

20 Two major factors contribute to this  
21 injustice: restrictive policies and practices of Health  
22 and Welfare Canada towards Aboriginal control of  
23 Aboriginal wellness; and, inadequate funding to provide

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1 basic health services.

2 Wellness encompasses all areas of human  
3 development that affect the physical, emotional and  
4 spiritual wellness of our people. If any of these facets  
5 is in need of healing, a complete range of related solutions  
6 is necessary. The problem may result from mental health,  
7 substance abuse addiction such as alcohol and drugs, family  
8 violence, sexual abuse, child care, suicide and other  
9 serious social maladies.

10 Often programs set up by Health and  
11 Welfare Canada to serve Aboriginal communities cause more  
12 harm than relief. Typically, these programs are imposed  
13 on Aboriginal communities without consultation and  
14 research to best address Aboriginal needs and values.  
15 In addition, the large overhead bureaucracy in Ottawa and  
16 delivery channels in the province, consume a major share  
17 of the resources available, leaving for Aboriginal  
18 communities the task of managing foreign programs with  
19 inadequate funding.

20 The design of health services for  
21 Aboriginal communities is a responsibility of Aboriginal  
22 people. Accordingly, Health and Welfare Canada should  
23 remove itself from this process and transfer the

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1 responsibility for the delivery of health programs to  
2 Aboriginal peoples. Funding for health services to  
3 Aboriginal communities should follow a parallel process:  
4 It should be made available in the immediate future  
5 directly to Aboriginal communities at levels sufficient  
6 to bring parity to standards enjoyed by the mainstream  
7 of Canadian society.

8                   The emotional, psychological and  
9 spiritual effects of sexual and physical abuse and cultural  
10 rape suffered by thousands in Indian residential schools  
11 is a source of pain in the day-to-day lives of several  
12 generations of Aboriginal persons. You have listened to  
13 some of the stories that people told you this morning about  
14 their experiences. Because of these horrendous  
15 experiences, many Aboriginal persons continue to live in  
16 an emotional and social environment that is deficient and  
17 detrimental to a lifestyle of wellness. Absence of proper  
18 diagnoses, treatment and counselling make survival a  
19 losing struggle for most.

20                   The Canadian government and the churches  
21 involved are responsible for this genocide and have an  
22 obligation to the many people affected to provide them  
23 with proper care and to compensate them for the destruction

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1 of their lives. Special bridging programs must be  
2 available to heal these individuals, offering them tools  
3 to succeed in life, and economic means to achieve their  
4 rightful place in society.

5                   The provision of social services to  
6 Aboriginal communities must also be controlled by  
7 Aboriginal communities. This includes the planning,  
8 design, delivery and control of such programs as child  
9 welfare, basic needs and care for the disabled and elderly.  
10 This process must respect Aboriginal values and  
11 traditions, so it can be effective.

12                   Furthermore, whatever services are  
13 extended to the Aboriginal community must be at least  
14 parallel to the services that are presented to mainstream  
15 society. I point in particular to the absence of any type  
16 of daycare that is available in Aboriginal communities,  
17 daycare program. When we at the St. Mary's Indian Reserve  
18 took over a social development program, it was with the  
19 knowledge that we were doing so without having anything  
20 available for daycare.

21                   However, I guess we were optimistic that  
22 we would be able to change that and to make daycare  
23 available for our people on reserve. Right now the

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1 situation is that if an Indian person is living on reserve  
2 and needs daycare service, it's not available to them.  
3 If that same Indian person moves into the Town of Cranbrook,  
4 goes to the provincial Ministry of Social Services, if  
5 they are a single parent and wanting to improve their  
6 education or if they are in a job situation where their  
7 income is low, day-care service is available to them.  
8 But that same individual, that is not available to them  
9 when they are on the Indian reserve.

10 In the area of economic development,  
11 besides limiting the land base available to Aboriginal  
12 peoples, the reserve system is a major factor leading to  
13 widespread poverty in Aboriginal communities. The Indian  
14 Act reinforces this by limiting the opportunity to  
15 Aboriginal entrepreneurs of using real property, or  
16 otherwise, as instruments of economic progress. No bank  
17 or other financial institution will lend money to a  
18 business that cannot pledge collateral to secure the loan.

19 Unfortunately, under the present Indian  
20 Act, Aboriginal entrepreneurs do not have faire access  
21 to credit, thus resulting in widespread dependency on  
22 government and complete absence of an independent economic  
23 base.

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1                   In terms of Aboriginal economic  
2 development strategy, the Indian Act should be abolished  
3 and a proactive business program put in its place, which  
4 emphasizes independent business development and creation  
5 of a solid economic base that can compete in the open  
6 market. A program of loan guarantees should be offered  
7 if the fear of erosion of reserve lands is the reason for  
8 such limiting clauses in the Indian Act.

9                   As an interim measure, to remedy this  
10 injustice of more than 125 years, special "tax-free" zones  
11 should be created on reserves to attract business  
12 development on reserve. The tax revenue foregone will  
13 be realized many times over in lower social assistance  
14 and health costs, increased employment and business  
15 activity and the pride of Aboriginal nations would be  
16 greatly restored.

17                   We have a lengthy presentation for you  
18 on the whole area of economic development. It is one of  
19 the areas that our Tribal Council sees as a priority and  
20 we spend a lot of time and resources on it. The  
21 presentation has been made available to you and I won't  
22 go into it at this time, but from page 8 onwards we have  
23 recommendations. I have already discussed the tax-free

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1 zone. We are also making recommendations in terms of  
2 corporate loan of human resources. There are major  
3 corporations out there we could work with, what is the  
4 federal government term, on a procurement -- a secondment  
5 of human resources that will help Aboriginal businesses  
6 to get off the ground.

7 Those kinds of initiatives are possible  
8 and those are the kinds of initiatives we are looking at  
9 here within our Tribal Council.

10 We are also making recommendations in  
11 terms of increased program funding, services to  
12 off-reserve residents. We are making strong  
13 recommendations in terms of the Indian Act and how this  
14 Act must very soon be abolished.

15 We are also making recommendations on  
16 loan guarantees and those are all provided in the document  
17 that we have made available to you.

18 The last area we wish to touch on is that  
19 of fiscal arrangements that the Tribal Council and  
20 individual bands have with the federal government.

21 The Government of Canada must implement  
22 a fiscal system with Aboriginal governments similar to  
23 the Canada Assistance Plan, where financial resources are



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1 transferred from wealthy jurisdictions to the have-not  
2 regions of the country, so equalization of conditions and  
3 opportunities exist for all.

4                   We heard a lot about equality during the  
5 six weeks of the Referendum debate here in Canada. It  
6 seemed that one of the major concerns that the Canadian  
7 people had was that by setting up a third order of  
8 government that we were somehow getting away from equality,  
9 when in fact what we are talking about is reaching equality  
10 for Aboriginal people in this country.

11                   This system of transfer of resources  
12 from the federal government to Aboriginal governments must  
13 be based on the concept of parity of standards of living  
14 between Aboriginal communities and the mainstream society.

15    The transfer should be implemented in terms of financial  
16 resources and tax points in the form of direct grants,  
17 not subject to direct and specific accountability, just  
18 the same as the provinces to the federal government, rather  
19 than the type of system that we have in place today, the  
20 current system of band audits.

21                   The taxation powers of Aboriginal  
22 governments must be enhanced so they can be used as  
23 instruments of community development. Tax agreements

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1 must be negotiated so double taxation does not occur.  
2 Again, we had some discussion about that in the  
3 presentations that came from the individual bands this  
4 morning.

5 Those are the main areas that the Tribal  
6 Council wishes to bring to your attention and the main  
7 recommendations that we have in terms of seeing improvement  
8 in these various areas for Aboriginal communities.

9 We also have a presentation specifically  
10 from the Lands and Resources Department because we see  
11 that in terms of our future in terms of the realization  
12 of some of the goals that we have for equality of Aboriginal  
13 people. We see that coming about through the  
14 treaty-making process and our Lands and Resources  
15 Department is responsible for that particular area.

16 I would like to turn it over to Lexine  
17 who will be making the presentation for Lands and  
18 Resources.

19 **LEXINE PHILLIPS (Assistant Director,**  
20 **Ktunaxa/Kinbasket Tribal Council, Land and Resources**  
21 **Department):** I will have to change hats here for a few  
22 minutes. Aside from being Commissioner of the Day, I am  
23 also Assistant Director with the Department of Land and

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1 Resources with the Tribal Council. The presentation I  
2 am going to read was prepared by Thomas Munson who is our  
3 Treaty Negotiations Co-ordinator with the Department of  
4 Land and Resources.

5                   As we sat watching the results of the  
6 October 26th Referendum on Canada's proposed  
7 constitutional accord, we wondered what the response of  
8 Canada's Aboriginal leaders would be, and didn't have long  
9 to wait, Assembly of First Nations National Chief Ovide  
10 Mercredi came on the TV screen. A normally calm, rational  
11 and clear-speaking man, Mercredi was visibly shaken, angry  
12 and frustrated that night. He was interpreting the  
13 widespread "NO" vote as a direct rejection of the proposal  
14 for Aboriginal self-government. He felt personally  
15 rejected, as the Aboriginal people had been left outside  
16 Canada's Constitution again. He warned that the next  
17 generation of young leaders would not be at the negotiating  
18 table, they would be out on the road blockades.

19                   Native Council of Canada leader Ron  
20 George warned of the same violent reaction to the "NO"  
21 vote from his supporters:  
22 "The young people will not wait for future constitutional  
23 changes, they will fight for them using

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1                   other means."

2                   George warned that Canada has  
3 underestimated the anger in native communities, with dire  
4 consequences.

5                   But let's look a little more closely at  
6 what happened on October 26th and what must happen now  
7 and in the future. The fight for Aboriginal rights and  
8 self-government did not begin on October 26th and did not  
9 end on that night -- it only continues. It is criminal  
10 that Aboriginal people have to spend their lives in this  
11 fight, but this is the same around the world.

12                  First, the vote. Because of the muddled  
13 way in which the federal government set up the  
14 constitutional accord for a vote, nothing can be concluded  
15 from the "NO" response. People were asked to vote for  
16 a whole stew-pot of changes, with a simple "YES" or "NO".  
17 We can analyze the vote forever and not know the voters'  
18 reaction to Aboriginal self-government. What have we  
19 accomplished here?

20                  In the days following October 26th,  
21 almost all non-native commentators, both well-known and  
22 anonymous, agreed that the "NO" vote was not a vote against  
23 Aboriginal self-government. But many Aboriginal leaders

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1 felt the same rejection as National Chief Ovide Mercredi.  
2 The changes desired by Canada's First Nations must not  
3 be left on the table for five or ten years. National polls  
4 show that the majority of Canadians strongly support a  
5 change from the history of injustice against our Aboriginal  
6 peoples. The questions now, after the Referendum, are  
7 these:

8                               How can we continue the process of  
9 Aboriginal self-government both inside and outside the  
10 constitutional process, in federal and provincial  
11 legislatures? and;

12                              How can we bring about positive change  
13 in our Aboriginal communities to avoid violent reactions  
14 to this setback and rising levels of frustration?

15                              The problems facing Aboriginal people  
16 in the Kootenays are the same as those in the rest of the  
17 country: high unemployment, high mortality rates and  
18 often violent deaths, low education levels, poverty,  
19 racism, alcohol and drug problems, alienation and little  
20 involvement in local or provincial decision-making.  
21 British Columbia is a wealthy and fast-growing province,  
22 but the Aboriginal people are still on the margins after  
23 years of persecution and discrimination.

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1                   What can be done to change this? Here  
2 are some general recommendations for immediate action:

3                   One, abolish the Indian Act and end the  
4 status of Aboriginal people as permanent wards of  
5 government. This racist legislation has no place in the  
6 20th century. It must be replaced by legislation, with  
7 future constitutional protection, that clearly allows  
8 Aboriginal people to govern their own affairs. Political  
9 will in Ottawa can make this change without the  
10 constitutional process.

11                  Two, break up the Department of Indian  
12 Affairs and devolve budgets and programs directly to  
13 community Aboriginal self-governments. The bureaucracy  
14 now absorbs more than 60 per cent of the monies available  
15 for services to Aboriginal people. To effectively deal  
16 with the chronic problems in Aboriginal communities, the  
17 people themselves must be working on these problems. This  
18 will involve education, training and growing pains. The  
19 end goal here is self-government, not DIA government.

20                  Three, increase the funding available  
21 and speed up the snail's pace of negotiations for  
22 Aboriginal land claims and self-government. But first  
23 change the existing policy that still requires

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1 "extinguishment" of Aboriginal rights in return for  
2 certainty of land title. Negotiations must be a "win-win"  
3 process, and Aboriginal groups will not take part if some  
4 of our rights must be signed away. The federal government  
5 does not face the same unjust policy.

6 Here are some specific recommendations  
7 related to issues of importance to the Land and Resources  
8 Department. Government can move on these issues now to  
9 show support for Ktunaxa/Kinbasket self-government.

10 Four, the KKTC has endorsed an  
11 Archaeological Heritage Resource Protection Policy that  
12 will ensure that our heritage is protected and managed  
13 by Ktunaxa/Kinbasket people. The basis of this policy  
14 is control of heritage by our own people and not by  
15 bureaucrats in Victoria or Ottawa. This policy should  
16 be endorsed and respected by all government agencies and  
17 private businesses operating in Ktunaxa Nation territory.

18 Five, governments must be true to their  
19 word and begin to negotiate interim measures agreements  
20 with the Ktunaxa Nation. These agreements will involve  
21 joint management of resources and programs until such time  
22 as the treaty negotiations are completed. Again, these  
23 agreements will allow Ktunaxa/Kinbasket people to manage

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1 their own lives and the resources in their territory.

2                                 Six, The Ktunaxa/Kinbasket people have  
3 lost the majority of our historically abundant fisheries  
4 resources due to massive hydro-electric development on  
5 the Columbia River system in both Canada and the United  
6 States. The Ktunaxa/Kinbasket Tribal Council is  
7 undertaking the formation of the Columbia River  
8 Intertribal Fisheries Commission to deal with past losses  
9 of fisheries and enhancement of existing populations.  
10 This process must be supported by the federal and  
11 provincial governments and their power authorities.

12                                 Seven, governments must provide more  
13 monies for education and training of Ktunaxa/Kinbasket  
14 people. Aboriginal people must be trained to take over  
15 the new demands of self-government both during and after  
16 the treaty negotiations. Young people are dropping out  
17 of school at a time when they will be desperately needed  
18 to guide our own governments in the future.

19                                 Eight, governments must provide  
20 sufficient funding in treaty negotiations to hire  
21 Ktunaxa/Kinbasket people in our own communities. The  
22 process of education of Aboriginal people regarding their  
23 roles and responsibilities under self-government will be



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1 slow and difficult unless more Ktunaxa/Kinbasket people  
2 are directly involved.

3 The KKTC will continue to work toward  
4 a just resolution of outstanding land and self-government  
5 claims. We only hope that another 125 years will not pass  
6 before these issues are behind us. NO one likes  
7 negotiations as a way of life.

8 **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
9 much.

10 Before going to the question period, I  
11 think it would be useful to call Paul Sam to make his  
12 presentation

13 **CHIEF PAUL SAM (Shuswap Indian Band):**

14 First of all, I am sorry I couldn't make the start of  
15 the meeting this morning, but I had other meetings  
16 scheduled. I had debated quite a long time to even make  
17 it here for this meeting because I guess I've sat on a  
18 lot of meetings no different than this and the outcome  
19 always ends up on somebody's shelf and collects dust and  
20 we never hear anything any more. Since I made it here,  
21 we flew down, not by air but by car, because we kind of  
22 cleared the roads and said that everybody was down here  
23 at the meeting and the RCMP came down here and look into

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1 this instead of trying to catch us on their own. Anyway,  
2 we are here.

3 I think what I would like to say is I'd  
4 like to welcome you people here. I would like to welcome  
5 the people behind us, the Chiefs and the Councillors, the  
6 new elected Chiefs and the new elected Councillors. I  
7 don't think the fight has stopped. I think it is just  
8 continuing. I was one of the Chiefs that went up  
9 there, hopefully, thinking in my mind that the 27th was  
10 going to be an easier fight. But I've always said this,  
11 that I was going to wake up on the 27th and no matter what  
12 was there the fight was going to continue. I didn't think  
13 that the yes or no vote was going to make any difference  
14 one way or the other on native issues. But now that it's  
15 done, it's gone, it's passed, it doesn't mean that our  
16 community has to stop striving for native self-government  
17 or the system that is next in place is the AFA system of  
18 funding to the bands.

