



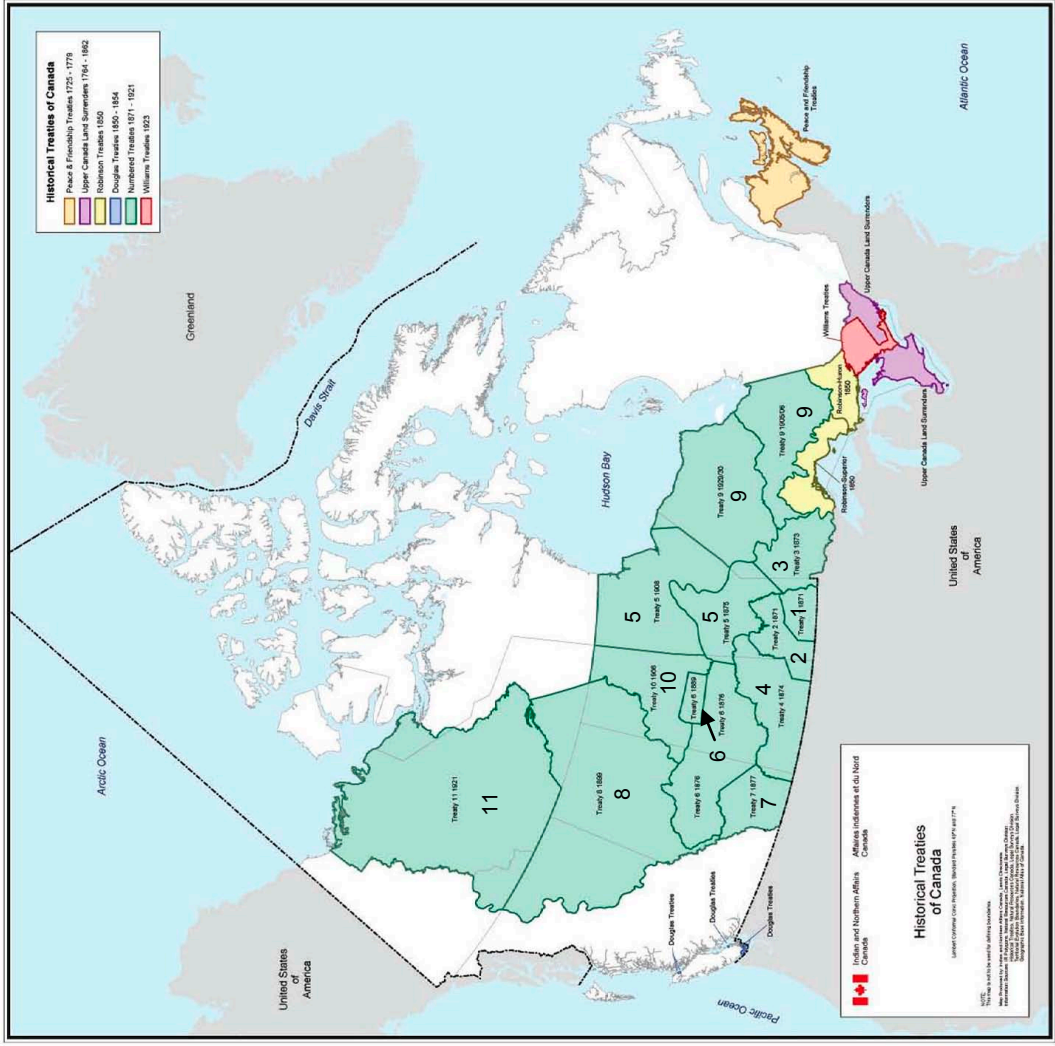
GRADE 12 CURRENT TOPICS
IN FIRST NATIONS, MÉTIS,
AND INUIT STUDIES

Appendix A:
Cluster Blackline Masters

Historical Treaty Map



Examine and discuss the historical treaty map, which indicates territories in Canada acquired from First Nations through treaties. Generate a list of the possible impacts on First Nations of the loss of traditional territories, and record the list in your learning log. **Note:** For a larger, full-colour version of this map, see <http://manitobawildlands.org/maps/HistTreatyMapCan_lg.jpg>.



- Treaty 1: 1871
- Treaty 2: 1871
- Treaty 3: 1873
- Treaty 4: 1874
- Treaty 5: 1875, 1908
- Treaty 6: 1876
- Treaty 7: 1877
- Treaty 8: 1899
- Treaty 9: 1905, 1929-1930
- Treaty 10: 1906
- Treaty 11: 1921

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Read “A Note on Terminology” and, with a partner, discuss the usages and connotations of the following terms:

- Indian
- non-Status
- Native
- Aboriginal
- Indigenous
- First Nations
- people/peoples
- mainstream Canadians
- dominant society

Create definitions of the terms in your own words, post the definitions in the classroom, and record them in your learning log.

A Note on Terminology **By Wayne Warry**

Words have power. A writer’s choice of words indicates political orientation and potential bias. The era of political correctness may be gone, but we have been left with the awareness that we should strive for language that is non-offensive and accurate. Briefly, here are my thoughts on some of the key terminology in this book.

The terms Indian (non-status and status), Aboriginal, Indigenous, Native, Métis, and Inuit are all labels that appear in media and in everyday conversation. Students often ask whether Indian is still an appropriate word. The answer is that it depends on how it is used. Some Native people find the word Indian offensive because they feel it is a colonial word, a term commonly associated with India and Columbus—a lost white man who didn’t have the sense to know where he was! But this is bad etymology. As the Aboriginal author Taiaiake Alfred notes, “India, was at the time, known as Hindustan, and the word ‘Indian’ most probably derives from Columbus’s use of the phrase *‘una gente in Dios’* (‘a people in/of God’) to refer to the Taino people, early inhabitants of what is now known as the Dominican Republic” (Alfred 1999: xxv-xxvi). Indian is also a term that is used by Native people themselves, often with a special political meaning, so we should not reject it out of hand. In common conversation we still refer to reserve land as Indian country and to Indian time or Indian summer. However, we should recognize that the word sometimes is used pejoratively by mainstream writers—indeed, the use of the word Indian in media reports commonly signals a right-of-centre political orientation. Because Indian is used by some Canadians in a derogatory way, it is often considered offensive by Native Canadians when

used by non-Natives. In sum, Indian is a word that is easily avoided by using the more politically correct word, Aboriginal, and I use it infrequently in the book.

In Canada, Indian is also a legal term—it is used to signify those people the government recognizes as having Indian status; that is, those people who have an identifiable Band, who live or were born on reserve, who are recognized under the Indian Act. The term “non-status Indians” is formally used to refer to Native people who are not recognized by the government because their parents or ancestors enfranchised or lost their Indian status for a variety of reasons. Non-status Indians may identify themselves as Aboriginal, yet they are not considered status Indians by the government and so do not have many of the same rights under law.

Safer and correct terms are Native or Aboriginal peoples. When lecturing or writing I use the word Native, which rolls off the tongue a little easier than Aboriginal, in opposition to mainstream or other Canadians, for example, “Native and non-Natives agree that policy must change.” Today the term Aboriginal is the most appropriate word and has formal standing in the 1982 Constitution Act. For me, the term Aboriginal connotes a unique status, a status that is different from other Canadians and from other ethnic or racial groups.

Throughout the text I use the terms Aboriginal and Indigenous as synonym. However, it should be noted that the latter word—literally meaning “originating in an area”—is sometimes used to connote aspects of Aboriginal culture that are specifically tied to peoples’ spiritual connection to the land or environment, such as Indigenous medicine or Indigenous knowledge. Prior to the 1970s, the word had limited application in anthropology as a term for tribal peoples; its widespread use began in the 1980s. As Ronald Niezen notes, “The interesting thing about the relative newness of the concept is that it refers to primordial identity, to people with primary attachments to land and culture, ‘traditional’ people with lasting connections to ways of life that have survived from time immemorial” (Niezen 2003: 3). The increasing use of the word, and its associated meaning “original peoples,” is testimony to the success of the worldwide Indigenous rights movement. Because there are Indigenous peoples throughout the world (there are, for example, over 40 million Indigenous peoples in China) the term also has an international connotation.

I use the term First Nation to describe the various communities of Aboriginal peoples in Canada who are not of Inuit or Métis descent (the term settlement is often used in the latter cases). First Nations’ peoples are represented by the Assembly of First Nations (AFN). The term is also now used instead of the more dated “Indian Band” and has a decidedly political connotation, often being used with the term Council, as in First Nations Councils, to describe the political representatives or organization of communities.

Increasingly, Aboriginal peoples are returning to their languages to describe themselves and their communities. Aboriginal words are replacing European ones—we hear Anishnabek, rather than Ojibway, Haudenosaunee rather than Iroquois (the latter is an Algonkian term meaning rattlesnake and long used by Europeans). In this way, the community formally known as the “Ojibways of Spanish River” become the Sagamok Anishnabek First Nation. Taiaiake Alfred claims these Indigenous words help Aboriginal people to “free their minds” from definitions imposed by Europeans (Alfred, 1999: xxv). For non-Natives these Aboriginal words are often difficult to pronounce, but to master them is to make an important statement about respecting Aboriginal cultures.

The use of the plural Aboriginal peoples is important because it also signals political orientation. Conservative writers refer to Native people. While the use of Aboriginal *people* can be grammatically correct in specific contexts, this characterization homogenizes; it turns all Aboriginal persons into a “type,” a generalized category. The use of Aboriginal *peoples* immediately recognizes the diversity of Aboriginal cultures—and there are many, many distinct Aboriginal cultures in Canada. Another indicator of political orientation is whether to capitalize terms. Indian, like Caucasian (and other racial or ethnic designations), is capitalized. The *Nelson Canadian Dictionary* (1997) capitalizes the adjective Aboriginal. But Aboriginal denotes more than race, it signals a special political status, as do the adjectives Canadian or American. Conservative writers refuse to capitalize the term, precisely because they do not wish to acknowledge the special political status of Aboriginal peoples. Indeed, the use of the lower-case aboriginal along with the singular people, the patronizing use of Indian, or phrases like “our Native people” are quick reality checks on a writer’s political orientation.

Finally, a note on two other terms: mainstream Canadians and dominant society. These terms are increasingly problematic as the Canadian population becomes more diverse. Both connote for me the historical, European, and Eurocentric value system, which was introduced to Canada and which, over time, became the foundation of Canada’s central institutions. The phrase dominant society is particularly important as it signals those people in power who have made policy that affects minority and marginalized groups. As the population becomes increasingly diverse, immigrants and persons of colour comprise an increasing percentage of mainstream Canada. How, if at all, members of these cultures influence and eventually change dominant society values remains to be seen.

A Note on Terminology: Reprinted from *Ending Denial: Understanding Aboriginal Issues* by Wayne Warry. Copyright © 2007 by University of Toronto Press. Reproduced with permission.

Read the excerpt from the *Report of the Royal Commission on Aboriginal Peoples*, "A Word From Commissioners," and respond to the following questions with a partner. Record your answers in your learning logs.