19 I think I am no different than any other  
20 Chief or Councillor or native person that spoke here before  
21 me. I think that the funding is what keeps us back. As  
22 you know, and know probably by now, there has been another  
23 turnaround in our offices down in Vancouver which loses

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1 us again to be starting to be just able to negotiate with  
2 some of them funding people and now they are moving around  
3 and we have new people and a computer to talk to, such  
4 as in education, economic development, band support  
5 funding. You can go on and on and talk about it, but all  
6 we have down there now is a computer. The computer answers  
7 us as to how much money we get in education and what we  
8 are going to have in economic development or whatever it  
9 is.

10 It is pretty hard to follow up a speech  
11 like Sophie's. I think Sophie has said just about  
12 everything I had to say and I probably presume the other  
13 bands have been up here. I think what holds us back and  
14 holds us the most is not the "NO" vote. It's the  
15 negotiations with the government that we can do.

16 I don't think in this time and age it  
17 is time for us to throw our eggs in with the French. I  
18 think there are better places for us to go to negotiate  
19 for our native issues. I think our native issues were  
20 here long before any of the European got here. Needless  
21 to say, not quite a month ago one of the biggest  
22 disappointments in my life is when they celebrated Columbus  
23 Day in Canada.

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1                   I think, if you noticed on TV, the native  
2 people protested against that because they have a lot of  
3 issues that Columbus didn't find Canada. He was lost --  
4 and history in the schools ought to be brought to the right  
5 thing. I think the native people can. You give us a  
6 chance to rewrite the history book and we'll put it to  
7 the schools that Columbus was lost and, by golly, you know  
8 we should be a part of that history instead of him. It  
9 doesn't take 125 years before we can read our history in  
10 the schools.

11                   I think that a lot of the people that  
12 spoke ahead of me on the residential school, I went to  
13 see the Bishop, had a nice talk with him. I wasn't there  
14 to talk about money; I was there to talk about what can  
15 he do to help us. If it's prayers that can help us, maybe  
16 it will help us, but there are a lot of people, including  
17 myself, that went to that residential school.

18                   The issues don't stop here. I think we  
19 only represent 5 per cent of the Canadian population --  
20 the native people represent that. So, we were running  
21 a race in that Referendum which was a sure loser from the  
22 start. I think there was nothing really brought out that  
23 enlightened us to be able to get Indian self-government.

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1 I don't think the fight is there.

2 What I would like to recommend is that  
3 the native people continue to go -- which I think they  
4 are going to go after, but go after it on our own. If  
5 we are going to be successful in native Indian  
6 self-government, we've got to go after that thing. The  
7 government has got to be able to sit there and listen to  
8 us and put it in place the way we want it.

9 The European people, as far as I am  
10 concerned, shouldn't have to vote on an issue that has  
11 been here for hundreds of years. The native people are  
12 the ones who should be telling the government how we want  
13 to be able to run our lives on the reserves or, if we get  
14 out from this so-called Indian Act. We are talking about  
15 the Indian Act, getting rid of the Indian Act. If we are  
16 going to put something else in place, let's make sure that  
17 we are not going to be living on the reserve.

18 As I said, I went to see the Bishop and  
19 one of the things that we were talking about was heaven  
20 and hell, how we get to heaven and hell. I told him I  
21 wasn't worried because I know the government has already  
22 got a reserve between heaven and hell where I am going  
23 to be sent. Those kinds of things were talked about.

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1 There was laughter, there was seriousness and there were  
2 a lot of wounds in between.

3 I mean, all of us up here in the  
4 Ktunaxa/Kinbasket we are striving for the same thing.  
5 I can go on and on and talk about the lack of money and  
6 education, the lack of money and housing, the lack of money  
7 in education, the lack of money in just about everything.

8 But if we do have devolution, if devolution which we think  
9 is taking place, we always say when the last person leaves  
10 in the government that supposedly helps us make out in  
11 this so-called little reserves, if they are gone is there  
12 going to be a pile of money. I don't think so.

13 So, where are we going to find the money  
14 to continue our lives? Are we going to throw it in the  
15 general public and we have to live on taxation? Is that  
16 what is there for us? We have got to find out these things.

17

18 We have one of the biggest battles today  
19 with the railroad company. We shouldn't have to have that  
20 fight. The government should have went to fight for us  
21 on that. We shouldn't have to spend what little monies  
22 we have to fight one of the biggest companies in the world.

23

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1                   To be able to say that we are striving  
2   for Indian self-government and that's a part of what you  
3   have to do to be come Indian self-government.

4                   I'd like to talk on a lot of issues, but  
5   Sophie covered it and I am sure the bands have covered  
6   the issues that are there. Housing is something that is  
7   really hounding us, section 125 of social housing wasn't  
8   made for the bands. We have to live under that system  
9   that is out there.

10                  We've got to find a whole -- totally  
11   different in housing on the reserve. I think that what  
12   we have to do and what I would like to see is that how  
13   at the end of this trip of people going across Canada again  
14   -- what's going to be the outcome? I mean, I wanted the  
15   LRT go across Canada. At the time we were at the meetings  
16   in Kelowna there was something like \$5.1 million already  
17   spent. Is this another thing that is going to be there  
18   and the government tell us, "You had a choice. You had  
19   a chance to be a part of it. What did you do? What was  
20   your recommendations? What do you want to do? We have  
21   gone through Canada, this is it."

22                  I would like to say that at least from  
23   the Shuswap Band we want to know where this ended up and

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1    how it ended up and that we would like a copy, at least  
2    the first draft, the second draft and the final draft of  
3    what you people and the recommendations that came across  
4    Canada. Like I said, when the Referendum vote was done  
5    a week ago Monday, I knew I was going to get up on the  
6    27th and my fight was going to be still there. I knew  
7    we still had to sit down and negotiate with the government.

8    There were mixed feelings between the native people,  
9    between the native men and between the native women.

10                    We don't want this Referendum to have  
11    to cause the fights again on the reserves, which it almost  
12    did. I know what the national chief said. I know what  
13    Ron George said. I mean, I felt the anger, but I knew  
14    that we were running second place in that race and we should  
15    have done it on our own, but that was the chance to be  
16    out there.

17                    I don't think -- I mean, even our own  
18    people in our communities said, "Well, it's not because  
19    we didn't want to give the Indians self-government; it's  
20    because there was too many things." I can understand that  
21    too. But I don't think it is going to die here. I am  
22    sure a lot of the people, the elders that are here can  
23    tell you that. Their fights go away back a long time and



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1 it is going to continue. It will continue.

2 So, instead of going into all the things  
3 that were presented by the bands, I think all I've got  
4 to say is what are we going to do? I am here to listen  
5 to you people and the questions from the rest of the people.

6 I am sure I will be back with one or two, but I don't  
7 want to have to go through everything that everybody else  
8 said.

9 Like I said, it took me a long time to  
10 make up my mind to come down here because I just didn't  
11 want another set of papers set up there and collecting  
12 dust.

13 Thank you very much.

14 **COMMISSIONER OF THE DAY LEXINE PHILLIPS:**

15 Thank you, Paul.

16 I think what we are going to do now is  
17 leave the floor open to discussion with the Commissioners  
18 about the presentations that were made this morning.

19 **CO-CHAIR RENÉ DUSSAULT:** Before  
20 starting, I would like first of all to thank the Tribal  
21 Council, the Land and Resources Department and also Chief  
22 Paul Sam for their presentations. These presentations  
23 followed presentations by the individual bands forming

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1 the Tribal Council this morning. I would like to say to  
2 Chief Paul Sam that the fact that this Commission was  
3 sitting in three panels the day after the Referendum, the  
4 27th, I think sends a strong message that it was and it  
5 is still our view that whatever the result of the  
6 Referendum, the real work has to start being done and it  
7 was necessary not only to show that and there was some  
8 kind of symbolism for us being at work the day after, right  
9 the day after, but it was also because we felt it was an  
10 absolute necessity.

11 When discussions take place at the  
12 constitutional level, it's a high level of principles that  
13 are discussed there. We really feel that the  
14 practicalities, the how it is going to be done and achieved  
15 is most important at this point, not only for the various  
16 Aboriginal people, but for the general public. We feel  
17 we have a great opportunity to do just that and to make  
18 sure that this Commission will be the last one of its kind.  
19

20 The process that we have started, the  
21 consultative process, where we are going to have four  
22 rounds of Public Hearings and we are going to publish a  
23 different document like this and we hope to become more

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1 focused as we progress, to define with the people the  
2 priorities and how they are going to be addressed is  
3 something that has not been done in the past.

4                   We also had an opportunity this morning  
5 to mention that this Commission has the opportunity to  
6 show the links, to show how the various issues are  
7 interconnected and to address its mandates that are  
8 all-encompassing in a wholistic approach.

9                   We certainly have in mind that when we  
10 will table our final report in September of 1994, this  
11 is our target date, that there will be no major surprises,  
12 both for Aboriginal people and for non-Aboriginal peoples  
13 and that's the reason why we want to come back many times  
14 to test ideas of solutions. So, we are in the process  
15 at the moment of defining the issues and we are going to  
16 address those issues with your input and test the ideas,  
17 in order to avoid what has often happened when Commissions  
18 go their own route and lose the people behind. We know  
19 that if the public -- and by "public" I mean the Aboriginal  
20 people of this country and the larger public -- do not  
21 follow the thinking and the concerns and the issues that  
22 are involved in our mandate, it will make it much more  
23 difficult to get it implemented. So, you are quite

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1 right in saying that after the Referendum all the work  
2 has to be done. It would have been the case anyway. We  
3 might have been given a framework, but the real work had  
4 to be done. We appreciate that you made the decision  
5 to come today and to meet with us.

6 I would like at this point to ask my  
7 fellow Commissioner Paul Chartrand to ask some of the  
8 questions that flow both from the presentations made this  
9 afternoon, but also from what some presenters told us this  
10 morning in their presentations. We will then enter into  
11 a discussion. Paul.

12 **COMMISSIONER PAUL CHARTRAND:** Thank  
13 you. I would like to proceed by way of offering a few  
14 brief comments on some of the matters that have been put  
15 before us. My view is that essentially what we need is  
16 more detail about a number of the issues that have been  
17 presented to us. I will mention also some of the  
18 worthwhile detailed proposals that have been put to us.  
19

20 It may be that in this particular forum  
21 today it will be possible for you to provide some further  
22 detail or perhaps not. It may be that what is required  
23 is further involvement in the Intervenor Participation

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1 Program or some other method by which you might be able  
2 to communicate further detail to the Commission. You know  
3 that we have embarked upon a fairly lengthy process of  
4 soliciting input from everybody in Canada before beginning  
5 the process of crafting our own recommendations, so there  
6 is time.

7 I make a few comments but, as I said,  
8 by way of caution I am not suggesting that these are  
9 representative of the views that have come before us this  
10 morning or this afternoon.

11 A number of points were made with respect  
12 to education. It is in this area particularly that I think  
13 some sound, practical suggestions have been made and I  
14 thank you for that, in particular the ideas about local  
15 ownership of education appear to me to be the sort of  
16 recommendations that I have already gathered some  
17 significant support generally among people concerned with  
18 education, similar views have been expressed.

19 We heard from more than one individual  
20 ideas related to the value of history and some talked about  
21 the value of writing history so that people can point to  
22 their historical heritage to indicate that people are  
23 indeed people who matter, with a history that matters and

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1 that this is an important point that has been missed so  
2 far by Canada. We have some evolving plans in the  
3 Commission to deal with that. I can assure you that I  
4 take the view that this ought to be a very, very important  
5 part of the work of this Commission.

6                   A number of proposals or criticisms have  
7 been offered regarding the federal Department of Indian  
8 Affairs. I will name only some of them: There is the  
9 matter of uneven or unequal levels of funding for the  
10 provision of public services. We have heard this before  
11 in other places. It is not apparent -- at least it is  
12 not apparent to me what might be the reasoning of those  
13 that provide the funding for these unequal levels. That  
14 is a matter that must be investigated because it's an  
15 important issue and involves a general issue. It has to  
16 be dealt with.

17                   The accounting of the department is  
18 another important issue that has been raised and people  
19 have talked to us about different aspects of accounting  
20 that is needed; accounting for the handling of trust  
21 monies, accounting for the manner in which negotiations  
22 pertaining to lands have been conducted and others.  
23 Someone suggested to us in another forum that perhaps we

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1 ought to attempt to determine generally the cost to the  
2 Canadian purse, Canadian taxpayers generally of litigating  
3 against land claims.

4                   Another issue pertaining to the  
5 department was the circumstances where with the transfer  
6 responsibilities to local communities when people are not  
7 satisfied with the consequences that they see in terms  
8 of the resources that continue to be used internally within  
9 the department. He would like to see these resources  
10 transferred along with the responsibility. So, that  
11 certainly appears to be a very significant issue as well.

12

13                   A number of fundamental issues were  
14 raised having to do with the economy. People have said  
15 again and again that one of their goals is  
16 self-sufficiency. People have said here and elsewhere  
17 and again and again that economic self-sufficiency is the  
18 basic goal. Here we heard a number of specific ideas  
19 related to that general goal. For example, suggestions  
20 respecting the establishment of business, different sorts  
21 of businesses and people are very much aware of the  
22 necessity of establishing a diversified economy in order  
23 to have a sustainable economic basis, so that people can

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1 indeed be self-sufficient through good times or bad times,  
2 according to the business cycles and different sectors  
3 of the economy. This is what people are telling us here  
4 and in other places as well.

5                   We have heard also about the changes that  
6 must be made to the existing legislation, in particular  
7 the Indian Act. It was said here this afternoon that  
8 people whose lives are governed by the Indian Act cannot  
9 obtain fair access to credit. Merchants have also said  
10 that they do not understand the basis for the particular  
11 tax exemptions which obtain under the terms of the Indian  
12 Act. And it has been said here today again and again that  
13 the Indian Act and its administering department ought to  
14 be dismantled and replaced with something else.

15                   Well, certainly this is a view we are  
16 hearing, but more details are needed about these matters.  
17 They are very important matters; the matters of  
18 self-sufficiency, the issues of taxation are all bound  
19 up in the very fundamental issues that we cannot escape  
20 and the more detail that we get about this and about some  
21 of the other issues that I have referred to we will be  
22 very grateful for. I don't want to repeat myself too much,  
23 but it may be that in this particular dialogue you can



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1 assist us by elaborating on some of these issues, but  
2 perhaps you might find it, according to your own best  
3 counsel, that you might wish to do it some other time and  
4 in some other forum or in another way but, in any case,  
5 I thank you very much for your worthwhile contributions.

6 **CO-CHAIR RENÉ DUSSAULT:** Thank you,  
7 Paul.

8 Again, this morning and this afternoon  
9 we have heard a lot about self-sufficiency and means to  
10 reach it. We really feel at the Commission that if  
11 self-government has to be something else than just a new  
12 word and has to be given some content that we have to find  
13 ways to give an economic base to the Aboriginal  
14 governments.

15 As we have mentioned in our discussion  
16 paper, we realize that to do that it would have to come  
17 from the results of land claims, but we know that it will  
18 ask Canadians at large to go pretty deep in their thinking  
19 about what they are ready to do to enable Aboriginal  
20 governments to get a sufficient financial base to make  
21 their own choice and to be in a situation of responsibility  
22 where they will have to make the trade-offs and set  
23 priorities.

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1                   If the money continues to come directly  
2 from the government, nothing will have been changed. A  
3 new name will have been given and obviously it means that  
4 Canadians have to look at the possibility of extending  
5 the territories, letting Aboriginals participate in the  
6 resources, getting royalties from the resources and other  
7 means. It doesn't mean that no money will have to come  
8 from the federal government or even the provincial one,  
9 but at least to a much greater extent there will have to  
10 be some self-sufficiency or, otherwise, it will remain  
11 an empty word when we speak about self-government.

12                   We realize that when we come down to the  
13 high principle, to the specific and to the concrete  
14 implications, then the discussion is much tighter. That's  
15 the reason why we feel that these questions have to be  
16 discussed in public and the implications have to be thought  
17 of because otherwise there is a great danger that everybody  
18 is for good principles, but when we have to implement them  
19 the support could become thinner.

20                   We have heard this morning that the  
21 services will have to come under the control of Aboriginal  
22 peoples and education, for example, is an obvious one.  
23 It is not only the administration of the services, but

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1 the law-making authority.

2                   One of the things I would like to put  
3 on the table is the fact that in some areas of the country  
4 this has been done and there are still many problems.

5 It is not a cure-all. For example, under the James Bay  
6 in Quebec there is a Cree School Board for 15 years. We  
7 held Public Hearings in Wassinipi and in other reserves  
8 and people were telling us the same thing as elsewhere.

9 It means that the road is a bit longer. Control is one  
10 thing, but to change the cultural approach for doing things  
11 is another.

12                   On the economic side also, for example,  
13 we have encountered because there are more and more success  
14 stories in Aboriginal businesses and we have encountered  
15 many instances and we want to probe that because very often  
16 even if there is Aboriginal control on an aviation company  
17 like Air Crebec in northern Quebec or in an hotel, the  
18 ownership of a hotel and so on, there are not always  
19 Aboriginal peoples employed, as there could be.

20                   We plan, as a Commission, to meet with  
21 the Aboriginal employers to discuss that with them. What  
22 are the constraints? Is it a problem with education, that  
23 people do not get the right education yet? We feel there

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1 is still a lot to be done in education.

2 So, these are questions that are pretty  
3 much in our mind. We feel this could help us to see how  
4 to change things.

5 I would like to ask you if you've given  
6 thought to that situation, where it shows that it's not  
7 enough to get control, it takes more than that, but that's  
8 the first step. Obviously, there are other constraints  
9 that are there and that doesn't make things easy to change.

10 I wanted to put that to your reflection and maybe ask  
11 either Chief Paul Sam or Sophie Pierre to tell us if they  
12 have thought about it and how they see it, how this problem  
13 could be overturned.

14 **SOPHIE PIERRE:** I assure you, Mr.  
15 Dussault, there is very little else that I think about.  
16 My entire career has been forced to consider the problems,  
17 has been forced to consider the various alternatives that  
18 we could be looking at in terms of making life better for  
19 Aboriginal people in our communities.

20 You raised a whole host of questions and  
21 I won't try to answer all of them because again I don't  
22 even really remember all of them. I don't even really  
23 know what it is you want a response on, but there are a

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1 couple of areas that I do want to talk about and one is  
2 self-government and the other is the treaty-making  
3 process.

4                   Self-government is not the bogeyman that  
5 it is being laid out on the table to be, especially here  
6 in British Columbia. Self-government means, very simply,  
7 that we have the responsibility for our own lives. That  
8 to most people sounds pretty simplistic and it sounds like  
9 it's something that all Canadians have, but in reality  
10 we don't have that. We don't have any control over our  
11 lives, so long as we have a piece of legislation called  
12 the Indian Act.

13                   When we talk about a third order of  
14 government or a separate order of government, the reality  
15 is that it already exists in Canada. It already does  
16 exist. What it is in fact is that it has created -- it's  
17 scenarios that we have described to you and that you have  
18 heard from other Aboriginal communities across this  
19 country in your Hearings. We have a third level of  
20 government, a separate order of government in Indian  
21 communities because of this piece of legislation. There  
22 are not other groups of people that have an Act that  
23 regulates what they do. We don't have an "Italian Act"

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1 or a "Chinese Act". We don't have a "Catholic Act" or  
2 a "United Act", but we do have an Indian Act and that has  
3 forced us into a separate order of government.

4                   If you just look at the jurisdictional  
5 questions that we have, there has been a major push for  
6 a long time for local control of education as an example,  
7 as one example that we could use of many. The way that  
8 the British North America Act divided the jurisdictional  
9 powers was such that the provinces were responsible for  
10 education, but the federal government is responsible for  
11 Indians and lands reserved for Indians. Therefore, the  
12 federal government was responsible for education of those  
13 Indians -- well, of all the Indian people.

14                   The federal government doesn't have --  
15 because it doesn't have jurisdiction for education, it  
16 never has had the system in place to ensure that proper  
17 education was afforded to the people that they were  
18 responsible for, the Aboriginal people. So the federal  
19 government was forced then to place that responsibility  
20 of education to other agencies. First they put it to the  
21 churches and we had residential schools and we see the  
22 results of those residential schools today.

23                   Then it was passed on by the federal

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1 government to the provincial government and what it  
2 actually meant was simply a transfer of resources, of  
3 financial resources from one government to another. There  
4 was no consultation, there was no control of education  
5 by the Indian people themselves. Here in British Columbia  
6 we had for the longest time something called the Master  
7 Tuition Agreement. I think it still exists today in some  
8 sense.

9                   But we have always said right from the  
10 beginning that self-government means that we have the  
11 control in the community level and that's what we are  
12 working towards now. That's what Gwen Phillips described  
13 to you this morning in terms of education and what we are  
14 doing here locally.

15                   It is not just in education. It is in  
16 everything, everything that governs an Indian person who  
17 happens to be a status Indian and that's what we are talking  
18 about here today is people who live in our communities  
19 on Indian reserves that are wards of the government, that  
20 are governed by this piece of legislation called the Indian  
21 Act. So, when we talk about self-government, we talk about  
22 replacing that.

23                   We can't look at self-government in

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1 isolation of the treaty-making process. We cannot become  
2 the independent people that we want to be and that we have  
3 a right to be, without having access to the resources of  
4 this very affluent country. I have described our  
5 communities as islands of poverty and that's exactly what  
6 they are. It has been quite deliberate the way that these  
7 islands of poverty were set up. It was quite deliberate.  
8 We understand that now. I think it's up to us I guess  
9 to make sure that the Canadian public understands that  
10 it was quite deliberate, setting up these islands of  
11 poverty.

12 We have to get away from that. We have  
13 to go beyond that. We are looking at an expansion of our  
14 land base in order to provide economic self-sufficiency  
15 for our people. We are looking at a return to our own  
16 forms of government. We are looking at a resurgence of  
17 our cultures and traditions and our languages and we are  
18 also looking at regaining control of another very important  
19 part of our society which is the right to determine who  
20 our own people are. That's another area that the federal  
21 government has decided that is its responsibility. It  
22 has led to a lot of pain and suffering for our people.

23 We know in our communities here -- I am



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1 Ktunaxa and I know who other Ktunaxa are. They are not  
2 determined by Bill C-31 or 12(1)(b) of the Indian Act and  
3 they never will be. They are determined by their parents  
4 and their grandparents and their parents thousands of years  
5 before that. That's how we determine who Ktunaxa are.

6 Those are the areas we are looking at  
7 when we talk about self-government. We are looking at  
8 land. We are looking at our people. We are looking at  
9 our culture, traditions and language and we are looking  
10 at our forms of government. To us that's what  
11 self-government is and that's what is going to be included  
12 in our treaty-making process.

13 I know that it's not a very easy thing  
14 for people to understand. In particular, when we talk  
15 so very emotionally and with a great deal of feeling about  
16 our traditional land sometimes we don't give, I think,  
17 enough thought to the fact that Canadian people in general  
18 don't understand what we mean when we talk about  
19 traditional land because Canadian people don't have  
20 traditional land. Their traditional land are wherever  
21 their ancestors came from when they came to this country.

22

23 However, they have chosen to live on our

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1 traditional land and it is time that Canadian people  
2 recognized that, gave it the kind of prominence that it  
3 deserves for those people who have chosen to come here  
4 in Ktunaxa traditional territory and make their homes here.

5 We have always welcomed them and we will continue to do  
6 that, but we say that it's time that you recognized that  
7 you are living on our traditional territory and it's time  
8 that Canadian people recognized that they have accepted  
9 our heritage, our history. It's time that they recognized  
10 that.

11 I think that with that recognition would  
12 come very quickly a better understanding of such things  
13 that we talk about as Aboriginal title, self-government,  
14 the treaty-making process, but so long as people continue  
15 to deny that we have a history in this country and that  
16 we have a rightful place in this country, then we are going  
17 to continue to have misunderstandings.

18 I hope I have been able to answer some  
19 of the questions that you raised, Mr. Commissioners.

20 Paul or Agnes, did you have other things  
21 that you wanted to --

22 **CHIEF PAUL SAM:** Yes, that was quite  
23 something, you putting this on the table of how would we

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1 survive with Indian self-government. I've thought about  
2 it time and time again, whether it's through taxation or  
3 whatever we can get along with, like all Canadian people,  
4 you know, always say, "Well, you native people live on  
5 handouts and welfare recipients, taxpayers' money."

6                   You know, as we sit here in this room,  
7 I filled up the car before I left and I pay taxes. I  
8 couldn't say, "Hey, I'm an Indian, I'm going to down to  
9 a meeting and I don't pay them." As you know, the new  
10 law coming across the border, you are almost charged 20  
11 cents a cigarette on taxes. We still got to pay that and  
12 we have a duty-free shop. If we are not down there 48  
13 hours when we come back, we've got to pay twenty-some  
14 dollars in taxes. No matter how we go, we are taxed and  
15 the native people pay that also.

16                   So the ordinary Canadian citizens that  
17 tells us that -- and I know between the debates before  
18 the Referendum and stuff, a lot of it come out, how was  
19 the native people going to make out when they go into Indian  
20 self-government. I've thought about it. I've thought  
21 about many ways. I've thought about the Columbia River  
22 which flows through our territory, which all the dams are  
23 through there. We talk about interim measurements, of

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1 the Sequahtim (ph) or the Ktunaxa Nation.

2                   We look at the Columbia River which was  
3 probably one of the richest rivers and the water flows  
4 through our reserve. How would it be that we generate  
5 our revenues through the dams, B.C. Hydro? How would it  
6 be if we said, "Okay, for a number of years now you owe  
7 us because that is our water." I mean I've had talks.  
8 There are many ways. I've thought about it.

9                   I lived off the reserve for 31 years.  
10 I still have a home, I still have a business. I know  
11 how things -- that house I own is never going to be really  
12 mine because I pay taxes, property taxes every year. I  
13 pay school taxes. I pay state highway, county, state  
14 highway. I've been there. I know what it is to be on  
15 the other side of the fence, how to make things go, but  
16 yet I have the right to be in the United States. I am  
17 a dual citizenship. I've got dual citizenship.

18                   So, how do we go about Indian  
19 self-government and how do we do it? Some of the things  
20 that I think about was well, if I'm going to become Indian  
21 self-government and if I'm going to tell my people we've  
22 got to become Indian self-government, the first thing I  
23 got to put out there is, okay, DIA and the government,

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1 you clear the reserve until there's not a penny owing.  
2 You pay for all the social housing, you get that out because  
3 you were the one that made the agreement. You signed the  
4 ministerial guarantee, so clear it up and then hand me  
5 the title and then we'll negotiate how the reserve is going  
6 to be run.

7                   There are many things that go through  
8 your head as a leader; what's going to be best for your  
9 people. Are my people going to be able to survive? Is  
10 that what Indian self-government is? Is that what the  
11 non-natives think that Indian self-government is all  
12 about?

13                   You know, there is a lot of things, the  
14 resources that come through, that is taken out in our  
15 backyard. How many hundreds of loads of coal go down the  
16 railroad that is taken out of our territory? Why can't  
17 we tap into that? I guess the Indian Act keeps us where  
18 we are and I guess that's where we are trying to get out  
19 of. We are trying to find a system because as a native  
20 person and as a resident on the reserve, sure the bank  
21 or the credit union is going to loan enough to buy a car  
22 because they know the car is always there and they can  
23 take it back if I don't pay for it.

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1                   What about the large loans to go into  
2 business. When I went to business in the United States,  
3 I didn't go there and they didn't look at me as a native  
4 person and looked at my collateral or what I had or what  
5 they could take; my home, if I don't pay for it.

6                   Going for the short-term loans to try  
7 to get into business to make my people aware of how to  
8 live and how to make a living in this so-called Canada  
9 is hard. It's hard when you talk about Indian  
10 self-government and it's hard to try to make the  
11 non-natives understand what we are talking about. The  
12 Indian Act is what pins us down, like I said a while ago.  
13 When I go to the bank, the first thing they say is, "Are  
14 you living on the reserve? I'm sorry, I can't talk to  
15 you."

16                   Why is it still we ask for equal rights  
17 and we don't get it in a lot of the things? The Chrysler,  
18 for instance, 2 per cent interest across the board. You  
19 are a native and they won't fund you. They won't give  
20 you a loan. I mean there's a lot of things that are still  
21 there.

22                   I remember going into the so-called  
23 Cranbrook here, which is sitting on native land and I'd

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1 go in a restaurant and they'd put me in the back because  
2 I was a native. I remember going into barber shops and  
3 not getting a haircut. That's why my hair is short today.

4 I knew if I got in there I'd better get it cut short enough  
5 so that I don't have to come back again. But I know people  
6 are telling me, "I'm sorry, but we don't cut native hair."

7 I remember going in the hospitals and  
8 saying, "Listen, we don't take natives here," and so I'm  
9 used to being rejected. So being rejected from Indian  
10 self-government doesn't mean I am going to roll over and  
11 play dead. There must be ways and I think of it every  
12 day. I think of how my people are going to survive if  
13 we do become Indian self-government. We've got to start  
14 making ways to generate funds to keep the reserves going.

15 In our community we are lucky. It's a  
16 recreation area. We've been looking at that, but we don't  
17 want to be the one with less control. We don't want the  
18 people, the European people coming in here with all the  
19 money and control and our resources and stuff that we want  
20 to make a go and try to generate revenue for our people  
21 to become Indian self-government. Well, first of all,  
22 we have to have something that we call collateral and  
23 collateral is something we own and we don't even own the

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1 land that we live on. Then the people come to us and say,  
2 "Well, how come you don't pay taxes?"

3 We are no different than a park, a  
4 national park. They don't charge taxes on a national park,  
5 so we are part. That piece of land has been set aside  
6 for us when you read the Indian Act. That's what it says.  
7 Not for the use of Paul Sam, but for the use of the native  
8 people.

9 So there's a lot of ways when we come  
10 down and think about Indian self-government that we can  
11 go. I don't sit there and say, "Well, we'll become Indian  
12 self-government and the taxpayers will pay us the rest  
13 of our lives." That's not what we are talking about.  
14 Thank you.

15 **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
16 much.

17 I will only take very briefly two  
18 examples to show the kind of problems we have to work  
19 together. The first one is exactly the problem with the  
20 collateral for loans, because the land is given in fee  
21 simple to the band and it's the same for a Métis settlement  
22 in Alberta, then the problem is there. This problem does  
23 exist south of the border in the U.S. This is a technical



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1 problem and it should be possible to overcome. We have  
2 to find a way and we need your thinking at that level of  
3 technical discussion. For example, will we have to go  
4 back to the fact that the lands should be owned  
5 individually, instead of by the reserve? Then it would  
6 be a major change. There must be ways to preserve what  
7 is there in allowing this. We are going to as a Commission  
8 work on that because we know it's one of the major problems  
9 for getting into business.

10 If you have some thinking to share with  
11 us on technical issues like this one, how could we overcome  
12 that, because it's a catch-22 situation. People keep  
13 telling us from the back, "We would like to do business  
14 with Aboriginal peoples. Give us a system that will enable  
15 us to do it." We are caught and we have to deal with those  
16 technical issues.

17 Another one, addressing Sophie Pierre,  
18 is the question of identification. There is a distinction  
19 between identification for the sake of governance and  
20 participating in a government and identification for the  
21 sake of benefits under government programs. I am trying  
22 to say what we are told by the other side.

23 I think everybody agrees that

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1 identification for the sake of who is an Aboriginal people,  
2 an Indian or a Métis, for voting for its own government,  
3 there is not much problem with that. But identification  
4 for the sake of benefits, then government raises questions.

5 It is going to be open-ended if there is no control, if  
6 everybody could say, "I am a Métis." So this is a  
7 technical question that a Commission like ours with  
8 peoples' concerns has to try to find solutions to work  
9 with.

10 If we could come down from the principles  
11 to the specifics and try to design workable solutions,  
12 that's what is needed.

13 **SOPHIE PIERRE:** The specifics must rely  
14 on the principle. The principle is that we are responsible  
15 for all of our own people.

16 The specifics that you are asking are  
17 with the assumption that somehow the government will  
18 continue to dish out benefits to Aboriginal people and  
19 that is not what we are talking about and that's absolutely  
20 what Paul Sam just got finished describing to you.