1. In your opinion, how well has Canada reflected "the notion that dissimilar peoples can share lands, resources, power and dreams while respecting and sustaining their differences"?
2. The Royal Commission on Aboriginal Peoples (RCAP) was appointed at a turbulent moment in Canada's history. Have the types of events described in this excerpt (conflict, blockades, protests, negative media reports) become a thing of the past? Explain.
3. In your own words, what was the central question that the RCAP attempted to address?
4. Assimilation is "the process whereby one cultural group is absorbed into the culture of another, usually the majority culture." (Manitoba Education and Youth, *Integrating Aboriginal Perspectives into Curricula*, 2003)
 - Do you agree with the Commissioners that assimilation "is a denial of the principles of peace, harmony and justice . . ."? Explain.
 - What are some ways by which the Canadian government has attempted to assimilate First Nations, Métis, and Inuit peoples?
 - According to the Commissioners, why has assimilation of First Nations, Métis, and Inuit peoples failed?
5. What do Canadians need to understand to bring about the fundamental change needed to restore the relationship between Aboriginal and non-Aboriginal Canadians?
6. How do the Commissioners define Aboriginal nationhood?

A Word from Commissioners

Canada is a test case for a grand notion—the notion that dissimilar peoples can share lands, resources, power and dreams while respecting and sustaining their differences. The story of Canada is the story of many such peoples, trying and failing and trying again, to live together in peace and harmony.

But there cannot be peace or harmony unless there is justice. It was to help restore justice to the relationship between Aboriginal and non-Aboriginal people in Canada, and to propose practical solutions to stubborn problems, that the Royal Commission on Aboriginal Peoples was established. In 1991, four Aboriginal and three non-Aboriginal commissioners were appointed to investigate the issues and advise the government on their findings.

We began our work at a difficult time.

- It was a time of anger and upheaval. The country's leaders were arguing about the place of Aboriginal people in the constitution. First Nations were blockading roads and rail lines in Ontario and British Columbia. Innu families were encamped in protest of military installations in Labrador. A year earlier, armed conflict between Aboriginal and non-Aboriginal forces at Kanesatake (Oka) had tarnished Canada's reputation abroad—and in the minds of many citizens.
- It was a time of concern and distress. Media reports had given Canadians new reasons to be disturbed about the facts of life in many Aboriginal communities: high rates of poverty, ill health, family break-down and suicide. Children and youth were most at risk.
- It was also a time of hope. Aboriginal people were rebuilding their ancient ties to one another and searching their cultural heritage for the roots of their identity and the inspiration to solve community problems.

We directed our consultations to one over-riding question: *What are the foundations of a fair and honourable relationship between the Aboriginal and non-Aboriginal people of Canada?*

There can be no peace or harmony unless there is justice.

We held 178 days of public hearings, visited 96 communities, consulted dozens of experts, commissioned scores of research studies, reviewed numerous past inquiries and reports. Our central conclusion can be summarized simply: *The main policy direction, pursued for more than 150 years, first by colonial then by Canadian governments, has been wrong.*

Successive governments have tried—sometimes intentionally, sometimes in ignorance—to absorb Aboriginal people into Canadian society, thus eliminating them as distinct peoples. Policies pursued over the decades have undermined—and almost erased—Aboriginal cultures and identities.

This is assimilation. It is a denial of the principles of peace, harmony and justice for which this country stands—and it has failed. Aboriginal peoples remain proudly different.

Assimilation policies failed because Aboriginal people have the secret of cultural survival. They have an enduring sense of themselves as peoples with a unique heritage and the right to cultural continuity.

This is what drives them when they blockade roads, protest at military bases and occupy sacred grounds. This is why they resist pressure to merge into Euro-Canadian society—a form of cultural suicide urged upon them in the name of 'equal' and 'modernization'.

Assimilation policies have done great damage, leaving a legacy of brokenness affecting Aboriginal individuals, families and communities. The damage has been equally serious to the spirit of Canada—the spirit of generosity and mutual accommodation in which Canadians take pride.

Yet the damage is not beyond repair. The key is to reverse the assumptions of assimilation that still shape and constrain Aboriginal life chances—despite some worthy reforms in the administration of Aboriginal affairs.

To bring about this fundamental change, Canadians need to understand that *Aboriginal peoples are nations*. That is, they are political and cultural groups with values and lifeways distinct from those of other Canadians. They lived as nations—highly centralized, loosely federated, or small and clan-based—for thousands of years before the arrival of Europeans. As nations, they forged trade and military alliances among themselves and with the new arrivals. To this day, Aboriginal people's sense of confidence and well-being as individuals remains tied to the strength of their nations. Only as members of restored nations can they reach their potential in the twenty-first century.

Let us be clear, however. To say that Aboriginal peoples are nations is not to say that they are nation-states seeking independence from Canada. They are collectivities with a long shared history, a right to govern themselves and, in general, a strong desire to do so in partnership with Canada.

The Commission's report is an account...

...of the relationship between Aboriginal and non-Aboriginal people that is a central facet of Canada's heritage.

...of the distortion of that relationship over time.

...of the terrible consequences of distortion for Aboriginal people—loss of lands, power and self-respect.

We hope that our report will also be a guide to the many ways Aboriginal and non-Aboriginal people can begin—right now—to repair the damage to the relationship and enter the next millennium on a new footing of mutual recognition and respect, sharing and responsibility.

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Read "Looking Forward, Looking Back" from the *Report of the Commission on Aboriginal Peoples*, and compare the issues discussed in this reading with the issues on the classroom chart created earlier. Add additional issues to the list and to your learning log, and complete a reflection journal entry.

Looking Forward, Looking Back

After some 500 years of a relationship that has swung from partnership to domination, from mutual respect and co-operation to paternalism and attempted assimilation, Canada must now work out fair and lasting terms of coexistence with Aboriginal people.

The Starting Point

The Commission has identified four compelling reasons to do so:

- Canada's claim to be a fair and enlightened society depends on it.
- The life chances of Aboriginal people, which are still shamefully low, must be improved.
- Negotiation, as conducted under the current rules, has proved unequal to the task of settling grievances.
- Continued failure may well lead to violence.

Canada as a Fair and Enlightened Society

Canada enjoys a reputation as a special place—a place where human rights and dignity are guaranteed, where the rules of liberal democracy are respected, where diversity among peoples is celebrated. But this reputation represents, at best, a half-truth.

A careful reading of history shows that Canada was founded on a series of bargains with Aboriginal peoples—bargains this country has never fully honoured. Treaties between Aboriginal and non-Aboriginal governments were agreements to share the land. They were replaced by policies intended to

- remove Aboriginal people from their homelands
- suppress Aboriginal nations and their governments
- undermine Aboriginal cultures
- stifle Aboriginal identity

It is now time to acknowledge the truth and begin to rebuild the relationship among peoples on the basis of honesty, mutual respect, and fair sharing. The image of Canada in the world and at home demands no less.

The foundations of a fair and equitable relationship were laid in our early interaction.

The Life Chances of Aboriginal People

The third volume of our report, *Gathering Strength*, probes social conditions among Aboriginal people. The picture it presents is unacceptable in a country that the United Nations rates as the best place in the world to live.

Aboriginal people's living standards have improved in the past 50 years—but they do not come close to those of non-Aboriginal people:

- Life expectancy is lower.
- Illness is more common.
- Human problems, from family violence to alcohol abuse, are more common too.
- Fewer children graduate from high school.
- Far fewer go on to colleges and universities.
- The homes of Aboriginal people are more often flimsy, leaky and overcrowded.
- Water and sanitation systems in Aboriginal communities are more often inadequate.
- Fewer Aboriginal people have jobs.
- More spend time in jails and prisons.

Aboriginal people do not want pity or handouts. They want recognition that these problems are largely the result of loss of their lands and resources, destruction of their economies and social institutions, and denial of their nationhood.

They seek a range of remedies for these injustices, but most of all they seek control of their lives.

Failed Negotiations

A relationship as complex as the one between Aboriginal and non-Aboriginal people is necessarily a matter of negotiation. But the current climate of negotiation is too often rife with conflict and confrontation, accusation, and anger.

Negotiators start from opposing premises. Aboriginal negotiators fight for authority and resources sufficient to rebuild their societies and exercise self-government—as a matter of right, not privilege. Non-Aboriginal negotiators strive to protect the authority and resources of Canadian governments and look on transfers to Aboriginal communities as privileges they have bestowed.

Frequent failure to come to a meeting of minds has led to bitterness and mistrust among Aboriginal people, resentment and apathy among non-Aboriginal people.

In our report, we recommend four principles for a renewed relationship—to restore a positive climate at the negotiating table—and a new political framework for negotiations. We discuss the principles at the end of this chapter and the new framework in Chapter 2.

Canada can be a diverse, exciting, productive, caring country...a country where every child has an equal opportunity to grow up full of hope and enthusiasm for the future.

*Martha Flaherty
President, Pauktuutit Inuit Women's Organization*

Risk of Violence

Aboriginal people have made it clear, in words and deeds, that they will no longer sit quietly by, waiting for their grievances to be heard and their rights restored. Despite their long history of peacefulness, some leaders fear that violence is in the wind.

What Aboriginal people need is straightforward, if not simple:

- control over their lives in place of the well-meaning but ruinous paternalism of past Canadian governments
- lands, resources and self-chosen governments with which to reconstruct social, economic and political order
- time, space and respect from Canada to heal their spirits and revitalize their cultures

We are getting sick and tired of the promises of the federal government. We are getting sick and tired of Commissions. We are getting sick and tired of being analyzed... We want to see action.

*Norman Evans
Pacific Métis Federation*

The Ghosts of History

Every Canadian will gain if we escape the impasse that breeds confrontation between Aboriginal and non-Aboriginal people across barricades, real or symbolic. But the barricades will not fall until we understand how they were built.

Studying the past tells us who we are and where we came from. It often reveals a cache of secrets that some people are striving to keep hidden and others are striving to tell. In this case, it helps explain how the tensions between Aboriginal and non-Aboriginal people came to be, and why they are so hard to resolve.

Canadians know little about the peaceful and co-operative relationship that grew up between First Peoples and the first European visitors in the early years of contact. They know even less about how it changed, over the centuries, into something less honourable. In our report, we examine that history in some detail, for its ghosts haunt us still.

The ghosts take the form of dishonoured treaties, theft of Aboriginal lands, suppression of Aboriginal cultures, abduction of Aboriginal children, impoverishment and disempowerment of Aboriginal peoples. Yet at the beginning, no one could have predicted these results, for the theme of early relations was, for the most part, co-operation.

The relationship between Aboriginal and non-Aboriginal people evolved through four stages:

- There was a time when Aboriginal and non-Aboriginal people lived on separate continents and knew nothing of one another.
- Following the years of first contact, fragile relations of peace, friendship and rough equality were given the force of law in treaties.
- Then power tilted toward non-Aboriginal people and governments. They moved Aboriginal people off much of their land and took steps to 'civilize' and teach them European ways.
- Finally, we reached the present stage—a time of recovery for Aboriginal people and cultures, a time for critical review of our relationship, and a time for its renegotiation and renewal.

Many of today's malfunctioning laws and institutions—the *Indian Act* and the break-up of nations into bands, to name just two—are remnants of the third stage of our history. But there was honour in history, too; indeed, the foundations of a fair and equitable relationship were laid in our early interaction.

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Identity Quotations

BLM
1.2.1

Read the following quotations concerning Aboriginal identity and analyze one or more using BLM G.1: Analyzing Quotations. Add your analysis to your portfolio.