21 We are not going to continue this state  
22 of dependency on a federal purse, so when you talk about  
23 benefits let's look at it in terms of the principle and

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1 look at it in terms of what we are describing as our end  
2 goal. We are looking for ways and means where we can  
3 provide an equal existence for all of our people. So if  
4 there are to be benefits, then they would be extended to  
5 all those who are Ktunaxa within our traditional territory.

6

7 I am familiar with the question because  
8 I have tried to deal with it before. That question does  
9 stem from the assumption that we will somehow continue  
10 to be dependents on a federal purse and that is absolutely  
11 not what we are striving for.

12 **CO-CHAIR RENÉ DUSSAULT:** As I stated at  
13 the outset, we really share that concern, that if we are  
14 to speak about self-government it has to be a  
15 self-sufficient self-government, otherwise it will be an  
16 empty word.

17 What concerns us though is the  
18 transition from the present situation towards  
19 self-government. We know that the situation of the  
20 various communities varies across the country and some  
21 of them are at a different point than others. There will  
22 have to be a transition period and we want to make sure  
23 that nobody will get caught in the transition where there

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1 will be a vacuum. Those questions have to deal more with  
2 the transition than the end result, so the monitoring of  
3 the transition is an important concern that we should all  
4 have because it's practical.

5                   The goals, the end goals are one thing,  
6 but how we are going to achieve that because I think  
7 everybody knows that this won't be done overnight, so there  
8 are steps that will have to be taken to make sure that  
9 the phasing out of the Indian Act and the phasing in of  
10 the self-government will be done in a way where people  
11 will not lose benefits that are there and will not be caught  
12 in two different worlds with no bridges.

13                   **CHIEF PAUL SAM:** I would like to make  
14 a comment on that also. I said before the Referendum vote  
15 that no matter if it is yes or no, even if the yes had  
16 won and Indian self-government was on the table for us  
17 that probably in 125 years the 500 or so bands across Canada  
18 wouldn't be all into Indian self-government.

19                   I think what we are saying here in  
20 Ktunaxa and Kinbasket country is that some of us are ready  
21 to take that step. I don't think the government should  
22 be there holding us. I think if we are ready to take it  
23 like Sechelt, that we should be given the go ahead and

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1 that we should sit down with the government and start  
2 negotiating on how we go.

3 I just have to put this in, the resources  
4 that we are talking about, you know, our people only use  
5 the surface of the land. Many of our reserves here,  
6 throughout the five bands here, run into the nearby  
7 mountains. The thing is that maybe some of our people,  
8 some of our elders had found ore there and they didn't  
9 think they were going to get anything out of it and it  
10 could be still there. What if we become Indian  
11 self-government and all of a sudden we have the rights  
12 to not only the surface of the land but what's underneath  
13 and what is above us and what is beside us. Maybe some  
14 of those things could come back, some of our traditional  
15 grounds. Nobody ever thinks of that.

16 How do we know that it isn't there? When  
17 we have the same rights as you do and I go and stake a  
18 claim, that I am going to get that money just because I  
19 am a native person, that doesn't mean that I don't have  
20 to get it. I mean there are many ways you can look at  
21 being able to support your band.

22 I know in the Windermere area there is  
23 a gypsum mine up there. That was sold one time for \$6,000

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1 and a native person was involved in finding that. He  
2 thought \$6,000 was a lot of money. It was sold for \$50  
3 million and it's still operating today.

4 Now the native person that was involved  
5 in finding it -- and I'm sure the same thing happened this  
6 way, the way I hear the story about some member from St.  
7 Mary's being involved in finding ore and stuff, but just  
8 because he couldn't get it what did he get, a house and  
9 something else?

10 **SOPHIE PIERRE:** And a place in heaven.

11 **CHIEF PAUL SAM:** Yes, a place in heaven,  
12 but I mean there's a lot of ways we can look at things.

13

14 **SOPHIE PIERRE:** I would just like to  
15 address the concern you had about the monitoring of the  
16 transition between the federal Indian Act situation and  
17 the eventual self-government situation. I think that's  
18 the responsibility of the First Nations' people. It's  
19 the responsibility of the citizens of that First Nation  
20 to ensure that their rights are addressed by their  
21 leadership and it's the responsibility of the First  
22 Nations' leaders to ensure that the rights of their  
23 membership and the benefits of their memberships will be

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1 continuing during that transition phase.

2 I can't speak specifically as to when  
3 that actual process will be, but I think that's where the  
4 responsibility lies.

5 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

6 If there are no other questions, I think  
7 before breaking for coffee, we have two other presenters,  
8 Bob Kimmerly from the United Church and also Leo Williams.  
9

10 First we have a representation by the  
11 Blood Reserve. I would suggest that we might move to this  
12 presentation and maybe afterwards we could have a short  
13 coffee break, stretching time, and we will resume with  
14 two other presentations and an open forum. Thank you very  
15 much.

16 May I ask Keith Chief Moon to come to  
17 join us at the table to make the presentation.

18 **KEITH CHIEF MOON (Mohk-E-Saun**  
19 **Committee, Blood Indian Reserve # 148):** (Aboriginal  
20 language, no translation)

21 Greetings, my friends. We are from the  
22 Blood Reserve. My name is Keith Chief Moon, my Indian  
23 name is Windscope (ph).

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1                   What I have done is due to the shortage  
2 of notice that we had, I had asked my colleague here Addison  
3 Crow to come with me so we can do this as a joint  
4 presentation. We would like to thank the Commission for  
5 allowing us to be able to do a presentation. The last  
6 I heard of this Commission was that it was in some place  
7 in northern Alberta. We thought it was going to be heading  
8 south, but when we heard again it had already gone into  
9 the next province. We want to thank you for allowing us  
10 to come in.

11                   We are from the Blood Reserve. We  
12 represent a committee called Mohk-E-Saun and that's called  
13 Red Clay. I guess that's supposedly the name for the Blood  
14 Reserve, but according to the government experts in their  
15 stereotyping they got bungled up in the name and we got  
16 stuck with Blood.

17                   Without anything further, I would like  
18 to get into the presentation that we are going to be  
19 presenting. We have approximately 15 points. We will  
20 try not to take up too much of your time, but I guess we  
21 want to explain that we saw the need for the importance  
22 of this calibre of a presentation. We had wanted to make  
23 a presentation here and I see you have banners here "A



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1 Time to Talk, A Time to Listen," so we thought it was very  
2 important for us to come and at least air our concerns  
3 of what is happening on the other side of the mountains  
4 here on the Blood Reserve.

5 The Blood Reserve is the biggest in  
6 Canada. We have a population of close to 7,000, but what  
7 has happened is we are sort of in dire straights at this  
8 point. There are a lot of discussions about  
9 self-government and other things, taxation, Referendums  
10 here and there.

11 My colleague here and I will alternate  
12 each topic as we go along and there are approximately 15  
13 points. The first point we want to discuss with you and  
14 bring to the attention of the Commission is called:

15 "The history of relations between the Blood tribe peoples,  
16 the Canadian government and Canadian  
17 society as a whole."

18 Generally speaking, on the Blood Reserve  
19 we have a lot of catching up to do with the rest of Canadian  
20 society, whether it's through employment and the list goes  
21 on quite a bit. We signed a treaty with the Canadian  
22 government, the Crown, in 1877. I myself am a fourth  
23 generation of the -- Red Crow was my

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1 great-greatgrandfather. At the time when the treaties  
2 were signed the impression was created that we would live  
3 in bounty and benevolence and I guess we would be royal  
4 subjects, like the Royal Family or whatever, but that's  
5 not happening today.

6                   We have lots of land and we are seeing  
7 it deteriorating. The relationship I want to bring up  
8 and address and highlight is that the Crown, represented  
9 by the Canadian government, is that there is a fiduciary  
10 relationship that has been established. You look back  
11 at the history of what is happening to the Blood Tribe  
12 and it has been very, very -- not very good.

13                   Right after the treaties were signed,  
14 we have documentation of how much corruption took place  
15 and in particular on the rations. For example, the  
16 Canadian government through its agencies, they were  
17 putting lye into flour and that killed off a bunch of our  
18 members. Also as part of the rations that we had is that  
19 they also infested the meat with smallpox. It almost came  
20 to the point that our tribe almost became extinct. Again,  
21 but through our spirituality we were able to come back  
22 and we came back and we're still here today.

23                   That relationship I want to keep

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1 stressing is that the fiduciary relationship that we have  
2 seen has not been very good. We want to air this concern  
3 for the Commission and we would like to recommend that  
4 the Canadian government should live up to its fiduciary  
5 relationship, I say particularly for the Blood Tribe  
6 because that's who I am speaking for and no other tribes  
7 or other group of Indians. Again, that's where we're at.

8                   What has happened since then, we have  
9 had a lot of -- a lot of things have happened since then.  
10 The relationship has not been very good. We have had  
11 very, very -- we even had a Commission on the police.  
12 I was personally involved with a land claim issue and we  
13 certainly didn't see the Canadian government stepping in  
14 in our interests. In fact, they encouraged -- the RCMP  
15 brought in their SWAT team and they wanted to have an armed  
16 battle right then and there, but we had a lot thrown in  
17 jail and we had to face the courts and we got charged.  
18 Each one of us got charged with several charges.

19                   Just to give an example of what has  
20 happened, that's what we are saying, that that relationship  
21 has not been very good since, for the past 125 years.  
22 The Commission I am referring to is called the Rolph  
23 Commission. Out of it they came up with some over -- I

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1 think close to 150 recommendations. It is sad to say none  
2 of those are being implemented now. I hope to see that  
3 this Commission does end up like that. I guess we've been  
4 studied to death with a commission here and all of that.

5 But we still have that faith. We are  
6 still looking up to that because of the fact that when  
7 the treaties were signed with our tribe that we are under  
8 the impression that this treaty was signed on a  
9 nation-to-nation. So, with all of those recommendations  
10 we are hoping that it doesn't happen to the other  
11 Commissions that took place and that they don't follow  
12 the same pattern.

13 With that, they also had another special  
14 committee called the Causey Report. Judge Causey did a  
15 report on all the native people who were in jail. There  
16 seems to be millions and millions of dollars that were  
17 spent and if you go back to the Rolph Commission we made  
18 several lawyers millionaires. I guess the bottom line  
19 is those lawyers are sitting back in their plush towers  
20 and saying we did this and we did that and it looks good  
21 on their resumes, but us Indians we are still where we  
22 are. There are no vast improvements or anything like that.

23

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1                   With that, our reserve has suffered  
2 quite a bit. We have lots of land and again the Canadian  
3 Indian Affairs' officers don't seem to be very concerned.  
4 In fact, there is a pattern there that I saw, not only  
5 on our reserve, but on other reserves where there was oil  
6 being drilled on that reserve. What the white guys were  
7 doing was they were drilling around the boundary of the  
8 reserves and they were siphoning that. The came back to  
9 the reserve and they said, "No, you don't have any oil,"  
10 but you see all of these oil companies were drilling right  
11 around. Again, where was this fiduciary relationship and  
12 what is happening to the relationship. It was supposed  
13 to be protecting us. I think the animals in the parks  
14 have more protection than us guys.

15                   These are things that are happening.  
16 I guess if nothing is done I guess we will probably fall  
17 in the endangered species pretty soon because of the fact  
18 that more and more things are happening to us and I guess  
19 we will become extinct. Even the language, our language  
20 is coming to the point that the Canadian government has  
21 not made any serious attempts to preserve the language.

22 I guess to give you an example, if I was to lose my  
23 language, there's no place in the world I could go to go

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1 back and relearn my language, as opposed to I guess  
2 Ukrainian, you could go back to the Ukraine or if you're  
3 Russian you go back to Russia and they can relearn the  
4 language and then come back here.

5 With the relationship that has happened  
6 to the Blood Reserve that has not been very good in the  
7 last few years.

8 The other thing before I forget, if the  
9 Commission could give us what the format is and what the  
10 protocol is for where certain Hearings are going to be  
11 taking place. We would like to have the Commission, if  
12 there is another -- if this is the last chance to make  
13 a submission, then I guess we will stick with that. But  
14 if there is a possibility to have more Hearings, we would  
15 like this Commission to come to the Blood Reserve. We  
16 would like to get the materials on how the application  
17 for, what the protocol is so that we can make application.

18 I think it's important that you do see the biggest reserve  
19 in Canada, what it is and from right across the river you  
20 can see a vast difference. The reserve looks like a fifth  
21 or sixth world, as opposed to Canada and according to the  
22 U.N. that's the best place to be.

23 So, what I am saying is we have a lot

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1 of catching up to do. Then we can agree with the Canadian  
2 officials and say, "Yes, Canada is a good place to be."

3

4 That's as far as my part on the  
5 presentation. I guess the next item is I will turn the  
6 microphone over to my colleague here. It is called:

7 "The recognition and affirmation of Aboriginal

8 self-government; its origins, content

9 and a strategy for progressive

10 implementation."

11 **ADDISON CROW (Blood Reserve Band) :**

12 (Aboriginal language, no translation)

13 Relatives of the Kootenays, I welcome  
14 you here in my visit. My Indian name is Bonisayi (ph).

15 My English name is Addison Crow. I am of the Blood Tribe  
16 which is situated in southern Alberta, which is supposedly  
17 the largest reserve in Canada, as my colleague mentioned.

18 I was somewhat honoured when my  
19 colleague contacted me 42 hours ago regarding this Hearing.

20 I have been working diligently for the last 18 years with  
21 respect to native issues, including self-government. At  
22 this point in time we are not sponsored by any band,  
23 organization, companies or affiliations. We have been

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1 working voluntarily throughout a number of years on these  
2 issues, simply because of the fact that we owe this, not  
3 just to ourselves, but to our children.

4                   There has been a lot of talk, I know you  
5 have heard across Canada in your Hearings. There have  
6 been variations of interpretations and recommendations  
7 on how the Indian problem can be solved. I commend the  
8 Commission for hearing all these recommendations, opinions  
9 and gestures.

10                   However, 125 years have passed. I would  
11 like to reiterate -- I've forgotten my colleagues' at the  
12 table's names -- what they said. I couldn't have said  
13 it better. I was trying to make notes back there of what  
14 to say because I did not come prepared. I have before  
15 me ten years of research on major issues affecting our  
16 people, not just on the Blood Reserve, but whatever affects  
17 the Blood Reserve it affects everybody in B.C.,  
18 Saskatchewan, the Northwest Territories, wherever.

19                   When they made their presentation they  
20 touched on every aspect that I wanted to talk about, so  
21 I closed the book on my notes. I would like just to make  
22 comments to the document which I have in front of me.

23                   Before I go into it, there are a lot of



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1 issues, there is actually 31 issues, ranging from health  
2 care, social services, the Indian Act, et cetera, et  
3 cetera.

4                   Before I got into this, I feel like I  
5 am a cat within a dog pen because my relatives here did  
6 not sign the treaties and we did in Alberta. As you may  
7 know, it was Treaty 7, so I would be coming from that point,  
8 from a treaty perspective. I would just like to ask for  
9 a little patience here and I will be more than happy to  
10 answer any questions regarding my remarks or the  
11 presentation I make today.

12                   However, in conclusion, my colleague and  
13 I would like to formally request the Commission not only  
14 to come on the reserve to do a Hearing such as this, but  
15 also to give us that time to put together a comprehensive  
16 updated version of our position on all issues. I feel  
17 we are quite capable. There is only two of us here today,  
18 but there are 8,000 people back there that are in the dark.  
19 They are scared. They don't know what is going on.  
20 Issues are straining them and there are pressure tactics  
21 from all over, as Keith mentioned, the Referendum, et  
22 cetera, abolishment of the Indian Act, this and that,  
23 treaty abolishment.

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1 I will go into this. There is a  
2 memorandum regarding status --

3 CO-CHAIR RENÉ DUSSAULT: If you will  
4 allow me, before you go ahead, I think we should have some  
5 direction as to the time available this afternoon for your  
6 presentation. Certainly I can tell you we have taken note  
7 of your invitation to come and have Public Hearings on  
8 your reserve. As you know, we are going to have a third  
9 and fourth round of Hearings and, of course, there are  
10 a thousand communities that could be visited across the  
11 country, but we can't visit them all. We will certainly  
12 get in touch with you and pay close attention to your  
13 invitation.