- “The fact is that when the settlers came, the Indians were there, organized in societies and occupying the land as their forefathers had done for centuries. This is what Indian title means...”
Supreme Court of Canada
Calder v. Attorney General of British Columbia (1973)
- “Assimilation policies failed because Aboriginal people have the secret of cultural survival. They have an enduring sense of themselves as peoples with a unique heritage and the right to cultural continuity.”
- “*Aboriginal peoples are nations*. That is, they are political and cultural groups with values and lifeways distinct from those of other Canadians.”
From “A Word From Commissioners,” Highlights from the *Report of the Royal Commission on Aboriginal Peoples (1996)*
- “America, separated from Europe by a wide ocean, was inhabited by a distinct people, divided into separate nations, independent of each other and the rest of the world, having institutions of their own, and governing themselves by their own laws. It is difficult to comprehend...that the discovery of either by the other should give the discoverer rights in the country discovered which annulled the previous rights of its ancient possessors.”
Chief Justice John Marshall, United States Supreme Court
Worcester v. Georgia (1832)
From a landmark case quoted by the Commissioners in “Looking Forward, Looking Back,” Highlights from the *Report of the Royal Commission on Aboriginal Peoples (1996)*
- “We the Dene of the N.W.T. insist on the right to be regarded by ourselves and the world as a nation. Our struggle is for the recognition of the Dene Nation by the government and people of Canada and the peoples and governments of the world. . . .”
Dene Nation. “Dene Declaration: Statement of Rights,” Indian Brotherhood of the Northwest Territories, 1975. Available online at www.denenation.com/denedec.html.

- “There is something my uncle said, you know, ‘You’re not a true Indian unless you...follow the culture, then you are an Indian.’ It’s not a status thing. It’s not a piece of paper. It’s a spiritual thing, an emotional thing, a mental thing, a physical thing.”

Indian and Northern Affairs Canada. *Report of the Royal Commission on Aboriginal Peoples, Vol. 4: Perspectives and Realities*. Chapter 7: Urban Perspectives, 1991.

Etah, a 17-year-old street youth in Vancouver, quoted in “*Kāptitipis e-pimohteyahk* (Urban Perspectives: Aboriginal Street Youth Study): Vancouver, Winnipeg and Montreal” by Lauri Gilchrist and R. Anthony Winchester, research study prepared for RCAP (1995).

- “The First Nations people view themselves not as custodians, stewards or having dominion over the Earth, but as an integrated part in the family of the Earth. The Earth is my mother and the animals, plants and minerals are my brothers and sisters.”

Lickers, Henry F. “The Cultural Divide in Science Education for Aboriginal Learners,” Canadian Council on Learning. Available online at www.ccl-cca.ca/CCL/Reports/LessonsInLearning/LinL20070116_Ab_sci_edu.htm.

Read "Childhood in an Indian Village" by Wilfred Pelletier. With a partner, compare the community customs described by Pelletier to your own experiences and complete a reflection journal entry.

Because of copyright restrictions, the article is available only in the print version of this document. It can also be found at <www.belcourt.net/Source/ChildhoodInAnIndianVillage.doc>.

First Nations, Métis, and Inuit Organizations: Overview

BLM
1.2.3

Using print, electronic, and human resources, research a First Nations, Métis, or Inuit organization using the following framework to record your findings. Add the completed sheet to your portfolio.

Name of Organization:

Leadership and representation:

How are the members/constituents of the organization represented (e.g., the number of representatives, councillors, board members, etc.)?

How is the leader (e.g., Grand Chief, President, etc.) chosen?

Who is the current leader of the organization?

What is the organization's constituency (i.e., Who does it represent)?

Brief history and background:

Read the following excerpt from *For Joshua* by Anishinabek writer Richard Wagamese and, in a small group, discuss Richard’s attempt to create an identity that would impress his new friends. In your reflection journal, record your response to the following questions:

- Why do you think it was so important for Richard to be thought of as an “authentic Indian”?
- What could you tell other people about your own culture and traditions? Where did you get your information?

Again, I was the only Indian. As the laughter followed me down the hallway to my home room I decided to do anything I could to stop the laughter. I smoked, swore, acted out in class, and lied about who I was. I chose to be the class clown and with every laugh I got I felt more like I was accepted. I began to believe that all I needed to do was get a reaction from people, that getting attention was the same as getting recognition. It wasn’t. My grades fell. I went from As to Ds in one term and the resulting outcry at home was loud and painful.

But more hurtful was Lori. I guess all of us remember our first crush. For me it was Lori. She was a hippie, or at least as close to a hippie as her mother allowed her to be. She had long, curly brown hair that she wore under a variety of hats and she favoured the mini skirts that were popular at the time. She was beautiful—big, blue eyes, long lashes, and a smile that made her seem to radiate. When she invited me to a couple’s skate at the roller rink one Saturday afternoon I almost fell over. All of the guys were after her. When we glided out onto the floor that afternoon I felt a curious mixture of being superior to every guy there and of being inferior to the beautiful and popular girl with whom I was holding hands. I became infatuated very quickly.

Lori was very “into” Indians. She had read many books about Indian people, drawn many pictures, seen many movies and television shows about them and she really wanted to “go with” a Native guy. I was the only Native person she’d ever met and she was determined to be with me. She told me all about this as I walked her home after skating that afternoon. When she asked me questions about my background and heritage I did the only thing I knew how to do: I lied.

Because I hadn’t been given any exposure to my tribal identity at home, I got all my Indian information from the same place everyone else around me got theirs. I watched Westerns on television, read comic books, and went to the movies. From these I gleaned that Indians were bloodthirsty savages with a religion that was close to voodoo. We all rode horses, wore war paint, and must have been afraid of the dark because wagon trains never got attacked during the night. We were untamed, unruly, and needed the help of white people to survive. That was the extent of my cultural knowledge.

By the time I got to school on Monday the word was already out. Guys who'd never bothered talking to me before were suddenly interested in me. Girls who'd laughed and pointed at me before began looking at me out of curiosity. I felt huge. I felt like I mattered. But no one knew that I had no clue at all about my tribe, my history, language, culture, and ritual. No one knew how afraid I was that, when Lori found out that I wasn't really an Indian, she would drop me and I would be back to being "very Jerry" in no time at all. So I lied even bigger lies. I invented a language I called Ojibway—a guttural, grunting kind of talk with a lot of extraneous hand motions and gestures. I took great pains to write this new language down and commit it to memory. I gave Lori a name in that fictitious language. I told her about ceremonies I'd been to—the Sun Dance, the Rain Dance, the Ghost Dance. I told her about my grandfather the medicine man and the shamans from other tribes who had given me strong medicine so that I could survive in the city. I talked about life on a reservation and stories about life on the land. The more I lied the more she clung to me, and the more interest she showed the more esteem I garnered at school. With the respect came a hunger for more, and the bigger and more fantastic the lies became.

I can almost laugh when I recall that performance. Almost. As I gazed upwards at the stars that night in the foothills I remembered the collapse. Lori had kept on reading about Native life while we were together and she began to detect wide variations between what I was telling her and what the books were saying and showing. I was showing her how to do a war dance and explaining the meaning of war drums to her when she'd finally had enough.

"There's no war drum. There's just a drum and it's used for many things—not just war. If you were really Indian you'd know that. But you're no Indian," I recall her saying. "You're nothing but a phony."

She dropped me. Word spread just as quickly this time and I remember the shame and embarrassment I felt walking down the hallway to jeers and laughter. "Big Chief Full-of-Shit" was scrawled across my locker and I was alone again. All of the life I'd felt flowing through me when I was with Lori was gone and in its place was bitterness, shame, and an anger I'd never felt before. I was angry that no one, neither the Tacknyks nor the Gilkinsons, had allowed me to learn anything about who I was. They'd never allowed me to learn about my tribe, my history or culture. I knew then, in the loss of Lori, that I was no one, that all the play-acting I did was just that, that I was a non-entity because I didn't know who I was. I heard the same familiar words in my head one more time. "There's something wrong with you. If you were lovable, worthy, wanted, adequate, she'd have kept you. But you're not, she found out, and now you're alone."

Not much changed after that. I lied even more at home, school, and church, and when I was found out in those lies I was punished, banished, or rejected outright. With each reaction, I became more determined to be seen, known, recognized. I skipped classes and hung out in pool halls. And I ran away from home. I ran away because even then I thought that geography was a cure. The first time I fled it was just for one night, which I spent huddled in the cab of a parked truck outside of Vineland, Ontario. It was miserable, cramped, and cold, and I actually looked forward to going back to my warm bed.

From *For Joshua: An Ojibway Father Teaches His Son* by Richard Wagamese. Toronto, ON: Doubleday, 2002. Reprinted with permission from the author. All rights reserved.

As a class, discuss the list of statements by responding to the following questions:

- Does the statement describe what you experience, witness, or hear about?
- If you answered “no” to the above question, describe what happened, what you did (if anything), and how you felt.
- How should one respond to discrimination?

Complete a reflection journal entry.

1. My family or I can easily rent or buy affordable, decent housing in a safe neighborhood.
2. I can go shopping without drawing the unwanted attention of store security or clerks.
3. I can watch television or read a newspaper or magazine and see people like me represented in a positive way.
4. The contributions of my culture(s) are acknowledged in the histories of Canada and Manitoba.
5. I can easily buy, in most stores or malls, music or food that is representative of my culture.
6. People of authority whom I encounter are of my culture.
7. If a policeman stops me, it is not because of what I look like.
8. I see and/or hear my culture reflected in my school, classroom, learning activities, textbooks, and other resources.
9. My shortcomings and problems are not attributed to my cultural background.
10. I feel welcome in public places such as libraries, malls, hospitals, schools, etc.

In a small group, read and discuss (Assembly of First Nations) National Chief Phil Fontaine's speech "Modern Racism in Canada." Complete BLM G.5: Issue-Based Article Analysis, and add to your portfolio.

Answer the following question:

- In your own words, explain what Chief Fontaine means when he writes: "Sustainable solutions toward equality between Aboriginal and non-Aboriginal Canadians can be developed, but the truth of the present and past must be told."

Record your response to the question in your learning log.

Modern Racism in Canada

Phil Fontaine, B.A., LL.D.

There are few topics that are more important for the well-being of our nation than public policy issues around racism, and its antidote, equality. There is a lot of sensitivity around the subject of racism. For a person or party to be *called* racist in Canada today, is considered a serious slur (my lawyers will attest to that!). Many do not want to admit that it even exists, in fact many people say "surely Phil Fontaine, as National Chief, *you* cannot possibly experience racism." But I quote Sammy Davis Jr., who once said, "Being a star has made it possible for me to get insulted in places where the *average* Blackman could never *hope* to get insulted." I may not be a "star" like Sammy Davis Jr., but I still like the line.

Racism, among other things, is a contest over meanings. Canada's cherished image as a tolerant society leads even progressive Canadians to the view that racism means only *overt* acts by some nasty individuals against other individuals. I do not see it that way. *No* Aboriginal person in Canada sees it that way. What we see, experience, and understand on a daily basis, is racism interwoven in the very fabric of the social system in Canada.

In this paper I will discuss both overt and covert racism. I will describe what racism is, what racism looks like from *our* perspective, and then its impacts. I will seek to identify the barriers to solutions for racism and finally, will describe our vision of what is required to achieve the future equality of Aboriginal peoples in Canada.

What is Racism?

A definition of racism is, "an attribution of inferiority to a particular racial group and the use of the principle to propagate and justify the unequal treatment of this group." It can be based on the notion of biological inferiority, or may attribute inferiority to cultural deficiency, social inadequacy and technological underdevelopment. Racism can be institutional, systemic, and individual; and it can be directly or indirectly inflicted. But when we talk of racism, it is important to go beyond definitions and attempt to understand its complexities. There are many different types of racism, implemented in many different ways, used to accomplish many different racist goals.