14 In any case, I would like to mention that  
15 you should go ahead in preparing a full brief on your  
16 positions because we would be very anxious and happy to  
17 receive a copy of it, either through a formal submission  
18 in your reserve if we go there, and I hope we will be able  
19 to do so, but I can't commit myself at this point, but  
20 otherwise I think it is certainly a very useful approach  
21 to take if you could put that together for us.

22 This being said, obviously we won't be  
23 able to go through the same thing that we could if you

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1 had prepared and when you will have prepared that brief  
2 and will have had time to prepare that brief, so I would  
3 like just to ask you how long you feel you need to make  
4 your presentation this afternoon? It is already 3:25  
5 because we might at this point as well break for coffee  
6 and start afterwards, but I would need some direction as  
7 to the time that would be needed. There are many people  
8 who are still on the agenda and who want to speak to us.  
9

10 **KEITH CHIEF MOON:** I don't think it's  
11 going to take much longer than 15 or 20 minutes. As I  
12 said, we've got 15 points here. We are briefly touching  
13 on the areas and then I will certainly abide by your  
14 request. If you will give us your word to send the  
15 presentation and the part that my colleague here was going  
16 to touch on was just the legal status of the implementation  
17 and future evolution of Aboriginal treaties and that type  
18 of thing.

19 I would like to address the main point  
20 of each one and in line with the handout that we saw, we  
21 would like to look at how it is affecting the Blood Reserve.

22 **CO-CHAIR RENÉ DUSSAULT:** Let's say we  
23 try to do it in 15 minutes and we will break for coffee

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1 afterwards.

2 **ADDISON CROW:** Thank you, René.

3 I did not intend to read the whole text  
4 here.

5 **CO-CHAIR RENÉ DUSSAULT:** I heard about  
6 the 15 points and we're still on the first one.

7 **ADDISON CROW:** It's a long drive from  
8 Standoff.

9 What I have here, sir, is a memorandum  
10 regarding the status and capacity of the Blood Tribe with  
11 reference to the internal sovereignty and jurisdiction.

12 **SOPHIE PIERRE:** I don't think they can  
13 hear you in the back.

14 **ADDISON CROW:** What I am going to go into  
15 is the memorandum regarding the status and capacity of  
16 the Blood Tribe with reference to internal sovereignty  
17 and jurisdiction.

18 At the beginning of the process of the  
19 post-patriation constitutional renewal, the Government  
20 of Canada indicated that it was initially prepared to  
21 discuss with Aboriginal spokesmen, (a) issues that were  
22 relevant to Aboriginal concerns and later, (b) the meaning  
23 of Aboriginal peoples' right of internal self-government.

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1                   With the failure of the constitutional  
2 renewal process as it relates to the Indian First Nations,  
3 the federal government has introduced a policy of  
4 negotiating bilateral agreements with the Indian bands  
5 to define Indian self-government, to be implemented by  
6 the federal legislation within the constraints of the  
7 existing federal/provincial constitutional relationship.

8                   The limitation as to the self-government  
9 within existing constitutional parameters and the  
10 consequent requirement to negotiate the provincial  
11 governments has clearly limited the ability of the Blood  
12 Tribe and other tribes to negotiate a full measure of  
13 internal self-government on a bilateral basis. The  
14 federal government has provided under a contribution  
15 agreement financial support to the Blood Tribe for the  
16 purposes of identifying self-government issues. Under  
17 the contract, the Blood Tribe is to address these issues  
18 of legal status and capacity of the Blood Band.

19                   The Blood Tribe administration has  
20 outlined the existing treaty-based status and capacity  
21 of the Blood Tribe in terms of the international law.  
22 This paper examines the existing legal rights and freedoms  
23 of the Blood Tribe and its **de jure** treaty relationship

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1 with the Crown in international law.

2                   The prior Anglo-Canadian jurisdictional  
3 claims, Canada does not rely on Indian treaty as the primary  
4 basis for the exercise of jurisdiction over Indians and  
5 Indian lands. The source of the authority claimed by the  
6 British colonial law governing the acquisition of  
7 territory, Indian territories were for the longest time  
8 seen as **terra noli**, vacant and without an organized form  
9 of government and thus open to claims of ownership based  
10 on discovery.

11                   The self-serving theory of **terra noli**  
12 as a basis of colonial control was rejected by the  
13 International Court of Justice in Western Sahara, 1976.  
14 However, Canadian courts have accepted this concept as  
15 the fundamental tenet of Canadian-Indian law. The  
16 prevention of the colonial are justifications to the  
17 territorial accusations and may be convenient to Canada,  
18 but this has no significance in international law.

19                   Canada has established on the basis of  
20 its colonial era of constitutional law claims to title  
21 and jurisdiction over Blood Indians and Blood Indian lands.  
22 This claim, supported by the misinterpretation of an  
23 earlier American Indian case law is invalid in

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1 international law.

2                   According to Berman, in the concept of  
3 Aboriginal rights in the early legal history of the United  
4 States, 1978 27 Buffalo Law Review, page 637 at 644, the  
5 MacIntosh case stands for the principle that the sole means  
6 by which jurisdiction over Indian lands could be legally  
7 transferred was through a formal accusation by the United  
8 States directly for an Indian nation.

9                   In international law, the only  
10 justifiable basis for Canadian claims of jurisdiction over  
11 Indian lands and tribal governments are the Indian  
12 treaties. We must now consider the special nature of the  
13 treaties to which the Blood Tribe was a party, see the  
14 treaty status.

15                   When the Blackfoot Tribes, which  
16 constituted the Blackfoot Confederacy came into contact  
17 with the United States and the British governments they  
18 were independent entities, each possessing a full  
19 sovereignty and of a status governed by international law.

20 International law applied to the Blood Tribe prior to  
21 the signing of Treaty 7 of 1877 with the British Crown.

22 In 1855 the Blood Tribe, through its lawful  
23 representative, adhered to the Lame Bull Treaty with the

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1 Government of the United States of America. The Lane Bull  
2 Treaty was not imposed nor were the Blackfoot Tribes at  
3 war with the United States. The 1855 treaty clearly  
4 established the fact that the Blackfoot Tribes which came  
5 into treaty relations with the U.S. international law were  
6 **de facto** and **de jure** independent sovereign states **vivum**  
7 **a via**, the government of the U.S.

8                               With the exception of the South Pegin  
9 Tribe, the Blackfoot Confederacy entered into a treaty  
10 with the British Crown in 1877. As with the 1877 treaty,  
11 no condition of war existed. Historical records indicate  
12 that the Bloods and other tribes may have regarded entering  
13 into a treaty with the British Crown as a means of  
14 protecting the tribe and its members and creating  
15 conditions of peace within its territory. The Blood Tribe  
16 was clearly recognized as having international status and  
17 capacity in the 1877 treaty. Only nations make treaties.  
18

19                               The Blackfoot Tribes were clearly  
20 recognized as having international status and capacity  
21 in the 1855 and 1877 treaties. The existing rights of  
22 the Blood Tribe members under the 1855 treaty remained  
23 to be defined.



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1                   I can go on and on into the treaties.  
2     There are some six to seven treaties that have been signed  
3     with the Blackfoot Confederacy since post-Confederation.  
4     Those treaties have never been defined. As my friend  
5     and colleague Keith mentioned, there is a fiduciary  
6     responsibility on the part of the Canadian government.  
7     That has been neglected for too long.

8                   We can talk about formulas, funding  
9     formulas. We can talk about framework in which to work  
10    and create discussions and panels. We can have  
11    commissions for another 125 years, but if the Canadian  
12    government does not look at that main aspect of history  
13    that is driving us today, it will be steering itself into  
14    an abyss.

15                  This document that I have is a complex  
16    document of all the legal research that has been done,  
17    not only by myself, but various groups and organizations  
18    and individuals back home. We feel obligated to our  
19    children, as I indicated, to stand up and say something  
20    to this Commission. Enough is enough, fear mongering is  
21    not going to help anybody. Abolishing, amending,  
22    repealing is not going to resolve anything.

23                  We have stringent recommendations

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1 within this outdated text, but if we could have some time  
2 and we get some further dates of your next Commission  
3 Hearing we will be more than glad to present to it at that  
4 time, in a more brief statement. Thank you.

5 **KEITH CHIEF MOON:** I wanted to go over  
6 some of the things that we wanted to bring to your  
7 attention. The land base of the Blood Tribe at this point,  
8 we do have an outstanding land claim. It is supposed to  
9 go right to the U.S. border and it is not happening.

10 A claim has been filed, but I don't know  
11 where it is at. But we wanted to bring to the attention  
12 of the Commission here that we do have an outstanding land  
13 claim. I guess it certainly contravenes the treaty where  
14 they emphasized that the land base was for every family  
15 of five you are supposed to have one-square mile and that  
16 is spelled out in the treaty.

17 I guess the other thing that we wanted  
18 to bring to the attention of the Commission is that several  
19 members of our tribe are living off the reserve. They  
20 are being victimized by the many different levels of  
21 governments. Again, this fiduciary relationship, we are  
22 asking why do they have to suffer. I myself lived off  
23 the reservation for a long time. I was subjected to a

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1 lot of abuse, a lot of oppression and my human rights were  
2 violated. We asked the province and the province said,  
3 "No, you're a federal responsibility." We asked if we  
4 were a federal responsibility, like we asked Indian Affairs  
5 or our own, some of our tribes, and they said, "No. You  
6 are living off the reserve." So, it's one big football  
7 that gets tossed all over the place.

8                   At the end, if we asked the city  
9 government or the municipal government, they would then  
10 tell us, "No, you have to be living in the city for six  
11 months at least." At that point it adds on to more  
12 problems, social problems and that is the next area I wanted  
13 to cover, some of the social problems that are happening  
14 are not borne by the individual himself. It is the factors  
15 that are surrounding it that causes these major social  
16 problems.

17                   For a fact, it is out of frustration and  
18 I witnessed an incident last summer where I was teaching  
19 this individual literacy, to basically learn to read and  
20 write. Social services there asked if he had some kind  
21 of identification and the common thing to do is just go  
22 to the band office and get it. There is so much  
23 bureaucratic tape that we ended up spending a whole day

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1 just getting his card.

2 Again, these are things that are  
3 happening out there when you are living off the reserve.

4 The economic issues is my next topic and you look around  
5 the communities and I look at the reserve as opposed to  
6 the next town and it's a complete -- as far as the economic  
7 backing has to be there and we need to get into that.

8 What has happened there is Indian Affairs through their  
9 offices, they have subjected certain -- they have  
10 implemented certain programmed failures. They go into  
11 some white elephant deal and at the end it becomes lost.  
12 They say that you guys don't know how to run a project.

13

14 The problem with that is that Indian  
15 Affairs initiated the project and they did not hire the  
16 qualified experts or what have you for the project to  
17 succeed. That is one of the things that has happened on  
18 the reserve, we have the kind of industries, prefab mobile  
19 manufactured homes and again this fiduciary relationship,  
20 not once was there any efforts from the Minister's office  
21 to say, "Okay, this is what's happening." They just  
22 allowed it to fall off the cliff and as it stands now there  
23 is nothing happening.

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1                   We had a place where we were building  
2 houses and even the cultural issues, which is my next topic  
3 here, again is very diverse. One of the things that I  
4 can say is that on our reserve we still exercise a lot  
5 of our ceremonies. Again, that is where we have a very  
6 strong cultural base. We have certain ceremonies, we have  
7 our sun dance annually, we have two of them. Again, we  
8 have managed to hang on to these things because in fact  
9 we had a strong spiritual base.

10                  The elders at this point that we have,  
11 that is the next area, there is a lot of elder abuse from  
12 the different levels of government. There is kind of a  
13 tug of war. The tribal office would make obligations to  
14 the province and again at the end the elders at this point  
15 they get victimized by the bureaucrats. They don't seem  
16 to be too concerned, that there has to be that rapport  
17 and it's not there. A lot of these guys are dying off  
18 and this is one of the resources that we have. They have  
19 a lot of information that we have and they don't seem to  
20 be getting any acknowledgment and again they are too  
21 concerned about certain financial things that go along  
22 with it.

23                  The women have been subject to a lot of

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1 abuse, so at this point here -- and the youth, our suicide  
2 is going up. Again, there are program failures. They  
3 have certain programs and again it goes back to the  
4 fiduciary relationship. Is it my interpretation or is  
5 it the government's interpretation or are we dealing with  
6 two sets of interpretations? From what I have seen and  
7 from the different texts that are out there, I have also  
8 looked it up in different dictionaries, it all seems to  
9 be saying the same thing.

10                   Is it that the government can't read what  
11 I am reading or something like that? Again, with the  
12 education, that is deteriorating now. We need to address  
13 that because we have had to go out of our way to adequately  
14 look at different programs, so that we can get educated,  
15 get our degrees and that type of thing. There has to be  
16 some kind of a more active support for these individuals  
17 who have gone through school.

18                   The other thing, about the last one I  
19 want to touch on was the justice issue. We have supposedly  
20 our own justice over our reserve, but that's not working.

21       Again, we are looked down upon as kind of like a ghetto.

22       It has been ghettoized. The RCMP comes storming in here  
23 any time they feel like it. They are not even supposed

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1 to be on the reserve and again where is that fiduciary  
2 relationship. Why is it happening? There are  
3 incidents there where there is a lot of police brutality  
4 happening. The Rolph Commission that has been initiated  
5 has made very strong recommendations that that should not  
6 be happening and they are doing it right now. Just the  
7 other day this young boy was in an accident and instead  
8 of checking out if he was okay, the RCMP started beating  
9 on this young boy. Where is this fairness? Are we  
10 destined to die? Is that the whole idea of the Canadian  
11 government?

12 Again, the committee that we have  
13 established here, my colleague, it is all on a volunteer  
14 basis. I guess if we were to sit around and wait for some  
15 handouts, we will be a statistic like many other things.  
16

17 So what we have done is we have decided  
18 to take this on. We have seen the importance of this  
19 particular Commission to address our concerns. We are  
20 not funded by any organization. This is all done on a  
21 volunteer basis. Thank you very much.

22 **CO-CHAIR RENÉ DUSSAULT:** I would like  
23 to thank you very much for your very interesting

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1 presentation. I hope we will have an opportunity with  
2 a great length of time in advance to pursue this dialogue  
3 that we have entered into this afternoon.

4 There is a brief question from  
5 Commissioner Paul Chartrand.

6 **COMMISSIONER PAUL CHARTRAND:** Not so  
7 much a question, but I want to take the opportunity to  
8 welcome you and to say hello to both of you, especially  
9 Mr. Chief Moon whom I haven't seen for quite a number of  
10 years. It is good to see you.

11 I too am very happy that you have  
12 extended an invitation to the Commission to attend on the  
13 Blood Reserve in Alberta. I do hope that we can go there.  
14 I am certain that we have much to learn from your people.  
15

16 You have brought before us today a number  
17 of interesting issues. I am not going to ask you this  
18 question to answer now, but I have more than a passing  
19 interest in some of these issues. I would look forward  
20 to the opportunity later on to hear more about a couple  
21 of points that you referred to, for example the notion  
22 of **terra noliis** and the basis for the assertion that it  
23 was accepted in Canada.



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1                   More fundamental is the position you  
2   described which seems to rely on international law as the  
3   basis for the status of the Blood people. What is of  
4   interest to me is the relation between that position,  
5   grounded in international law, the relation between that  
6   to this fiduciary obligation. That is one that I would  
7   look forward to having developed.

8                   Again, I merely wanted to take the time  
9   to thank you both for coming here, for inviting us and  
10   to say that I am keenly interested in the matters you have  
11   brought before us. Thank you.

12                   **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
13   much.

14                   We are going to have a coffee break for  
15   15 minutes. We will resume with the presentation by Bob  
16   Kimmerly from the United Church. Thank you.

17   --- Short Recess at 3:45 p.m.

18   --- Upon Resuming at 4:05 p.m.

19                   **CO-CHAIR RENÉ DUSSAULT:** May we get  
20   started, please. If you would all take a seat, we are  
21   going to start up again.

22                   Our next presenter is Bob Kimmerly from  
23   the United Church. Please proceed whenever you are ready.

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1                   **REV. BOB KIMMERLY (Kootenay Presbytery,**  
2   **United Church of Canada):** Thank you.

3                   This past weekend at the Kootenay  
4   Presbytery of the United Church of Canada there was a motion  
5   passed giving me a mandate to speak on behalf of the  
6   Presbytery to this Commission. Therefore, I extend  
7   greetings on behalf of Kootenay Presbytery, the people  
8   of the United Church of this region.