Racism is generally categorized into three types: (i) individual, direct racism—when individuals expressly espouse racist views as part of a personal credo; (ii) subconscious, indirect, or unintentional racism—when individuals hold negative attitudes toward racial minorities based on stereotypical assumptions, fear, and ignorance; and (iii) institutional or systemic racism—when institutions such as government agencies, businesses, and organizations that are responsible for maintaining public policy, health care, education, housing, social, and commercial services and other frameworks of society, functioning in such a way as to limit rights or opportunities on the basis of race. Institutional racism can be both direct and indirect.

A 1989 report entitled *Eliminating Racial Discrimination in Canada* describes the extent to which individual racism is deeply embedded in the Canadian culture. The report states that between 12 and 16 percent of Canadians admitted to strong intolerance based on race; and 94 percent of job-agency recruiters surveyed indicated that they had rejected job seekers based on race. The report also showed that 31 of 73 Toronto landlords questioned discriminated on the basis of race.

The Aboriginal Justice Inquiry of Manitoba captured the experience of *systemic* and *institutionalized* racism for Aboriginal people in its summary. Their report spoke of policing that is at times unresponsive and at others overzealous, intensive, and often abusive. It recorded a system of laws and courts that ignores significant cultural factors and subjects them to incomprehensible proceedings and inordinate delays in the dissipation of cases. The report called the penal system harsh and unproductive, and spoke of parole procedures that often caused delays in releasing parolees. The inquiry talked about child welfare and youth justice systems that isolate young people from their families and their communities. It spoke too, of historical wrongs, of betrayals and injustice, and of a vision for restoring social harmony to their communities.

A popular fallacy is that racism is irrational. It is not. Particularly in politics, racism and prejudice are always founded on seemingly rational, strategic arguments, designed to appeal to “common sense” and so-called logical thinking. This approach has major consequences. It makes the specific prejudices upon which the arguments are founded seem acceptable. It could be said that racism is the idea and discrimination the practice. But there are other ways to practice racism. In addition to overt discriminatory treatment, and covert discriminatory treatment, the tools of the racist include the use of violence and genocide, racial hate messages, and threats and denial. The choice of tool often varies with the class, position, or power of the oppressor. Lower- and middle-class members of the dominate group might use violence against racial minorities, while upper-middle-class members of the dominate group might resort to denial, in their righteous indignation against “diversity” and “reverse discrimination.” Institutions—government bodies, schools, and corporations perpetuate racism through a variety of overt and covert means. But whatever the means, all forms of racism inflict wounds, wounds that are neither random nor isolated, wounds that can be fatal. Regardless of whether we are talking gutter racism, parlour racism, corporate racism, or government racism, they all work in concert, reinforcing and perpetuating existing conditions of inequality.

Today, modern racism, as an *ideology*, is for the most part a covert operation. In fact, its central and most distinguishing characteristic, as compared to traditional racism, is the vigour with which it is consistently denied. An example, writ large, is the front cover of the February edition of the *Alberta Report* magazine. In its response to the federal government's apology for the abuse of Aboriginal children in residential schools, the magazine ran a cover page with a photograph of smiling Aboriginal children at a residential school. The title emblazoned across the top of the cover was "The Holocaust that Never Happened." To make such a cruel assertion in the face of survivors of residential schools in western Canada shows how strong the motivation to deny racism is. The *Alberta Report*, and those for whom it speaks, know that denial is the central feature critical to the way in which modern racism works. That is to say, if you deny that racism exists, you do not have to take responsibility for it. More importantly, if you deny racism exists, any attempt to correct it can be categorized as discrimination and the creation of "special rights" for the minority group. Using the terminology of "special rights" to describe legal protection of vulnerable groups denies the fact that racism, sexism, and other forms of discrimination exist. Even a superficial understanding of the history and current realities of discrimination in Canada reveals that such "special rights" talk is little more than the ignorance of privilege and the privilege of ignorance. It is no accident that the hot racial issues in equality today is "reverse discrimination"—challenges to affirmative action plans, based on claims by white people that they are victims of racism.

Another technique of denial is to call racism by another name. The media are very good at this. The presence of racism is often ignored or covered up with euphemisms such as "disadvantaged" or "underprivileged." This status is then subtly, or even not subtly, linked to stereotypes which portray us as people who either *have* problems or *cause* problems. We are pictured as too lazy to work, failures in school, and prone to substance abuse and crime. We are portrayed as less bright, less civilized, less sensitive, less human. Is it any wonder our people are treated in ways that are less friendly and less human than the ways others are treated? Such portrayals justify oppression in the minds of racists and eggs them on.

The *Winnipeg Sun* is a case in point. For several months, the paper ran an ad for "Crime Stoppers" using a photograph of two Aboriginal teenagers being frisked by police officers. The effect of the photograph and ad was to reinforce in the minds of readers the stereotype that all Aboriginal youth are delinquents. The *Calgary Herald* provides another example. For almost a year, the *Herald* has repeatedly printed sensational front-page headlines about alleged financial mismanagement by the administration of the Stoney Reserve. At the same time, many more egregious cases of mismanagement of much larger amounts of taxpayers' money by the provincial government causes little comment. Two things are happening here. First, the disproportionate coverage minimizing the fault of the white government and maximizing the fault of the Aboriginal government effectively maintains white superiority and Aboriginal inferiority. Second, sensational coverage over such a long period of time cannot help but create the false impression that a crisis exists, and that all Aboriginal people must be incapable of running their own affairs. Another current example is the New Brunswick furor over the harvesting of trees on Crown land. There was not much public outrage about forestry management practices in the province until a court ruled that Aboriginal people had harvesting rights on Crown lands. Now that Aboriginal people are involved, it seems that everyone has conservation concerns.

The use of negative stereotypes combined with denial of racism creates a perfect "Catch-22" situation for native people. It says our *inferiority* is systemic, but *discrimination* against us is not. Another high profile example of creative denial was demonstrated in the Anita Hill case in the United States. The Senate committee called all the other women in Clarence Thomas' office to testify that Clarence Thomas did not sexually harass *them*, thus concluding that he could not have sexually harassed Anita Hill. This technique of denying discrimination through assumption of sameness of treatment is reminiscent of a comment a particularly astute judge made in a dog-barking case. It seems the judge was asked to enforce a local by-law about dogs barking. The defendant attempted to introduce an audio tape containing complete silence into evidence to disprove the allegations. The judge disallowed the tape, saying that "it could be anybody's dog not barking"!

Another way to make racism disappear is to "culturalize" it. To make this work, racism must be characterized as a phenomenon having more to do with ethnicity and culture than with domination and discrimination. Examples of this can be found in some well-meaning but misguided "culturally sensitive" interpretations of racist practices in the administration of justice, such as trying to explain the overrepresentation of Aboriginal youth in jail. These analyses have concluded that cultural differences affecting demeanour in the courtroom explain why youths are unnecessarily criminalized and labelled as unreliable, remorseless, and uncooperative. This interpretation is based on the understanding that police, lawyers, and judges administering justice on reserves, more often than not, come from cultural, social, and economic backgrounds that are different from the majority of persons in the communities they serve. As a result, they may misinterpret demeanour to the detriment of Aboriginal youth. The danger here is that under the umbrella of "cross-cultural sensitivity," discriminatory activities which are completely unrelated to culture may be overlooked, such as Crown prosecutors who prosecute more readily because they are unwilling to overrule the police who are over-inclined to charge offenders, producing 200 to 300 percent more convictions than in other jurisdictions. There are few, if any, support services used as alternatives to jail. All these non-cultural factors contribute to an overrepresentation of Aboriginal youth in jail, but they are overlooked in a "culturally sensitive" explanation. Racism is never mentioned. Occasionally, non-Aboriginal judges, lawyers, and other players in the justice and social services systems have been too quick to embrace culture in ways that fail to challenge patriarchy, colonialism, imperialism, and sexism. Their notion of culture simply confines it to a static, unchangeable, and timeless vacuum of values, beliefs, knowledge, and customs which sometimes operates to the detriment of Aboriginal women. While cultural values of healing and reconciliation must be respected, equality and the safety of women cannot be overlooked, especially in cases involving violence. Coming to terms with women's reality at the intersection of racism and sexism is something that more often than not, can be easily lost in the rush to be "culturally sensitive."

In order to deal properly with these complex issues, Canadian courts must come to grips with the contemporary act of white supremacy in and out of the courtroom and not simply get by with a superficial reference to history, cultural biases, and social conditions. They must strive to understand how cultural differences within and between groups operate, such as the difference in gender and race status. This approach inevitably engages discussion about differences, about control, about racism, about sexism, and about how Aboriginal and non-Aboriginal cultures work to sustain them, or eradicate them. Once these understandings are obtained, there is a far better chance that substantive changes toward meaningful equality and respecting cultural differences will take place.

It always fascinates me that I see the world so differently from many of my non-Aboriginal friends and acquaintances. Obviously, the identity of the person doing any analysis makes a difference. When something particularly horrifying and tragic happens, such as the shooting deaths of Connie Jacobs and her little son Ty by an RCMP officer at their home on the Tsuu T'ina Reserve in Alberta, different perceptions become more stark. My reaction and the reaction of my people is to understand the killings in the context of an historical pattern of state behaviour directed at Aboriginal people generally, and Aboriginal women and children in particular—behaviour that has disrespected and devalued us, seen our women as inferior mothers and grandmothers, and failed to give us the same consideration and protection that is taken for granted by whites. As a result, we are alarmed and angry and thus call for immediate redress in the form of an independent inquiry by First Nations to examine all the surrounding contextual issues, including sexism and racism in institutional practices of the RCMP and other agencies. On the other hand, the reaction of the non-Aboriginal population to the Jacobs' killing is to see the incident as horrifying, but isolated and maybe even a result of some intemperate action by the Aboriginal woman herself. (One can only speculate whether there would have been a greater public outcry and a greater distrust of police conduct if similar killings took place in an up-scale Calgary suburb.) There is no immediate connection with context—social, economic, political, or historic. A further discussion of the incident from the possibility of race and sex discrimination has led many to the conclusion that there is no institutional or state responsibility to respond to the incident—other than through an RCMP inquiry into their own procedures and a fatalities inquiry, which would examine the narrow circumstances immediately surrounding the deaths.

These differing attitudes to the same event arise from different life experiences based on race. Most white people have never had their children spat upon, or been taunted at school, or at the hockey rink, or at the park. Nor have they had their daughters subjected to obscenities as they walk down the street. Most elderly white women and men are respected as they buy groceries or visit a health clinic. When non-Aboriginal people are in a car accident or domestic dispute, the police are respectful and attend quickly.

Even though you would never know it from media coverage, our life experience tells us that racial violence and harassment *are* widespread, common, and life threatening; and that we cannot necessarily rely on the police to protect us when we most certainly expect respect. The arrest of five people in what police have described as the racially motivated killing of a 65-year-old Sikh man in British Columbia clearly demonstrates that racism and intolerance are alive and well in Canada. For us, it is very logical to link together several thousand real-life stories into the interpretation we put on Connie Jacobs' case. We similarly interpret the cases involving J.J. Harper, Dudley George, Donald Marshall, Helen Betty Osborne, and the Kittynowdlok-Reynolds. It is also logical for us to link the five attempted suicides on the Tssu T'ina Reserve within two weeks to Connie Jacobs and her son's deaths. The despair, hopelessness, and lack of control we all feel as a result of such a senseless and brutal loss of life, leads some to the tragic belief—supported by experiences and perceptions—that they do not have lives worth living.

The Future

As far as Aboriginal people are concerned, racism in Canadian society continues to invade our lives institutionally, systematically, and individually. The Aboriginal Justice Inquiry in Manitoba, the Donald Marshall Inquiry in Nova Scotia, the Cawsey Report in Alberta, and the Royal Commission on Aboriginal People all agree. The question now is, What is to be done?

Anti-racism strategies, to the extent that they exist, are all about the relative value of human lives. A negative response to racism is a statement that victims of racism are valued members of our society. Recognizing the harms of racism and the need to strengthen our dangerously fickle collective commitment to equality requires us to listen to those who suffer from discrimination, and to hear their stories. Sustainable solutions toward equality between Aboriginal and non-Aboriginal Canadians can be developed, but the truth of the present and past must be told.

Patricia Monture, a Mohawk woman and legal scholar, stated that if the white society cannot bring itself to understand the pain that Aboriginal men, women and children go through, then they are never going to understand anything. All the equality promises in the world will not get us anywhere because without that understanding, the theories do not reflect social reality, and do not reflect peoples' experiences. To combat racism, we must give up on monolithic, ethno-centric reality and believe that there is something to be learned and a better society to be achieved by listening to formerly silenced people. Listening to the powerless may, in turn, lead to the understanding that some groups and group members have enjoyed disproportionate privilege, including the power to define, to appropriate, and to control the realities of others.

It must be understood that racists have no interest or desire to investigate the reality of others different from themselves nor the injustices that result when others' realities are imposed upon them. Their objectives are to roll back progress through the mobilization of fear, resentment, ignorance, and intolerance. For them, difference is dealt with by making it disappear, by treating everyone the same. Non-Aboriginal Canadians must understand that this never has been and never will be good enough, because it will only perpetuate racism, indefinitely. Equality requires a commitment to the proposition that there are alternative claims to the "truth."

Another prerequisite to future equality is an accounting of the past. The heinous violations of human rights which have been perpetuated upon our people for generations, merely because of our race, cannot go unmarked. Their extent should be catalogued, their detail exposed, and their causes explored. Once all this has been done, the results must be published so that society will have a lasting record and guide to avoid future repetition of the violations we have suffered. If the truth of residential schools, religious persecution, cultural destruction, and mass abductions of our children remains unexplored and obscure, I fear that equality, peace, and justice will elude our grasp. Only when misconduct is exposed and addressed can we begin to build a fence around it and move confidently and purposefully toward the full achievement of equality, dignity, and respect. Some progress has been made. A first step was taken with the establishment of the Healing Fund and the apology for residential school abuse. Many other steps remain which will require the partnership of goodwill of both Aboriginal and non-Aboriginal Canadians. I look forward to travelling this path with all Canadians.

Megweetch.

Lecture—Modern Racism in Canada: 1998 Donald Gow Lecture by Phil Fontaine. Reprinted with permission of the School of Policy Studies at Queen's University. All rights reserved.

Read "Common Portrayals of Aboriginal People" and use print and electronic resources to research films and/or television for examples of the various stereotypes described in the article. Record your findings in your learning log.

Because of copyright restrictions, the article is available only in the print version of this document. It can also be found at the *Media Awareness Network* website at www.media-awareness.ca/english/issues/stereotyping/aboriginal_people/aboriginal_portrayals.cfm.

Read the *Winnipeg Free Press* article, "Redskin jersey about pride, not prejudice" and write a letter to the editor agreeing or disagreeing with the headline and supporting your point of view. Add your letter to your portfolio.

Because of copyright restrictions, the article is available only in the print version of this document. It can also be found at the *Winnipeg Free Press* website at

<www.winnipegfreepress.com/historic/32711129.html>.

Seeing “The Other”: European Views Of First Nations, Métis, and Inuit Peoples

BLM
1.3.6

With a partner, analyze two or more of the following quotations using BLM G.1: Analyzing Quotations. Discuss your analysis in a small group, and add your analysis to your portfolio.

“[Indians] are a remarkably strange and savage people, without faith, without law, without religion, without any civility whatever, living like irrational beasts, as nature has produced them, eating roots, always naked, men as well as women.”

Andre Thevet, monk, 16th Century

“...although they have been formed by as many different skills and usages as we have been, their nature is still half-way between man and beast, as they have not developed and learned the arts of peace and war as have the people of the other three parts of the habitable world.”

Anonymous, 16th century

“This people may well be called savage, for they are the sorriest folk there can ever be in the world, and the whole lot of them had not anything above the value of five sous, their canoes and fishing nets excepted.”

Jacques Cartier, explorer, 1491-1557

“These people live like animals...it is evident that some men are by nature free, and others servile. In the natural order of things, the qualities of some men are such that they should serve, while others, living freely, exercise their natural authority and command.”

John Mair, theologian, 1469-1550

The above quotes are found in:

Dickason, Olive Patricia. *The Myth of the Savage: And the Beginnings of French Colonialism in the Americas*, by Olive Patricia Dickason, The University of Alberta Press, 1984.

Seeing “The Other”: European Views Of First Nations, Métis, and Inuit Peoples

BLM
1.3.6

“They [the Norse people who settled in North America] needed to copy the Inuit practice of burning seal blubber for heat and light in the winter, and to learn from the Inuit the difficult art of hunting ringed seals, which were the most reliably plentiful source of food available in the winter. But the Norse had contempt for the Inuit—they called them skraelings, “wretches”—and preferred to practice their own brand of European agriculture.”

From a review of Jared Diamond’s “Collapse: How Societies Choose to Fail or Succeed.” Gladwell.com, *The New Yorker*, 2005 Archive. Available online at <www.gladwell.com/2005/2005_01_15_a_collapse.html>.

“The Indians on board the ships called this island Saomete. I named it Isabela.”

Christopher Columbus

From Revolution to Reconstruction: Documents: Christopher Columbus: Extracts from Journal (1942). Available online at <<http://odur.let.rug.nl/~usa/D/1400-1500/columbus/extract.htm>>.

“The Indians gave up the land of their own free will, and for it received brass kettles, blankets, guns, shirts, flints, tobacco, rum and many trinkets in which their simple hearts delighted.”

Patrick Gordon

Available online at <www.changesurfer.com/Family/PS05/PS05_107.htm>.

“I don’t feel we did wrong in taking this great country away from them. There were great numbers of people who needed new land, and the Indians were selfishly trying to keep it for themselves.”

John Wayne

“John Wayne’s Approach to Native Americans”

Available online at <www.emanuellevy.com/article.php?articleID=3792>.

“Then, I realized that there is an indigenous presence in the Solar System. It’s us. So, then, I got to wondering what would happen if a more technologically advanced society moved next door to us, the way we moved next door to the American Indians.”

Sarah Zettel

“A Conversation with Sarah Zettel”

Available online at <www.sfsite.com/02a/sz74.htm>.

“Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian Department.”

Duncan Campbell Scott, Deputy Superintendent General of Indian Affairs, 1920

Titely, Brian, E. *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada*, University of British Columbia Press, 1986, p. 50.

First Nations and British (Western) Historical Worldviews

BLM
1.3.7

Compare the lists on the following pages, and create a Venn diagram comparing traditional worldviews of First Nations, Métis, and Inuit peoples to western worldviews. Respond to the following questions:

In your view,

- which beliefs have caused the greatest misunderstanding between Indigenous and non-Indigenous Canadians?
- which beliefs have the greatest potential for building understanding between Indigenous and non-Indigenous Canadians?

Add your Venn diagram and the answers to your questions to your portfolio.

First Nations and British (Western) Historical Worldviews

BLM
1.3.7

First Nations Worldview

1800s

Spiritual

- The Creator is the ultimate spiritual entity and the giver of all life. The Creator created the universe and all Creation has a spiritual connection to the Creator.
- The Creator placed First Nations on Mother Earth and gave them a way of life and a way to pray so that they could communicate with the Creator. First Nations follow “natural laws” given to them by the Creator.
- Natural laws govern relationships with all that was created. They are built on respect for all things.
- Human beings are the most dependent of all creatures. They depend on the earth, the animals, and the plants given to them by the Creator for their sustenance. All life forms are equally important.
- Attitude of respect and humility toward others and the natural world is required to sustain harmony (interdependence).
- Fundamental ethic is respect.
- Spiritual ceremonies to celebrate important events (naming ceremonies, marriage, feasts, the passing of people to the spirit world).

Political

- The Creator is greater than all governments.
- The Creator gave First Nations natural laws that addressed how to live in peace and harmony with all Creation.
- Harmony in the natural world is the model from which the rules of behaviour come.
- Right behaviour centres on duties and responsibilities.
- Rules of acceptable behaviour are agreed upon by consensus of the group.
- Leaders were chosen for specific events and length of time (e.g., Chief and War Chief).
- Chiefs were chosen for their leadership talents, the strength of their character, and their sense of commitment to the community. Or in time of war, often younger men were chosen to be War Chiefs for their skills as strategists, or their military prowess.
- Leadership required the approval of the group.
- Decisions were made through a process of consensual decision-making.
- Members of society (usually males) participated in the governing council.

Economic

- The Creator provides for all needs.
- Sharing with the collective for the benefit of the group is paramount.
- Co-operation and sharing are the dominant ethic.
- Magnanimity (sense of generosity) is valued.
- Waste is disrespectful and harmful to all.
- Status comes from service to the community.
- When the needs of all are taken care of, there will be harmony and security within society.

First Nations and British (Western) Historical Worldviews

BLM
1.3.7

British (Western) Worldviews 1800s

Spiritual

- God is the ultimate spiritual entity and the giver of all life. He created the universe and life on earth. He is all knowing and all loving.
- God is worshipped through prayer and religious ceremonies.
- The Church follows God-given laws and teaches these to individuals as rules to live by. These rules are written in the Holy Bible.
- Human beings are the most dominant of all creatures. They are made in the “image of God.”
- Attitude of dominance over nature along with a sense of ownership characterizes the relationship.
- Fundamental ethic is compassion (love).
- Ceremonies and rituals to celebrate important events (religious services; ceremonies for baptism, marriage, death).

Political

- God is greater than all governments.
- The King/Queen was head of state and protector of faith.
- Government is a human creation.
- Laws passed by an elected assembly (Parliament) were imposed for an ordered society. Laws are written.
- Right behaviour centres on obeying laws.
- Having order in society provides the environment that will protect the rights of individuals and provide them with the freedom within the limits of the law.
- Members of an elite society (usually males) participated in governing the state.

Economic

- Individual effort provides for all needs.
- The well-being of specific classes of society is essential.
- Accumulation of personal wealth is valued.
- Capitalism, competition, and ownership are paramount.
- Competition and profit guide economic production rather than government control.
- Status derives from wealth and the power that it bestows on people.
- Order in society provides the environment for the individual to pursue wealth and attain security within a society.

Worldview: Reprinted, with permission, from *Teaching Treaties in the Classroom* by Ida Iron, Sandra Bellegrade, Susan Beaudin, and Sue Deranger. Saskatchewan, SK: Office of the Treaty Commissioner, 2002.