9                   On Friday, August 15th, 1986 there was  
10   a message read by the Very Reverend Robert F. Smith who  
11   was at the time Moderator of the United Church of Canada  
12   and this was read to a group of elders who represented  
13   the Aboriginal peoples in the fellowship of the United  
14   Church and to the Aboriginal peoples of Canada. The text  
15   of that is as follows:

16       "Long before my people journeyed to this land your  
17                   people were here, and you received from  
18                   your elders an understanding of  
19                   creation, and of the Mystery that  
20                   surrounds us all that was deep, and rich  
21                   and to be treasured.

22       We did not hear you when you shared your vision. In  
23                   our zeal to tell you of the good news

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1                   of Jesus Christ we were closed to the  
2                   value of your spirituality.

3       We confused western ways and culture with the depth  
4                   and breadth and length and height of the  
5                   gospel of Christ.

6       We imposed our civilization as a condition of accepting  
7                   the Gospel.

8       We tried to make you be like us and in so doing we helped  
9                   to destroy the vision that made you what  
10                  you were. As a result you, and we, are  
11                  poorer and the image of the Creator in  
12                  us is twisted, blurred and we are not  
13                  what we are meant by God to be.

14       We ask you to forgive us and to walk together with us  
15                  in the spirit of Christ so that our  
16                  peoples may be blessed and God's  
17                  creation healed."

18               That native apology was followed up with  
19       some actions to put our words into actions. Through  
20       hundreds of years there was land that was donated to the  
21       United Church of Canada for building hospitals and churches  
22       and schools and, since our apology, this land has been  
23       returned to native peoples, returned back to the bands

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1 who had given it to us.

2                   In British Columbia Conference of the  
3 United Church of Canada, we have begun a fund, a land claims  
4 fund for Aboriginal peoples to assist in the land claims  
5 process. The target for this campaign is \$1 million.  
6 The latest figures for our campaign are that roughly a  
7 quarter of this has been raised, \$255,916. One hundred  
8 thousand dollars has been presented to the Gitksan and  
9 Wet'suwet'en peoples to assist in their land claims  
10 process. Approximately \$49,000 has been spent in  
11 administering the campaign and approximately \$116,000 is  
12 currently in the process of being distributed to other  
13 Aboriginal peoples in B.C. to help in their land claims  
14 process.

15                   For the future I have a vision. There  
16 are two images that help me in the vision that I have of  
17 people walking together.

18                   At the 34th meeting of the General  
19 Council of the United Church of Canada, held this summer  
20 in Fredericton, the delegates to the Council were presented  
21 each with a "two road wampum". These were made by local  
22 Aboriginal peoples. This wampum is made of one fabric  
23 and has two roads or two paths in it, so that it represents

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1 one fabric and two peoples travelling parallel paths within  
2 it. So that if any part of the fabric is damaged, both  
3 paths are damaged, so that the people are interdependent  
4 and depend on each other.

5 In St. Paul's first book of letters to  
6 the Corinthians, in the 12th chapter, Paul gives a similar  
7 image. He said that we are all members of one body, though  
8 individually different parts of a body, so that we depend  
9 on each other. When one part of the body suffers, we all  
10 suffer together and when one part is honoured, we all are  
11 honoured together.

12 I think that is the way it is with our  
13 peoples in Canada. We depend on each other, we are woven  
14 of one fabric, we are part of one environment on this plant  
15 and when one part of the body suffers, we all suffer.  
16 In the past there has been inequality and there has been  
17 racism and the native peoples have suffered at the hands  
18 of the white peoples.

19 My vision for the future is that we could  
20 walk together, intertwined and interwoven and recognized  
21 that we are one fabric or one body.

22 As a church, we are sorry for the  
23 mistakes that we've made in our past, the mistakes of the

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1 residential schools and the imperialism and the cultural  
2 genocide that we have been involved with. We are also  
3 proud of the ways we sometimes have been faithful. Today  
4 we strive to be faithful to the call of our Creator and  
5 we hold as sacred our vision of how we can bring God's  
6 harmony and justice into a common future for all the peoples  
7 of Canada. Thank you.

8 **CO-CHAIR RENÉ DUSSAULT:** I would like  
9 to thank you very much for your message full of hope.  
10 I understand that since 1986 there has been a major turn  
11 of events for the United Church of B.C. We only hope that  
12 as a church you will be able to contribute to the work  
13 of the Commission in areas of your expertise and also your  
14 interest.

15 You have probably noticed that we have  
16 some questions on the justice system, on education, on  
17 social services, so we take the opportunity given to us  
18 today to ask you and maybe to bring the message to the  
19 United Church of British Columbia that we would certainly  
20 be very much interested as a Commission to have in more  
21 detail the thoughts of the church on some of the questions  
22 that we have asked in this document "Framing the Issues"  
23 and also from your own experience and dealings.

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1                   **COMMISSIONER PAUL CHARTRAND:** I won't  
2 repeat what Judge Dussault has said, but I want to thank  
3 you for your presentation today. I have some experience  
4 regarding the involvement of the United Church in various  
5 endeavours relating to Aboriginal peoples, such as  
6 involvement with Project North in the 1980s. I had heard  
7 about the interesting developments that you had mentioned  
8 here in the land claims campaign and, as I say, I was  
9 interested in noting it in your presentation.

10                   As you indicate here, you hold as sacred  
11 your vision and then I think the appropriate thing for  
12 me is to respect that and to thank you for having brought  
13 it before us today. Thank you.

14                   **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
15 much.

16                   I would now like to call on Leo Williams  
17 from the St. Mary's Band to make his presentation.

18                   **LEO WILLIAMS (St. Mary's Indian Band):**  
19 Thank you. I am Leo Williams and I am from the St. Mary's  
20 Band. I am a Ktunaxa.

21                   Back in 1763 in Paris (inaudible) they  
22 wrote the British North American Constitution. Somewhere  
23 in this Constitution it was noticed that the North American

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1 Indian would not be accepted in the armies, they would  
2 not conscript them. Back in 1939 I received a letter,  
3 to No. 333. That was my conscription number to enter into  
4 the army.

5                   We were told that when we fight for our  
6 country we would be given land, housing, farm implements  
7 and we would be accepted into the society of the  
8 non-natives. We, the peoples that got into the army one  
9 way or another set forth for their land and came back.  
10 You know, when you are wearing the uniform a lot of  
11 non-natives come up to you and tell you that you are just  
12 as good as the white man.

13                   I took off the uniform and I was an  
14 Indian, just another Indian. I got drunk and I was put  
15 in jail.

16                   You know, why does a piece of cloth of  
17 a different colour worn by an Indian is recognized as a  
18 non-native. That doesn't make anything to me. It's just  
19 another piece of cloth. It does not give you the  
20 distinction of being a white man.

21                   When this British North American  
22 constitution was written, a lot of issues came up that  
23 would benefit the Indians, but like this farming equipment,



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1 housing, when you were in the army, it was not complied  
2 with. We have been living under broken promises ever since  
3 the writing of the British North American Constitution.

4                   So, a lot of things that were introduced  
5 by non-natives, like alcohol, drugs and they say if you  
6 walk down a street and you see an Indian staggering, "Oh,  
7 a drunken Indian." That Indian didn't invent liquor,  
8 didn't brew it. It was introduced by the non-natives,  
9 in some way to get the Indian drunk so that he can get  
10 what he has, the lands, culture.

11                   We have a culture and as a North American  
12 native Indian I have a culture that I cherish, treasure.

13 I want to know what a true Canadian's culture is. Can  
14 you tell me that? You are a Canadian. I am a native and  
15 what is your culture? I have my culture. Without a  
16 culture a man is nothing.

17                   This language I am speaking is a  
18 transplanted language. All Canadians speak that  
19 language. A lot of Canadians have lost their culture.  
20 Without that you are nothing, if you have lost your native  
21 language and your native culture. I always wondered what  
22 a Canadian's culture is, for I have not lost mine.

23                   When they say we are losing our language,

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1 it is not true. It is just because it is overrun by the  
2 majority of a transplanted language in Canada.

3 Self-government. When you ask an  
4 Indian does he know anything about self-government, it  
5 is like asking me "Have you got Indian blood in you?"  
6 If there had been no self-government before the non-natives  
7 came here, there would have been no population on this  
8 land.

9 Being an Indian, an ordinary Indian, I  
10 am not well educated to speak on these five subjects and  
11 hold up to two hours. I am finished with what I have to  
12 say.

13 **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
14 much. I think you made a very eloquent speech.

15 Again and again we are told in travelling  
16 across the country how important is the affirmation of  
17 the culture and language. If there is a thing that unites  
18 certainly Aboriginal people across the country, it is about  
19 the importance of their culture and language for the  
20 future.

21 We thank you very much for giving us this  
22 testimony again this afternoon. It is an important one.

23 We have been struck by the fact that young people, young

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1 Aboriginal people really are striving for getting back  
2 their culture, their roots, in order to forge ahead for  
3 the future. This is a message that is maybe the strongest  
4 message we have been receiving so far. Thank you very  
5 much for participating in it.

6 **COMMISSIONER PAUL CHARTRAND:** Mr.  
7 Williams, I too want to take a short time to thank you  
8 for your presentation. I would like to make a few very  
9 brief comments.

10 We have heard elsewhere as well the ideas  
11 that you have brought to us and we have heard here and  
12 in other places the recounting of the experiences of Indian  
13 war veterans in Canada. We have heard the recounting of  
14 the stories of how they have been treated in this country.

15 It has been said to us that the story of the Indian war  
16 veterans must be told so that it is generally appreciated  
17 in Canada.

18 One thing I might say is that to a certain  
19 extent some of that story has already been told. Those  
20 who have talked about the changes in the policies, in the  
21 government's policies on Indians and Indian reserves had  
22 a lot to do with the actions of Indian war veterans when  
23 they came back in the way you have been telling us here

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1 today.

2                   Some people have written to say that the  
3 returning veterans were talking the way you have talked  
4 today, saying we are just as good as the next person and  
5 that they were unwilling to accept injustice, so it has  
6 been written.

7                   We have heard your story today, as we  
8 have heard it elsewhere that more must be done. These  
9 issues are very much within the mandate that we have and  
10 we can assure you that we are committed to doing the best  
11 that we can within the terms of our mandate to have the  
12 country deal with the issues that you have brought before  
13 us today. Thank you for being here.

14                   **CO-CHAIR RENÉ DUSSAULT:** I would now  
15 call Father Ken Forrester from the Development and Peace  
16 Group to come and make his presentation. Please join us  
17 at the table.

18                   **REV. KEN FORRESTER (Development and**  
19 **Peace Group):** Thank you, Commissioners, and others  
20 present. These are just some reflections of our local  
21 Development and Peace Group in regard to the invitation  
22 that was extended to us to be present.

23                   To begin, in the open letter that the

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1 co-Chairs wrote us in February, you mention in that open  
2 letter that each Commissioner is committed to initiating  
3 a process of national reconciliation in Canada.

4 I would like to speak about that term  
5 "reconciliation" because it is a very spiritual term.  
6 I think there needs to be a clear distinction between the  
7 process of reconciliation between native and non-native  
8 peoples and a question of justice for native people today.

9 Reconciliation is a spiritual process of two movements,  
10 admission of guilt and wrongdoing and the gift of unearned  
11 forgiveness. There can be no reconciliation without  
12 forgiveness. If forgiveness is not offered, bitterness  
13 and resentment and anger will remain in the hearts of those  
14 who have been oppressed.

15 In some ways then, from a spiritual point  
16 of view, reconciliation is as simple and it is as difficult  
17 as honest admission of wrongdoing on the part of non-native  
18 peoples and church institutions and generous forgiveness  
19 on the part of native people.

20 We do not want to repeat the mistakes  
21 of the past, but one cannot change the past, but only seek  
22 mercy for failures and commit ourselves to a new  
23 relationship of mutual respect.

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1                   Justice is a second issue. Yes, native  
2 people need to have the possibility of determining their  
3 own political and economic future. We believe that the  
4 agreement by the Premiers of the provinces of Canada  
5 demonstrates that there is at this time perhaps a political  
6 will to resolve historic injustices to native peoples.  
7 We believe that the right to self-government should be  
8 enshrined in the Constitution of the country and should  
9 be pursued as an individual amendment to our present  
10 Constitution if that is the pragmatic process that native  
11 people could see as viable.

12                   We pledge ourselves to be in solidarity  
13 with native people in their struggle for self-government  
14 and settlement of outstanding land claims.

15                   On another topic regarding prejudice and  
16 racism which was part of the question that was presented  
17 in some of the documents, I believe there is only one  
18 solution. That I personally need to befriend a native  
19 person so as to begin to see life through the eyes of another  
20 culture and another race. That personal relationship  
21 between peoples, coming to respect one another and I  
22 believe that church institutions can assist in fostering  
23 this cross-cultural awareness.

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1                    Besides this short presentation from  
2   ourselves, I am not sure whether or not the Commissioners  
3   are aware, but I presume you have received this document  
4   from some Catholic groups already across the country, but  
5   it is a document of the Canadian Bishops "Towards a New  
6   Evangelization", looking after the 500 years of contact  
7   between non-native peoples and the imperialism that was  
8   brought over at that time and the evangelization that took  
9   place 500 years ago. This document does speak -- I think  
10   what the Catholic Church is attempting to say at least  
11   through its hierarchy in regard to the question of  
12   injustice in the past and in the present for native peoples.  
13   Thank you.

14                   **CO-CHAIR RENÉ DUSSAULT:** I would like  
15   to thank you very much for coming and sharing with us your  
16   thoughts on the concept or notion of reconciliation. It  
17   is always good to stop and think about the meaning of the  
18   word. Of course, the Commissioners are all not only  
19   concerned but working toward reconciliation. We feel that  
20   this is a prerequisite to any lasting future and  
21   partnership among Aboriginal and non-Aboriginal people.

22

23                   On the other hand, we realize that there

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1 is a feeling of guilt -- there is a guilt feeling. Also,  
2 Aboriginal groups are coming and turning their mind towards  
3 the future. There is a lot of healing that has to take  
4 place following various policies, one of them being of  
5 course the residential school policies, but again the  
6 message I think is that everybody should, as soon as  
7 possible, be able to turn their mind to the building of  
8 a new partnership.

9                   The understanding of what is meant by  
10 reconciliation is very important to go over this threshold  
11 and move towards a positive look at the future together.

12 We thank you very much for coming and reminding us of  
13 the components of reconciliation. I think it is for the  
14 benefit of everybody. Thank you.

15                   **COMMISSIONER PAUL CHARTRAND:** I too  
16 want to take a moment to thank you for your comments.  
17 I especially like the idea of suggesting to people that  
18 they make new friends. I think a lot of people will welcome  
19 new friends.

20                   I can say that I would appreciate very  
21 much getting a copy, if you have a spare copy of the document  
22 that you referred to or if you could see to it that one  
23 could be mailed to me I would appreciate seeing it. Thank



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1 you very much.

2 **REV. KEN FORRESTER:** Thank you.

3 **CO-CHAIR RENÉ DUSSAULT:** In fact, I just  
4 want to be sure that we have a copy. Thank you.

5 **REV KEN FORRESTER:** Thank you.

6 **CO-CHAIR RENÉ DUSSAULT:** I would now  
7 like to ask Cathy Rutherford to come and meet with us.  
8 Good afternoon.

9 **CATHY RUTHERFORD:** Good afternoon.

10 I only heard about this conference two  
11 days ago and I wasn't even aware that we could present  
12 anything. I am merely glad that I was made aware of it  
13 and now I have this chance.

14 I have been a foster parent for the last  
15 14 or 15 years while I've lived in British Columbia. I  
16 have had 16 native children in my home and about another  
17 10 white children. Two of them have been mine biologically  
18 and the rest have all been fostered or adopted.

19 I find that where I am coming from on  
20 the native issues, I am looking at these little kids growing  
21 up and I am seeing the problems that are happening because  
22 of what has happened to their families. The families have  
23 been all taken apart and this goes back two or three

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1 generations. I have had children in my home who in turn  
2 have had children. These children were never parented  
3 and they don't have parenting skills because their parents  
4 were in the mission schools and their parents were not  
5 parented. This is the third and fourth generations we  
6 are coming into of children that were not parented and,  
7 therefore, cannot be parents themselves. It is a learning  
8 process that they really have to be exposed to and dealt  
9 with.

10                   The children I have, we have been trying  
11 to track down some of the natural families. The Department  
12 of Indian Affairs tells us we have the right when that  
13 child is 19 years old to contact their natural family.  
14 In the white man's world the average lifespan is 70 or  
15 80 years. A white child has many years to try and reconcile  
16 to their natural family and work out these  
17 feelings. The average native lifespan is between 40 and  
18 50 years. By the time my son is 19 years old, his birth  
19 mother would be anywhere between 29 and 40 years old.

20                   I have already found out for a fact his  
21 birth mother was murdered a few years back and that was  
22 no help from the Department of Indian Affairs in getting  
23 that information. That was something that I just kept

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1 asking the right questions and finding things that I was  
2 not supposed to know. I finally found out where his real  
3 band was and where his real mother was.

4 He wanted a picture of his mom so bad.  
5 He didn't know she was murdered. We were told, "Oh, you  
6 know she's dead, don't you?" That's how straight -- no  
7 compassion, no anything -- "Well, you know she's dead,  
8 don't you?" She was murdered in Vancouver by the gentleman  
9 that was taking native women and getting them overly  
10 intoxicated so that they would have alcohol poisoning.  
11 I understand 27 native women were at his mercy. They are  
12 no longer here because of that.

13 Over and over I find that by the time  
14 these children get to this age, I will bet you at least  
15 a quarter of their families are already deceased and that's  
16 not right. Then you have another generation coming up  
17 with no ties. They don't know where they belong. They  
18 don't quite fit in the white world, they don't quite fit  
19 in that native world. They don't know where they belong  
20 any more.

21 In school situations here, I have my  
22 children finding lots of racism and prejudice feelings  
23 from the other kids towards the native kids. My young

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1 boy on the first day of school last year was being called  
2 "chinko, chinko, chinko". He got in a big fistfight and  
3 the principal phoned me right away and I had to go and  
4 pick him up. He was expelled from school for a few days,  
5 but I finally took him out and home schooled him last year.

6 I said to him, "Well, Allen, tell them at least if they're  
7 going to do this to get their nationality straight, you  
8 are 'chuggo, chuggo, chuggo'," if that's that they want  
9 to play. I said you've just got to let it slide off and  
10 don't let these names get to you, but at least tell them  
11 to get their nationalities straight if they are going to  
12 be name calling you. But that exists.

13                               When I had children up in Invermere, I  
14 was asked by Social Services to make sure that these  
15 children got their education, really drill in the  
16 importance of education. I started looking around and  
17 I said where are the jobs? The boys will have jobs in  
18 the mills here. I did not see one native girl in that  
19 town working. I started going around to the  
20 establishments and saying, "Why won't you hire any natives  
21 in your store? What am I going to tell my children? How  
22 am I going to tell them why they need this education,"  
23 because the white people won't give them those jobs.

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1                   I was told that, well, if we hire so and  
2 so, their drunk relatives will be in on our floor. They  
3 will be passed out in here. I said that I was sure there  
4 were lots of white children that you have hired and their  
5 relatives aren't passed out in here on your floor.

6                   I found one native woman in a pizza  
7 parlour that was working, but she was in the back kitchen.  
8 She was not up front with the public.

9                   I have been thinking more and more, like  
10 what is the answer, what do we need. There is an  
11 understanding that native community wants them in native  
12 homes, but if there aren't native homes available, if we  
13 are looking in the best interests of the children, you  
14 don't put them in a native home just because it's native.  
15 You don't put them in a white home just because it's white.  
16 You put them in the best home for that particular child.

17

18                   My feeling is that the band has to take  
19 responsibility, as well as Social Services. I mean right  
20 today at this point I believe this is how it should be,  
21 that when any child goes out from the native community  
22 and when they are placed in care, whether they end up in  
23 a native home or a white home, that there should be an

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1 agreement between the home and the band that at least six  
2 months to a year they have to be in contact with each other  
3 so that child has a feeling of continuity. The secrecy  
4 has to be broken and even in the adoptions.

5                   When a white child is adopted, they may  
6 never know where they came from. That's something that  
7 is their right to track down.

8                   A native child when they are adopted,  
9 at the age of 19 they have the right, I mean they become  
10 in possession of what band they are from. They will know  
11 their true identities. They will know their true birth  
12 names. They will know their mother. They will know their  
13 father. They will know their community. So, I say to  
14 make it easier on them growing up, why aren't they allowed  
15 to know right from day one. Even if the only home available  
16 is a white home, they should still be told this is where  
17 this child is from.

18                   Let's make an agreement with the bands  
19 to say, okay, I will keep in touch with you and you keep  
20 in touch with me. I want to know the births in his family.

21 I want to know the deaths in his family. I want to know  
22 the things that are happening. If there are gatherings  
23 that are important to their traditional ways, to his

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1 family's customs that he can be included in, so that that  
2 child grows up feeling like they've got the best of  
3 everything, that they can be loved. That we can love like  
4 that. That there doesn't need to be that hesitation or  
5 that fear on either community's part that, oh no, I don't  
6 want you being like them or, oh no, you are not going over  
7 there. That's just not right.

8 By the time these kids are 19 and they  
9 finally know -- I mean, our son we are lucky because I  
10 just kept digging and digging and asking the questions.

11 I made a point that in this yearly report if I say my  
12 child in regards to their health, their education or  
13 whatever is having these problems, then perhaps the band  
14 can say, "Did you know that these resources are available  
15 to your child specifically for health? Did you know that  
16 they could have a native health care card?" I didn't find  
17 that out until just the last year or two, that my child  
18 -- well, my children, except the ones that we are still  
19 dealing with MHR, they had their MHR care cards, but I  
20 did not know and that's something that is his right or  
21 their rights, to have these services.

22 I think if I come to the band, to their  
23 respective bands and say here is how this child is

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1 functioning during this last six months or this last year,  
2 do you have information that would be helpful to him about  
3 his family or about his health, his education or whatever?

4 There can be a coming together on these things. I think  
5 in the long run the child is the winner and that will bring  
6 a better tomorrow and a better Canada in the long run,  
7 if we can do that openly with each other. Thank you.

8 **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
9 much. We are very happy that you took the opportunity  
10 offered to come and meet with us and share some of your  
11 concerns in a public forum like this one.

12 We have been discussing with many groups  
13 across the country the whole issue of custom adoption in  
14 comparison with the regular legal system that we have in  
15 the various provinces for adoption. So the whole issue  
16 of adoption as such we are going to have a close look at  
17 it. What you are talking about is something along that  
18 line and it concerns the confidentiality that is kept.

19 We thank you very much for raising this.  
20 We are going to add this component to our examination  
21 of the question.

22 As far as racism and prejudice are  
23 concerned, as you know this is the toughest part of our



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1 mandate. We have said right from the launch of our  
2 Hearings in Winnipeg last spring that one of the things  
3 we would hope is to at least have the ball rolling and  
4 to try to reduce the stereotypes that are around. Of  
5 course, there is no legislation or financial resources  
6 that really go to the root of this very issue of attitudes.

7                   As was mentioned by previous presenters,  
8 the best way is to make a friend, a personal friend and  
9 really to start a close relationship to better understand  
10 the differences in cultures. Again, here we appreciate  
11 the work of all groups towards that goal of erasing those  
12 stereotypes and to help the Canadian public in general  
13 to move toward a different attitude and a better  
14 understanding.

15                   We thank you also for sharing your  
16 concerns and thoughts on this aspect with us today. Thank  
17 you.

18                   Paul.

19                   **COMMISSIONER PAUL CHARTRAND:** I am  
20 sorry you didn't get more notice, but I am glad that you  
21 did find out about our Hearings. I may say that our mandate  
22 is to get advice from people and to do research in order  
23 to make policy recommendations to the federal government,

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1    which we aim to do according to our best timetable late  
2    in 1994.

3                    I understand there are documents outside  
4    the door which might assist you in learning about our  
5    mandate.

6                    In our Hearings we do hear about a lot  
7    of distressing issues. The ones you have brought before  
8    us today are certainly in that category. If I understand  
9    your presentation, a boy is expelled from a school for  
10   fighting for his identity in this country. That certainly  
11   is most distressing for any reasonable-minded Canadian.

12                   The matter of the public profile of  
13   Aboriginal people that you bring before us is certainly  
14   also distressing to reasonable minded people in Canada.  
15

16                   Regarding your proposal that the local  
17   bands be involved in some continuous way with those who  
18   have the foster care of children, I may say that we hear  
19   across the country too on the part of the bands themselves  
20   sometimes that they are anxious to establish new and better  
21   systems to deal with this issue. So we are keenly aware  
22   of the fact that this is a very important issue.

23                   I can say too that we have heard from

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1 a number of parties in different places quite a number  
2 of other serious problems that exist in regard to the foster  
3 care that is being provided to Aboriginal children  
4 generally, so we are very much aware, very much sensitive  
5 to these issues. I say that by way of assuring you that  
6 it is an important issue for us. It is within our mandate  
7 and we will look at it with great care.

8                   It is distressing also to hear about your  
9 perspective that the Department of Indian Affairs is of  
10 no help in finding the natural parents, that the foster  
11 parents are not informed about the entitlements of the  
12 foster children, such as health care. It is most  
13 distressing to hear that children are not allowed to know  
14 these things that you have brought before us.

15                   We have recorders here taking down that  
16 information and we have formal relationships with the  
17 Department of Indian Affairs. We are mandated to make  
18 recommendations to the federal government. These matters  
19 will be brought to their attention and we certainly will  
20 be investigating these issues as I am putting that on the  
21 public record now. I thank you very much for having  
22 brought these matters to us today.

23                   **CO-CHAIR RENÉ DUSSAULT:** Thank you.

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1 I think we have the last presenter,  
2 unless somebody else wants to speak. I would like to ask  
3 Mr. Paul Petrie to join us at the table from the Development  
4 and Peace Group.

5 **PAUL PETRIE (Development and Peace**  
6 **Group):** Thank you very much for the opportunity and a  
7 bit of a follow-up to Father Ken's presentation where we  
8 must befriend a native person if we really want to change  
9 the situation in this country.

10 I am aware that it is just a small task,  
11 but it is also a task that we may be able to accomplish  
12 something in the years to come. It is not going to come  
13 right away.

14 I heard many different things this  
15 afternoon. I also heard from this gentleman who was  
16 concerned about the education, that we don't really teach  
17 what has happened 500 years ago, the celebration of the  
18 arrival of Columbus is something that he was concerned  
19 about and I've been very concerned about that too. I have  
20 been reading a lot about it and I have a book that I am  
21 ready to circulate around the table. It's "Colonizing  
22 the Americas," a critical look at colonizing the Americas.  
23 It is written by CUSO and OXFAM Canada and the Vancouver

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1 Island Outreach Project. It is from those kinds of  
2 organizations, so it is not something I just picked up  
3 at a corner store and thought it was good reading.

4 It is in comic book format, but it is  
5 made up of quotations. It starts right from the very  
6 beginning of colonization and as far as 1991 I believe.

7 I think if we are really serious about making this country  
8 a better place for all peoples, I think we have to start  
9 educating our children and probably change our perspective  
10 in educating our children. I know when I went to school  
11 I learned about Christopher Columbus as discovering  
12 America. I think maybe children today, I would like my  
13 grandchildren to learn that Christopher Columbus invaded  
14 America.

15 I am not going to dwell on this any more,  
16 but I think there are a few small things that I'd like  
17 to bring up that could be of some benefit to the native  
18 people, as well as to the non-native.

19 I have been interested in music myself  
20 and I have a tape that I bought, I'm sorry I don't have  
21 the jacket and I must have dropped it, but he is a native  
22 singer and there's no reason in the world why we couldn't  
23 have him coming to Cranbrook to give us a concert. He

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1 sings English, he sings French, he sings his own language,  
2 so there are lots of different opportunities to expose  
3 the native cultures to the white culture.

4 This is the jacket I am referring to and  
5 his name is Winston Wuttunee. I can circulate that around  
6 if anybody is interested.

7 Also, there are a lot of native singers  
8 and composers in the native population. There is no reason  
9 why we couldn't expose them. We have the CBC that produces  
10 and in the Northwest Territories they have a bit more with  
11 CBC North which produces a little bit more of native  
12 programs, but in this part of the country we hear next  
13 to nothing on native culture from the CBC. There is no  
14 reason why we couldn't use the CBC to have some promotion  
15 of the native culture on their programs.

16 Also, I think that the CBC could also  
17 have a certain amount of native awareness in their  
18 programming, like if it is just a line "did you know...",  
19 "did you know that there was 10 million people walking  
20 this land 500 years ago in harmony with nature?" That  
21 kind of promotion, that we could promote the native culture  
22 and at the same time educating the non-native people of  
23 this country.

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1 Thank you very much.

2 **CO-CHAIR RENÉ DUSSAULT:** We thank you  
3 for coming and sharing your thoughts with us on the  
4 contribution by native people to Canadian culture. That  
5 has obviously not be recognized so far, as it should be.  
6 This concern has already been expressed to us and we thank  
7 you very much for raising it again. One aspect of our  
8 mandate is really to look as to how the Aboriginal cultures  
9 should be made a part of not only the ceremonies, but also  
10 the major events of this country and the fabric of Canadian  
11 culture. Thank you.

12 **COMMISSIONER PAUL CHARTRAND:** I want to  
13 thank you also. I want to make brief comments, three I  
14 think in number. First, you talked about befriending  
15 someone as a small task, perhaps in some way, but I suspect  
16 you don't intend to belittle the large value of actually  
17 doing that.

18 I want to thank you for the suggestion  
19 regarding the CBC's involvement in the promotion of  
20 Aboriginal culture and your very practical suggestions  
21 there. That strikes me as something that deserves very  
22 serious consideration and I thank you for it.

23 I thank you too for your reference to

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1 Winston Wuttunee. I know him and when you said here's  
2 an artist who sings in English and in French and in his  
3 own language which is Cree, I wondered if he is talking  
4 about Winston Wuttunee and sure enough you were. I can  
5 say my favourite one on there is the Bucksaw Jig. He also  
6 does wonderful children's songs, delightful children's  
7 songs and I am only very sorry that I can't sing to give  
8 you a sample of them. Thank you very much.

9 **CO-CHAIR RENÉ DUSSAULT:** Thank you.

10 Before some closing remarks by Chief  
11 Agnes McCoy, I will make sure that there is nobody else  
12 who would like to come and join us and share some concerns  
13 or thoughts. The opportunity is there and you should feel  
14 free to do it.

15 **CHIEF PAUL SAM:** I would like to speak  
16 on a few things that some of these people presented after  
17 we had our time. I think Cathy has worked with me a number  
18 of times over problem children. I think there are more  
19 steps that can be taken into finding our children. In  
20 the last year I've had more than half a dozen children  
21 come back to ask me questions that I had no part of,  
22 questions of why they were adopted, where were their  
23 parents and most of them, like Cathy was saying, at the



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1 age of 19 they start looking for their parents. Some of  
2 them didn't even know where to go to start looking for  
3 them. Some of them are a little smarter because they are  
4 still status Indians, so they put in for their status card  
5 and when they get it then they know where they are from.

6                   The last few that have been into my  
7 office to speak to me in the Department of Indians Affairs  
8 and Social Welfare tell me, even as a Chief, you can't  
9 tell them anything. They've got to find it on their own.  
10 So what I tell the children that call me up, I call them  
11 children because they are younger than I am. Most of them  
12 are in their thirties and forties. What I usually tell  
13 them is I can't talk to you on the phone, but if you want  
14 to talk to me I'm your Chief, come to my office and we'll  
15 talk about it. There's nothing I can't tell you once  
16 you are in this building.

17                   I think for those children, for those  
18 kids that were adopted 20 or 30 years ago and would have  
19 found their parents and been able to talk to their parents  
20 if Human Resources or the Department of Indian Affairs  
21 had given them the rights to tell who their parents were.

22 I was no part of giving them kids up. I was no part of  
23 adopting them kids. Why am I the one sitting there and

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1   having to answer that their parents are deceased and when  
2   they tell me, "If I had known this ten years ago I'd have  
3   met my mom and my dad." That makes you feel really sad,  
4   especially when you are sitting there with people. They  
5   are human beings and they've got the right to know, if  
6   we call this country Canada and if we have equal rights,  
7   then these children that were put there with no input from  
8   the native communities should have the right to know and  
9   know their identity, their language, their reserves and  
10  their parents.