Word Splash

experiential learning pipe carrier creation
oral tradition smudge gifts
Grandfathers, Grandmothers consensus
sweetgrass knowledge keeper prophecy
inherent rights Elders Creator
collective identity cedar bravery
petroforms spirit Indigenous Knowledge
medicine Nanabush seven fires
tobacco pipe ceremony
"all my relations" seven generations sacred land
laws of relationship potlatch balance
sage totem sharing nations
sweat lodge humility Wisakechak
natural laws Turtle Island
kinship generosity respect
Sedna

European Worldview—True or False

BLM
2.1.2

Do the following statements accurately reflect the worldviews of the European peoples who colonized the “New World”? With a partner or in a small group, discuss and respond by adding “True” or “False” after each statement. Add this completed sheet to your portfolio.

1. The good of the many was more important than the good of the one.
2. Land could be bought and sold.
3. Spirituality was more important than amassing material wealth.
4. All cultures and beliefs were equally respected.
5. Leaders were generally chosen by the people.
6. Kings ruled by divine right.
7. Agreements between nations were sacred and unbreakable.
8. History and traditions were recorded through written text.
9. Laws came from the Creator.
10. Some things were animate, some were inanimate.
11. Decisions were arrived at through consensus.
12. Society was a hierarchy; some individuals were more powerful and privileged than others.

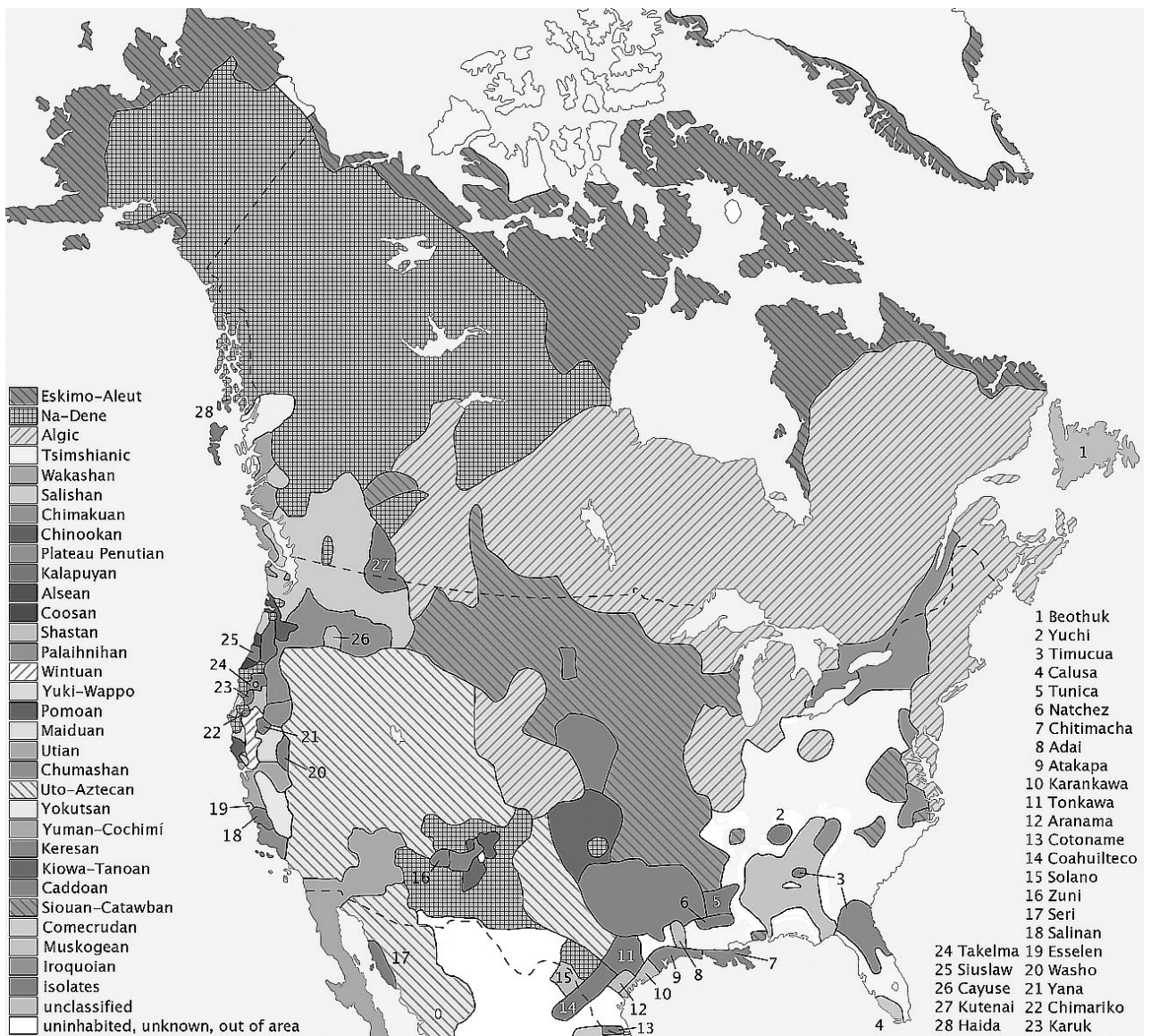
Pre-European Contact Map of North America

BLM
2.1.3

In a small group, study the map illustrating the traditional territories of First Peoples on Turtle Island before the arrival of Europeans. Complete the following and record your responses in your learning log:

- Generate as many statements as possible about pre-contact First Peoples based on the map (e.g., Some First Peoples had larger territories than others).

Note: For a larger, full-colour version of this map, see the link in the acknowledgement below.



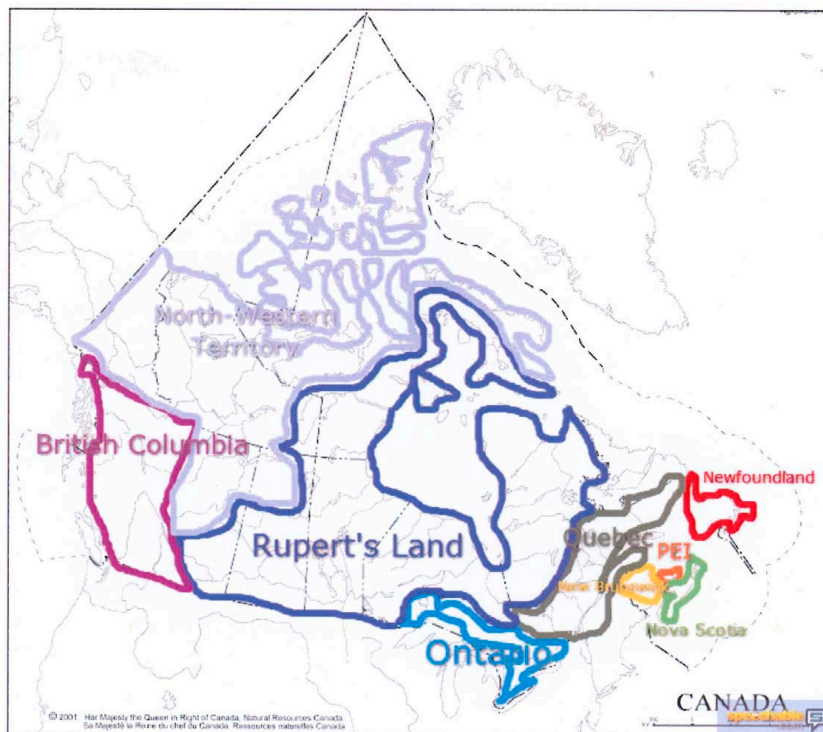
Reprinted from <http://upload.wikimedia.org/wikipedia/commons/a/a5/Langs_N.Amer.png> under the terms of the Creative Commons Attribution 2.0 Generic license.

In a small group, with reference to this map and the video, complete the following:

- Write a statement about the extent of the territory granted to the Hudson's Bay Company.
- Compare this map with the pre-contact map of North America (BLM 2.1.3). What does the comparison reveal?
- By what right was the Hudson's Bay Company able to sell the traditional land of the First Nations to Canada?
- Why didn't First Nations, Métis, and Inuit peoples benefit from the sale?
- Was the sale of Rupert's Land to Canada a just transaction?

Record your responses in your learning log.

Note: For a larger, full-colour version of this map, see <http://vmccorley.wikispaces.com/file/view/22bp69eh.png/216934892/22bp69eh.png>.



Map #1: Copyright © 2001 Natural Resources Canada. Reproduced under the terms for Non-commercial Reproduction, as described by Natural Resources Canada at www.nrcan.gc.ca/.

The Fur Trade Game

The Big Picture:

Create a game based on the fur trade, and present and demonstrate it to the class.

The **objective** is to survive and maintain or better your quality of life through participation in the fur trade.

The concepts and procedures described below are only a starting point; you must develop and add to these in order to create a “playable” game.

Overview/Description:

You are a trader, either Indigenous or European, operating in Rupert's Land or New France in the period 1608–1867.

Setting:

- New France, 1608–1763
- OR**
- Rupert's Land, 1670–1867

“Indigenous” Players:

- Represent the nations that existed in those parts of Turtle Island that became known as New France or Rupert's Land.

“European” Players:

- French in New France
- Hudson's Bay Company (British) and North West Company (British) in Rupert's Land

The outcome of the game is affected by:

- Players' strategic decision making
- Events/conditions beyond players' control that may include historical facts (e.g., in the early days of the Rupert's Land trade, HBC forts were located only on the coast of Hudson Bay)

Measures of quality of life may include:

- Acquisition of material goods (e.g., copper kettles, snowshoes)
- Reliable food supply
- Increased security from conflict

Event/Condition may include:

- Hard winter makes hunting difficult
- Acquisition of horses increases mobility
- Supply ship fails to reach trading post
- Rival company builds post nearby

The Fur Trade Game

Economic strategies for “Indigenous” players:

- Trade furs directly with European traders
- Act as suppliers of food to European traders
- Trade with either the French or English
- Form an alliance with another nation

Possible consequences:

- Access to food and ammunition results in increased chance of survival in times of famine
- Role as middlemen keeps competitors at a disadvantage
- Exposure to deadly diseases
- Denial of access to posts and goods by middlemen

Economic strategies for “European” players:

- Stay in posts and rely on middlemen
- Trade fairly
- Give presents
- Marry into an Indigenous community

Possible consequences:

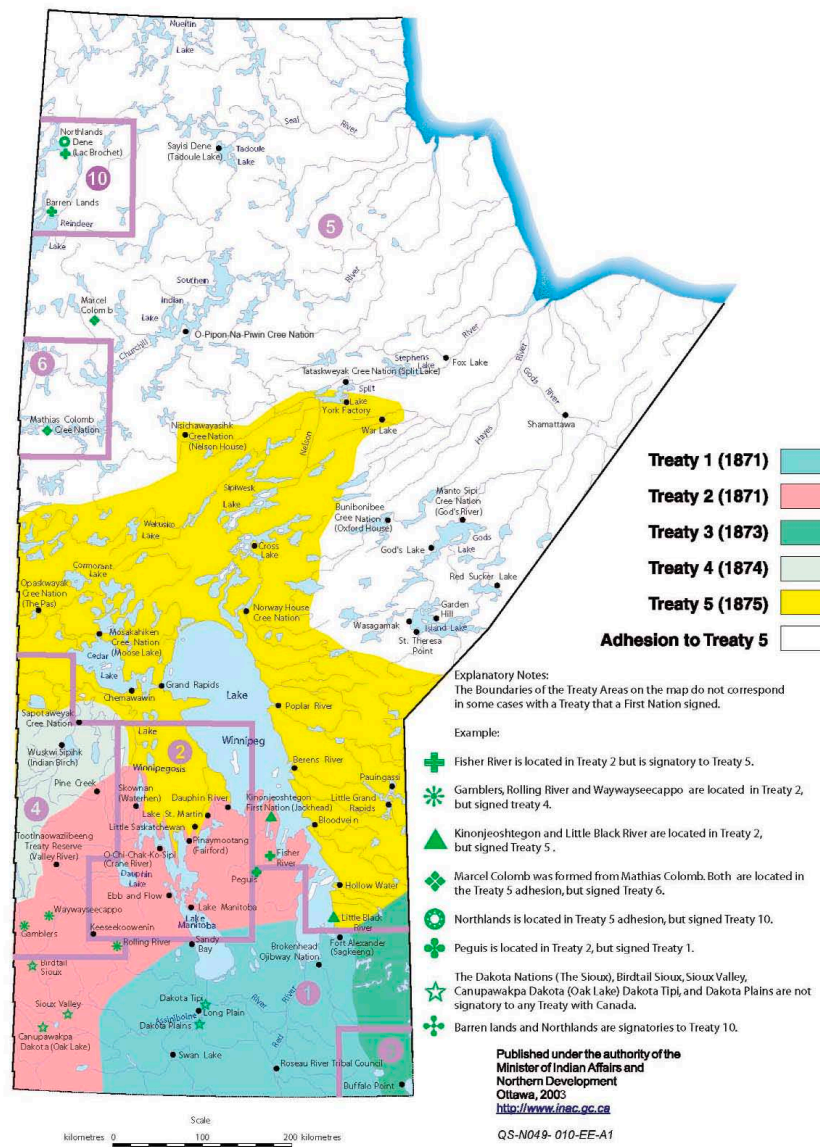
- Sustainable trade
- Opening new areas for trade
- Losing potential trade partners to another company
- Death or injury by misadventure

Other points to consider:

- Degree of historical accuracy
- Do players compete as teams or as individuals?
- Layout of the game
- Catchy name

Treaty Areas and Locations of First Nations in Manitoba

With a partner, compare the following map of the numbered treaty areas in Manitoba to a provincial highways map that shows the areas of reserves in Manitoba today. Compare the area of land surrendered by First Nations under the terms of the numbered treaties and the area of reserve land that was received. Complete a reflection journal entry in response to the comparison. **Note:** For a larger, full-colour version of this map, see <<http://www.ainc-inac.gc.ca/ai/scr/mb/rm/mps/mpfnta-eng.pdf>>.



Treaty Areas Map: Copyright Indian and Northern Affairs Canada. Reproduced under the terms for Non-commercial Reproduction, as defined at <www.ainc-inac.gc.ca/1info/imnts-eng.asp>.

Treaty Charades

BLM
2.2.2

Play charades using the following words taken from the written text of the Numbered Treaties.

Commissioner

Esquire

Hereinafter

Pursuant

Tract

Allowance

Convene

Respective

Cede

Surrender

Yield

Successors

Subscribe

Bind

Perpetual

Benevolence

The Crown Initiated the Treaties? Says Who?

BLM
2.2.3

Read and discuss the following quote with a partner and complete a reflection journal entry in response to the question:

"Why should it matter who initiated the numbered treaty process?"

"Traditional historical interpretations have tended to portray the treaty-making process as a Crown initiative, with a benevolent Crown extending its largesse to the less fortunate nations. However, the numbered treaties came about because First Nations demanded that special arrangements be made through treaties before the Crown could expect to use Indian lands and resources. They were not prepared to give up their lands, on which they depended for their livelihood, without a formal arrangement that would protect adequate lands and resources for their own use."

*Report of the Royal Commission on Aboriginal Peoples
Volume 1: Looking Forward Looking Back
Part One: The Relationship in Historical Perspective
6 – Stage Three: Displacement and Assimilation
4.2 Treaties 1 and 2*

With a partner, read and analyze “Understanding Treaties and the Treaty Relationship” using BLM G-5: Issue-Based Article Analysis.

3.4 Understanding Treaties and the Treaty Relationship

We have noted that differences in the interpretation of treaties have arisen because of differing cultural traditions, for example, with respect to the relationship of humankind to the land. Divergent understandings extended to other matters as well.

From an Aboriginal treaty perspective, European rights in the Americas—to the use of lands and resources, for example—did not derive legitimately from international law precepts such as the doctrine of discovery or from European political and legal traditions. Rather, the historical basis of such rights came about through treaties made with Aboriginal nations. In this view, the terms of the treaties define the rights and responsibilities of both parties. It is as a result of the treaties that Canadians have, over time, inherited the wealth generated by Aboriginal lands and resources that Aboriginal nations shared so generously with them. Thus, although the term ‘treaty Indians’ is commonly (if somewhat misleadingly) used to refer to members of Indian nations whose ancestors signed treaties, Canadians generally can equally be considered participants in the treaty process, through the actions of their ancestors and as the contemporary beneficiaries of the treaties that gave the Crown access to Aboriginal lands and resources.

In the tradition of Indian nations, treaties are not merely between governments. They are made between nations, and every individual member of the allied nations assumes personal responsibility for respecting the treaty. This is why, for example, the *putu’s*—or treaty-keeper—among the Mi’kmaq would read the wampum treaties to the people every year, so that they would behave properly when travelling through the territories of their allies.

Treaties among Indian nations specified the ceremonies, symbols and songs that would be used by individuals to demonstrate, at all times, their respect for their obligations. Among Europeans, the average citizen took no part in making treaties and knew little about the treaties that had been made. It was left to heads of state and governments to remember, and implement, national obligations.

To the Aboriginal nations, treaties are vital, living instruments of relationship. They forged dynamic and powerful relationships that remain in effect to this day. Indeed, the spirit of the treaties has remained more or less consistent across this continent, even as the terms of the treaties have changed over time.

Canadians and their governments, however, are more likely to look on the treaties as ancient history. The treaties, to Canada, are often regarded as inconvenient and obsolete relics of the early days of this country. With respect to the early treaties in particular, which were made with the British or French Crown, Canadian governments dismiss them as having no relevance in the post-Confederation period. The fact remains, however, that Canada has inherited the treaties that were made and is the beneficiary of the lands and resources secured by those treaties and still enjoyed today by Canada’s citizens.

A final source of misunderstanding about treaties lies in the fact that the relationship created by treaty has meaning and precedent in the laws and way of life of the Indian nations for which there are no equivalents in British or Canadian traditions.

One aspect of treaty making that is little understood today is the spiritual aspect of treaties. Traditional Aboriginal governments do not distinguish between the political and the spiritual roles of the chiefs, any more than they draw a sharp demarcation line between the physical and spirit worlds. Unlike European-based governments, they do not see the need to achieve a separation between the spiritual and political aspects of governing:

Everything is together—spiritual and political—because when the Creator...made this world, he touched the world all together, and it automatically became spiritual and everything come from the world is spiritual and so that is what leaders are, they are both the spiritual mentors and the political mentors of the people.

This integration of spiritual and political matters extends to treaty making, where sacred wampum, sacred songs and ceremonies, and the sacred pipe are integral parts of making the commitment to uphold the treaty. In affirming these sacred pacts, the treaty partners assured one another that they would keep the treaty for as long as the sun shines, the grass grows and the waters flow.

What sacred pacts, symbols and things of concrete value did the Crown bring to treaty making? The Crown's representatives gave their word and pledged to uphold the honour of the Crown. The symbols of their honour and trustworthiness were the reigning king or queen in whose name the treaty was being negotiated and with whose authority the treaty was vested.

Missionaries were a testament to the integrity of the vows that were made and witnesses to the promises that were to be kept. Outward symbols, like flags, the red coats, treaty medals, gifts and feasts were also part of the rituals.

While European treaties borrowed the form of business contracts, Aboriginal treaties were modelled on the forms of marriage, adoption and kinship. They were aimed at creating living relationships and, like a marriage, they required periodic celebration, renewal, and reconciliation. Also like a marriage, they evolved over time; the agreed interpretation of the relationship developed and changed with each renewal and generation of children, as people grew to know each other better, traded, and helped defend each other. This natural historical process did not render old treaties obsolete, since treaties were not a series of specific promises in contracts; rather they were intended to grow and flourish as broad, dynamic relationships, changing and growing with the parties in a context of mutual respect and shared responsibility.

Despite these differences, Europeans found no difficulty adapting to Aboriginal protocols in North America. They learned to make condolence before a conference with the Six Nations, to give and receive wampum, to smoke the pipe of peace on the prairies, to speak in terms of 'brothers' (kinship relations), not 'terms and conditions' (contract relations). Whatever may have come later, diplomacy in the first centuries of European contact in North America was conducted largely on a common ground of symbols and ceremony. The treaty parties shared a sense of solemnity and the intention to fulfill their promises.

The apparent common ground was real, but under the surface the old differences in world view still existed, largely unarticulated. Fundamentally, the doctrine of discovery guided the European understanding of the treaties. They were to legitimize European possession of a land whose title was already vested in a European crown. The indigenous understanding was different. Indigenous territories were to be shared; peace was to be made and the separate but parallel paths of European and indigenous cultures were to be followed in a peaceful and mutually beneficial way.

Understanding Treaties and the Treaty Relationship: Copyright © Indian and Northern Affairs Canada. Reproduced from the *Report of the Royal Commission on Aboriginal Peoples* under the terms for Non-commercial Reproduction, as defined at <www.ainc-inac.gc.ca/1info/imnts-eng.asp>.

Symbolism and Significance in the Numbered Treaty Process

BLM
2.2.5

Use this sheet to record the findings of your research into the origins and significance of the practices and protocols observed in the negotiation of the numbered treaties.

| PRACTICE OR PROTOCOL | ORIGIN | SIGNIFICANCE TO FIRST NATIONS |
|----------------------|--------|-------------------------------|
| | | |

The *Indian Act*: Assimilating First Nations

BLM
2.3.1

The original *Indian Act* (1876) was amended several times over the years, including the amendments listed below. Read the following list of restrictive amendments with a partner, and answer the following question:

"How would each of these measures contribute to the government's goal of assimilating First Nations?"

Record your responses in your learning log.

1. The Potlatch, the Sundance, and other spiritual practices are banned.
2. The government gives itself the power to lease reserve lands without Band consent.
3. The government gives itself the power to enfranchise individuals without their consent.
4. First Nation members who obtain a university degree are automatically enfranchised and lose their Status and treaty rights.
5. First Nations women who marry non-Status men lose their Status, as do their children.
6. First Nations individuals may not leave their reserve without a pass from the Indian agent. **Note:** Although similar to the many amendments to the *Indian Act* that restricted First Nations rights, the pass system was not a provision of the *Indian Act*. Rather it was an unlegislated policy that was followed in the west for about two decades after the 1885 Northwest Resistance.
7. The wearing of traditional clothing is banned.
8. Traditional First Nations methods of choosing leaders are replaced by a process of European, municipal-style elections.
9. Women are not eligible to vote or run for Band Council or Chief.
10. Meetings of three or more First Nations members to discuss a grievance against the government are banned.

The *Indian Act*: Symbol of a Changed Relationship

BLM
2.3.2

Even as the numbered treaties were being negotiated (Treaties 1-7, 1871–1877), the federal government enacted the *Indian Act* (1876) unilaterally (with no input from First Nations).