11                   As far as the other person that spoke  
12  up here about friendship between the Catholic and the  
13  native community, I think it is there. I think what we've  
14  got to look at there, like I said, I went and talked with  
15  the Bishop. I had a good visit with the Bishop, first  
16  of all, like I said in my earlier speech he thought I  
17  was there for money. It wasn't money I was there for.  
18  There was a reason there, so that I could be able to speak  
19  with him.

20                   When I went to school I served Mass for  
21  the Bishop. When I went to Nelson I thought the Bishop  
22  was going to come out all dressed in purple and with a  
23  little hat covering his bald head, but that wasn't the

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1 case. He was dressed just like an ordinary person, he  
2 came out there and talked to me and we had a good  
3 conversation. I think the friendship is there. I think  
4 the priests, the Catholic religion, the priests the Bishop,  
5 the Pope, whoever is on this earth is just as equal as  
6 we are. I think at least from my part as one of the  
7 residential products, I think what we need to do is to  
8 do our job.

9 I know we have a lot of things we have  
10 to go through. I think baptism was one of the biggest  
11 problems I had on the reserve. Every time I talked to  
12 the priest, the priest told me you can't have baptism unless  
13 you guarantee this kid is going to be a Catholic or his  
14 parents are going to keep him going as a Catholic. I said  
15 no, give the child a chance. Baptize that kid. Let's  
16 go on with the next step. We are only here for a time  
17 being to do a job and that's what is there.

18 I think last but not least, I am going  
19 to speak and I've invited everybody -- at the meetings  
20 I go to I've invited everybody. I hope you are free in  
21 August. I would like you to come down to our General  
22 Assembly gathering which is going to be held in Invermere  
23 and take a look at some real athletes from throughout this

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1 nation, the Ktunaxa/Kootenay, the Okanagan, Shuswap  
2 Nations, a bunch of young athletes at one time and old  
3 today, but still holding the national championship. We've  
4 been to the world's championship representing the Canadian  
5 native and American native people.

6 We weren't there representing the  
7 Canadian people. We were there representing the native  
8 people. We feel that you people have to see that we work  
9 hard in our communities to bring up some of our people.  
10 We need things in our communities to make sure that these  
11 things can continue to happen in education or whatever  
12 it is. We need parity. We need to get more athletes out  
13 there. We need some of that \$14.6 million that Mr. Magic  
14 just got and retired again. We need some of that.

15 We are inviting you not to come and make  
16 another speech, but to come and look at some native  
17 athletes. We are hosting the national tournament in  
18 Invermere, starting the 19th of August. Then you can go  
19 back and say that the Kootenay, Ktunaxa, Kinbasket,  
20 Okanagan and the Shuswap people have something there that  
21 they are proud of. That's what I wanted to say at the  
22 end, so you are invited. Don't say you weren't notified  
23 six months ahead of time. Thank you.

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1                   **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
2 much for your fine invitation, also for your comments.  
3 Of course, we've been told all across the country that  
4 there is a lack of recreation facilities and sports  
5 facilities for young Aboriginal people. Alongside  
6 education, it goes hand in hand and we are certainly very  
7 much interested in your invitation. I am sure that Paul  
8 Chartrand even more so. Paul.

9                   **COMMISSIONER PAUL CHARTRAND:** Thank you  
10 very much. Yes, my interest stems only partly because  
11 of the fact that I'm a broken down old has been athlete  
12 myself. I played national and international sports, but  
13 I never did make any of that \$14 million that you are talking  
14 about.

15                   What sport is it, did you say, that these  
16 people are competing in in August?

17                   **CHIEF PAUL SAM:** In fast pitch, men's  
18 fast pitch. We've been eight times national champions  
19 and that's between the United States and Canada. We lost  
20 it here a couple of years ago and regained it. I guess  
21 I could see Magic Johnson trying to come back because a  
22 lot of our players are in their late thirties and early  
23 forties. We even have a guy fifty and I guess I didn't

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1 really finish. When a non-native said the World Series  
2 that just ended a few days ago and said, by golly, it's  
3 nice to see the Canadian finally win the World Series,  
4 I was going to put a piece in the paper and say the Indians  
5 were there already. We've had the championship. Thank  
6 you very much.

7 **COMMISSIONER PAUL CHARTRAND:** I suppose  
8 those people might have played the MacKay United team from  
9 Manitoba, you are talking about fast pitch. I know that's  
10 that pumpkin ball that they play.

11 **CHIEF PAUL SAM:** Ask MacKay how good the  
12 B.C. Arrows are and they'll tell you. We've had the  
13 Canadian and National. They've only had the Canadian.  
14 They're on TV and everything because there are ten or twelve  
15 brothers. I thank their dad, not the players.

16 **COMMISSIONER PAUL CHARTRAND:** I want to  
17 say that we have a particular interest in the Commission  
18 in doing what we can on our way to making recommendations  
19 having to do with sports and recreation, so I am keenly  
20 interested in that. I say this by way of ensuring that  
21 our Commission staff will be investigating your programs  
22 here to assist us in making this kind of recommendations.

23 Again, thank you very much.

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1                   **CO-CHAIR RENÉ DUSSAULT:** I would like  
2 to ask Irene Willard to come to say a few words.

3                   **IRENE WILLARD:** My name is Irene  
4 Willard. I am 21 and my foster mom was up here earlier.  
5 I just came to say and to speak about the foster care  
6 that we have here in B.C.

7                   I ran from foster care when I was 15 and  
8 I moved out on my own. By the time I was 18 both of my  
9 biological parents were deceased. My father died while  
10 I was in foster care. Out of the five years that my father  
11 was alive and I was in foster care, I only got to see him  
12 twice. I was taken away from my home when I was ten.

13                   I feel that if you know who your parents  
14 are, because at age ten you remember your parents, it's  
15 easier for the younger kids when they are taken away at  
16 a younger age and they don't remember, but I was ten years  
17 old when I was taken away and I remember my parents.

18                   I was taken away because of my  
19 stepmother, not my father. I have a lot of anger inside  
20 of me of why Social Services kept my father away from me.

21 My father never was charged with anything, but it was  
22 my stepmom that was charged. I feel that foster  
23 children have a right to see their biological parents.

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1 If their biological parents have not been charged with  
2 anything or have not been sentenced or anything, like my  
3 stepmother was, we should have a right to still see them.

4

5 My father died when I was 15, it was on  
6 Boxing Day. They let us go in and see him Christmas Eve  
7 because they knew he was dying, so Social Services allowed  
8 us to go and see him that one time. I feel if we knew  
9 our parents we, as foster children, should have the right  
10 even if we need those social workers there when we go to  
11 see them, we should still have a right to see those parents.

12

13 It takes even just a couple of times a  
14 year, whether it is on their birthday or something, because  
15 my dad when he passed away he was 75 years old. I feel  
16 that we as children should have a right to still see our  
17 parents. If we were taken away, say when we were ten years  
18 old and we still remember them and our biological parents  
19 never really did anything to hurt us, like in my case it  
20 was my stepmom. It wasn't my father. I feel that foster  
21 children, if they have a choice and if the family agrees  
22 to it., should be able to see their parents.

23

It seems like every time I wanted to,



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1 Social Services said they never had time to make a meeting  
2 because that was taken out of their time. They need to  
3 set a certain time aside to take me to see my father.  
4 Like even with my brother, we were taken in on Boxing Day  
5 to see my father. They said, "Well, we're sorry, he passed  
6 away this morning." We weren't even informed that our  
7 father passed away. I was 15 and my brother was 17, but  
8 they couldn't even inform us that our father passed away.  
9

10 I really feel that we have got to strive  
11 to improve Social Services. They've hurt me a lot. I  
12 remember going through their care and they always said,  
13 "We're doing what is best for you. We know what is best  
14 for you." You know, you go into those Social Services  
15 and who do you see -- white people. Not once in my whole  
16 time in foster care was I put in a native home. Not once  
17 did I see a native person. The only reason I knew I was  
18 Indian was because I was put in a prejudiced foster home  
19 and they made me realize you are an Indian, you don't fit  
20 in here.

21 I really feel that as native children  
22 we need to know more about our culture. If we are taken  
23 away and put in white foster homes, I was put in a prejudiced

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1 foster home and I stayed in that home for five years, until  
2 I ran away and became independent.

3                   They kept me away from Cathy and because  
4 somebody was speaking up for me, Cathy was speaking up  
5 for me and she got blacklisted from Social Services because  
6 she was speaking up for me.

7                   A lot of foster homes that we go into  
8 aren't suitable. They aren't. But, you know, either  
9 because they are Christian or whatever they are suitable,  
10 but they are not. We are constantly told by our social  
11 workers that they know what is best for us and we begin  
12 to believe that because we look up to these people. We  
13 expect these people who took us away from all of this  
14 physical pain and sent us into these homes, we believe  
15 that they really mean what they say when they say, "We  
16 know what is best for you."

17                   Do you know what I've learned? They  
18 really don't know what is best for me. I didn't know I  
19 was a status Indian until I was 19. I didn't know about  
20 our medical until last year when I first got it. There  
21 are so many things. I don't know my language. I don't  
22 know my culture. The only reason I knew where my reserve  
23 was is because it was on my status card.

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1 I just really hope that we can improve  
2 the Social Services system and that we can all work together  
3 on it. That is all I have to say.

4 **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
5 much. You have certainly not only spoken from the heart,  
6 but you have given a strong message. We only hope that  
7 we will be able, with the understanding and help of the  
8 larger community to really improve conditions and to tackle  
9 many of those problems that you have mentioned before,  
10 the information on the entitlement for services, for  
11 example, there is no reason that this information is not  
12 passed on and so on.

13 Again, we thank you very much for sharing  
14 your experience with us and that you have been able to  
15 put it on the public record. Thank you.

16 **COMMISSIONER PAUL CHARTRAND:** I want to  
17 thank you. I hope we can do a little bit to assist in  
18 bringing changes to the monstrous practices that you have  
19 described to us. Thank you.

20 **CO-CHAIR RENÉ DUSSAULT:** I think we have  
21 come to an end to this day of our Hearing. I would now  
22 like to ask Chief Agnes Miccard -- McCoy, to come and make  
23 some closing remarks.

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1                   **CHIEF AGNES McCOY:** It's a simple name.  
2       It's McCoy.

3                   **CO-CHAIR RENÉ DUSSAULT:** The problem is  
4       not with the name, but with the handwriting and my eyes.

5  
6                   **CHIEF AGNES McCOY:** It was just brought  
7       to my attention that I was going to have to give these  
8       closing remarks. I must apologize on behalf of Sophie  
9       Pierre that she had to leave by 4:30 as she had other  
10      appointments to meet.

11                   I would like to take this opportunity  
12      to thank the Royal Commission and their staff, especially  
13      to the elders who came, the Chiefs and the band members  
14      and to the rest of the Ktunaxa/Kinbasket Tribal Council  
15      staff and all those people who made presentations this  
16      afternoon.

17                   As it says here, I was just reading this  
18      open letter and it says that when the process is completed  
19      do we believe we will have thoroughly investigated  
20      Aboriginal issues? As we said our prayers this morning  
21      and the things that we shared with you will be taken with  
22      you and they will be shared by the people across Canada  
23      in many provinces. I have read some of the concerns and

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1 issues on Aboriginal peoples across Canada.

2 So, with this I would like to thank the  
3 Commission and their staff for sharing the day with us.

4 We look forward to your final report and the results of  
5 these Hearings. Saying that, we also request a copy of  
6 the record of today's Hearing. Again I must apologize  
7 for Sophie Pierre for leaving early.

8 I felt nervous making my presentation  
9 this morning. I am just glad my lawyer was here this  
10 morning and cleared up some of the issues and the questions  
11 you brought to us. I am told that I am going to be looked  
12 after until December 31st, so any mistakes or anything  
13 I make is going to be all their fault.

14 I would like to thank you once again.

15 I was talking about Denise Birdstone, our Band Manager.

16 She is quite a whip with a computer. She can do computer  
17 work anytime, anywhere and she can straighten our roads  
18 also.

19 I would like to thank everybody else who  
20 was here, especially to this foster child, the last lady  
21 who spoke. I felt for her because many of our people were  
22 products of foster homes and like they said today, children  
23 are put in homes that are supposed to be suited for them.

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1     Only these past years have we opened homes and to be  
2     approved by Human Resources in town.

3                     Some of the stories that the children  
4     tell us I feel for them. I have a foster child in my care  
5     right now and there's a lot of times I wanted to let him  
6     go, but today I don't think it would be very good for me  
7     to try and let him go because he has grown on us already  
8     and we've grown on him.

9                     We have a lot of things to share and he  
10    has a lot of anger and he is only nine years old. That's  
11    something coming from a nine-year old to be carrying.  
12    I mean he's just nine years old and this lady is 21 years  
13    old and look how long she carried it. I am glad and I  
14    congratulate her for having the courage to come up to the  
15    table to share her story with us and to the foster mother  
16    who came up before her.

17                    I would like to thank the parishes that  
18    made their presentations also. Thank you.

19                    **CO-CHAIR RENÉ DUSSAULT:** Thank you very  
20    much. Again we are very thankful for the hospitality that  
21    was given to us by the Tribal Council and the five bands.

22    I would like in closing to thank the members of the staff  
23    of the Commission. We have Bernie Wood who is the Team

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1 Leader and his assistant Laurie Fenner. We also have with  
2 us Angela Wesley who acted as our Regional Representative.  
3 Les Clayton is our Senior Policy Analyst with the  
4 Commission and also the one who will be responsible to  
5 make some follow up on some specific concerns that were  
6 mentioned.

7 I would also like to thank Lexine  
8 Phillips who was with us as Commission of the Day but who  
9 had to leave earlier. Again, we hope that this dialogue  
10 will continue.

11 We are going to provide you with a  
12 transcript of the Hearing. We also hope to publish a  
13 discussion paper No. 2 after Round Two before entering  
14 into Round Three, where we will not only sum up what we  
15 have heard that is new from Round One, but also we will  
16 give a better understanding of the progress to some of  
17 the answers to the questions and the solutions that were  
18 given to us. I must say that we were given some good ideas  
19 as far as solutions are concerned. We have received some  
20 very well documented briefs and also oral suggestions,  
21 so we would like to thank all of you.

22 We hope we will keep in close contact  
23 throughout the process of the Commission. Again, we are

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1 going to keep in touch until the very end of our process.  
2 We do not want to disappear for a full year writing a  
3 report. We will test ideas as we will be writing our final  
4 report and make sure that it is attuned to the concerns  
5 and the development of the thinking among all those  
6 concerned. Thank you very much again.

7 **COMMISSIONER PAUL CHARTRAND:** Thank you  
8 for the many issues that you have brought before us. It  
9 is quite a range here and some of them certainly, like  
10 matters having to do with war veterans, having to do with  
11 children, having to do with people wanting to get education  
12 are the kinds of things that cannot be opposed. Who will  
13 oppose people striving to make gains in these areas? No  
14 one.

15 Our hard job, of course, is to do our  
16 best to make specific recommendations that can move changes  
17 to the way things are being done right now. There is  
18 because of past experience some reluctance. People are  
19 worried, as was said today and was said elsewhere, that  
20 perhaps our final report will gather dust on some shelf.

21 Well, to the extent that we can make those good  
22 recommendations maybe it will not happen. I think today  
23 we did hear some of those dust resistant type of



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1 recommendations here and I thank you very much.

2 **CHIEF AGNES McCOY:** I forgot to thank  
3 a very important person here, the lady who has been doing  
4 a lot of running around for the Royal Commission. She  
5 has had a lot of hair pulling nights, sleepless nights  
6 running around. I never saw a lady running around so much  
7 in life as our secretary Patsy.

8 I would like to give a special thanks  
9 and mention Cheryl Casmir and her co-partner Marilyn  
10 Teneese. Thank you.

11 **CO-CHAIR RENÉ DUSSAULT:** I want to make  
12 sure that our local representative -- the success of a  
13 day like this largely depends on the work of our local  
14 representative and we are very grateful. Thank you.

15 --- Adjournment at 5:25 p.m.

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I HEREBY CERTIFY THAT I HAVE, to  
the best of my skill and ability,  
accurately taken down and transcribed  
therefrom the foregoing proceedings.

.....  
Bill Publow, C.V.R.  
Court Reporter.