In a small group, read this excerpt from the *Report of the Royal Commission on Aboriginal Peoples*, discuss the following questions, and record your answers in your learning log.

1. How did the *Indian Act* signal a change from the nation-to-nation relationship affirmed by the *Royal Proclamation* of 1763 and continued in the treaty-making processes between First Nations and colonial and Canadian governments?
2. What is your response to the Canadian government's imposition of the *Indian Act* on First Nations? What is revealed by the passing of this legislation in the midst of the Numbered Treaty negotiations?

"In keeping with the clear policy of assimilation, the *Indian Act* made no reference to the treaties already in existence or to those being negotiated at the time it was passed. The absence of any significant mention of the treaty relationship continues in the current version of the *Indian Act*.... The omission is curious and speaks volumes about official intentions with regard to Indian autonomy [independence] after 1876. In short, it may give rise to an inference that Canadian officials did not attach great importance to the nation-to-nation nature of the treaty relationship."

(Royal Commission on Aboriginal Peoples, 1991)

Laying the Groundwork for the *Indian Act*: Legislative Precedents

BLM
2.3.3

Read the following excerpts from the *Report of the Royal Commission on Aboriginal Peoples*. As you read, consider the following questions:

- *What was the purpose of each of these acts?*
- *How did each act attempt to achieve its purpose?*
- *How successful was each act in achieving its purpose?*
- *What did the acts reveal about the changing relationship between government and First Nations?*
- *What effect did these acts have on the autonomy of First Nations?*

Record your answers in your learning log.

5. The **GRADUAL CIVILIZATION ACT: Assimilating Civilized Indians**

Before the final report of the Pennefather Commission was published, the *Gradual Civilization Act* was passed in 1857. It applied to both Canadas and was one of the most significant events in the evolution of Canadian Indian policy. Its premise was that by eventually removing all legal distinctions between Indians and non-Indians through the process of enfranchisement, it would be possible in time to absorb Indian people fully into colonial society.

Enfranchisement, which meant freedom from the protected status associated with being an Indian, was seen as a privilege. There was thus a penalty of six months' imprisonment for any Indian falsely representing himself as enfranchised. Only Indian men could seek enfranchisement. They had to be over 21, able to read and write either English or French, be reasonably well educated, free of debt, and of good moral character as determined by a commission of non-Indian examiners. For those unable to meet these criteria, a three-year qualifying period was allowed to permit them to acquire these attributes. As an encouragement to abandon Indian status, an enfranchised Indian would receive individual possession of up to 50 acres of land within the reserve and his per capita share in the principal of the treaty annuities and other band moneys.

An enfranchised man did not own the 50 acres of land allotted to him, however. He would hold the land as a life estate only and it would pass to his children in fee simple ownership upon his death. This meant that it was inalienable by him, but could be disposed of by his children once they had received it following his death. If he died without children, his wife would have a life estate in the land but upon her death it would revert to the Crown—not to the band. Thus, it would no longer be reserve land, thereby reducing the overall amount of protected land for the exclusive use and occupation of the reserve community. Where an enfranchised man died leaving children, his wife did not inherit the land. She would have a life estate like his and it would pass to the children of the marriage once she died.

Laying the Groundwork for the *Indian Act*: Legislative Precedents

BLM
2.3.3

Enfranchisement was to be fully voluntary for the man seeking it. However, an enfranchised man's wife and children would automatically be enfranchised with him regardless of their wishes, and would equally receive their shares of band annuities and moneys. They could not receive a share of reserve lands.

The provisions for voluntary enfranchisement remained virtually unchanged through successive acts and amendments, although some elements were modified over the years. Other developments in enfranchisement policy in subsequent legislation, such as making enfranchisement involuntary, will be described later in the discussion of the *Indian Act*.

The voluntary enfranchisement policy was a failure. Only one Indian, Elias Hill, was enfranchised between 1857 and the passage of the *Indian Act* in 1876. His story was told in Chapter 6. Indians protested the provisions of the *Gradual Civilization Act* and petitioned for its repeal. In addition, Indian bands individually refused to fund schools whose goals were assimilative, refused to participate in the annual band census conducted by colonial officials, and even refused to permit their reserves to be surveyed for purposes of the 50-acre allotment that was to be the incentive for enfranchisement.

The passage of the *Gradual Civilization Act* marked a watershed in the long history of Indian policy making in Canada. In many ways, the act and the response it generated were precursors of the 1969 white paper termination policy in terms of souring Indian/government relations and engendering mutual suspicion. The impact of this legislation was profoundly negative in many ways.

The new policy created an immediate political crisis in colonial/Indian relations in Canada. The formerly progressive and co-operative relationship between band councils and missionaries and humanitarian Indian agents broke down in acrimony and political action by Indians to see the act repealed. Indian people's refusal to comply and the government's refusal to rescind the policy showed that the nation-to-nation approach had been abandoned almost completely on the Crown side. Although it was reflected in subsequently negotiated treaties and land claims agreements, the Crown would not formally acknowledge the nation-to-nation relationship as an explicit policy goal again until the 1980s.

By virtually abandoning the Crown promise, implied by the *Royal Proclamation of 1763* and the treaty process, to respect tribal political autonomy, the *Gradual Civilization Act* marked a clear change in Indian policy, since civilization in this context really meant the piecemeal eradication of Indian communities through enfranchisement. In the same way, it departed from the related principle of Crown protection of the reserve land base. Reserve lands could be reduced in size gradually without a public and formal surrender to which the band as a whole had to agree. No longer would reserve land be controlled exclusively by tribal governments.

The *Gradual Civilization Act* was also a further step in the direction of government control of the process of deciding who was or was not an Indian. While the 1850 Lower Canada land act had begun this process by defining 'Indians' for reserve residency purposes, this new legislation set in motion the enfranchisement mechanism, through which additional persons of Indian descent and culture could be removed from Indian status and band membership. In these two laws, therefore, can be seen the beginning of the process of replacing the natural, community-based and self-identification approach to determining group membership with a purely legal approach controlled by non-Aboriginal government officials.

Laying the Groundwork for the *Indian Act*: Legislative Precedents

BLM
2.3.3

Moreover, the *Gradual Civilization Act* continued and reinforced the sexism of the definition of Indian in the Lower Canada land act, since enfranchisement of a man automatically enfranchised his wife and children. The consequences for the wife could be devastating, since she not only lost her connection to her community, but also lost the right to regain it except by marrying another man with Indian status.

Finally, the tone and goals of the *Gradual Civilization Act*, especially the enfranchisement provisions, which asserted the superiority of colonial culture and values, also set in motion a process of devaluing and undermining Indian cultural identity. Only Indians who renounced their communities, cultures and languages could gain the respect of colonial and later Canadian society. In this respect it was the beginning of a psychological assault on Indian identity that would be escalated by the later *Indian Act* prohibitions on other cultural practices such as traditional dances and costumes and by the residential school policy.

7. The *GRADUAL ENFRANCHISEMENT ACT*: Responsible Band Government

Two years after Confederation the *Gradual Enfranchisement Act* marked the formal adoption by Parliament of the goal of assimilation. It repeated the earlier voluntary enfranchisement provisions and introduced stronger measures that would psychologically prepare Indians for the eventual replacement of their traditional cultures and their absorption into Canadian society.

With these provisions Parliament entered a new and definitive phase regarding Indian policy, apparently determined to recast Indians in a mould that would hasten the assimilation process. The earlier *Gradual Civilization Act* had interfered only with tribal land holding patterns. The *Gradual Enfranchisement Act*, on the other hand, permitted interference with tribal self-government itself. These measures were taken in response to the impatience of government officials with slow progress in civilization and enfranchisement efforts. Officials were united in pointing to the opposition of traditional Indian governments as the key impediment to achieving their policy goals. This new act, it was hoped, would allow those traditional governments to be undermined and eventually eliminated.

The primary means of doing this was through the power of the superintendent general of Indian affairs to force bands to adopt a municipal-style 'responsible' government in place of what the deputy superintendent general of Indian affairs referred to as their "irresponsible" traditional governance systems. This new system required that all chiefs and councillors be elected for three-year terms, with election terms and conditions to be determined by the superintendent general as he saw fit. Elected chiefs could be deposed by federal authorities for "dishonesty, intemperance or immorality." None of the terms was defined, and the application of these criteria for dismissal was left to the discretion of the Indian affairs officials upon receiving a report from the local Indian agent.

Only Indian men were to be allowed to vote in band elections, thereby effectively removing Indian women from band political life. Indian women were not given the right to vote in band elections until the 1951 *Indian Act*.

Laying the Groundwork for the *Indian Act*: Legislative Precedents

BLM
2.3.3

The authority accorded the elective band councils was over relatively minor matters: public health; order and decorum at public assemblies; repression of “intemperance and profligacy”; preventing trespass by cattle; maintaining roads, bridges, ditches and fences; constructing and repairing schools and other public buildings; and establishing pounds and appointing pound keepers. There was no power to enforce this authority. Thus, under this governance regime Indian governments were to be left with mere shadows of their former self-governing powers. Moreover, even in these limited areas their laws would be ineffective if they were not confirmed by the governor in council (the cabinet). This restricted list of powers later became the basis for the powers accorded band councils under the later *Indian Act*.

Although referred to in the legislation as the “Tribe in Council,” it is clear that the elective council system was not at all tribal in the larger sense of the nations or tribes referred to in the *Royal Proclamation of 1763*. It was restricted to individual reserves and to the inhabitants of individual reserves—a group that would be described in the later *Indian Act* of 1876 as a band. There was simply no provision for traditional groupings going beyond the individual band level. In fact, the goal of the measures was specifically to undermine nation-level governance systems and the broader nation-level associations of Indians more generally.

Traditional Indian patterns of land tenure were also affected. On reserves that had already been sub-divided into lots, a system of individual property holding could be instituted by requiring that residents obtain a ‘location ticket’ from the superintendent general. Otherwise, reserve residents would not be considered to be lawfully holding their individual plots of land. The intention was to establish a bond between Indians and their individual allotments of property in order to break down communal property systems and to inculcate attitudes similar to those prevailing in mainstream Canadian society. This policy may have been inspired by similar efforts in the United States, where individual allotments had always been used as a method of terminating tribal existence, particularly in the period between 1887 and the early part of the twentieth century. Individual land allotments were also used when lands were set aside for the Métis people of Manitoba in 1871.

The *Gradual Enfranchisement Act* also provided for the first time that an Indian woman who married a non-Indian would lose Indian status and band membership, as would any children of that marriage. In a similar way, any Indian woman who married an Indian from another band and any children from that marriage would become members of the husband’s band. As discussed in Volume 4, Chapter 2, which examines Aboriginal women's perspectives, the sexism that had been bubbling beneath the surface of Indian policy was now apparent and would become an element of the *Indian Act* when it was passed a few years later.

The manifest unfairness of these provisions led to Indian complaints. For example, the Grand Council of Ontario and Quebec Indians wanted the provision concerning marrying out amended so that “Indian women may have the privilege of marrying when and whom they please without subjecting themselves to exclusion or expulsion from the tribe.”

Laying the Groundwork for the *Indian Act*: Legislative Precedents

BLM
2.3.3

Originally designed for the more 'advanced' Indians of Ontario and Quebec, this legislation was later extended to Manitoba and British Columbia and eventually to all of Canada. The band and band council system of the *Gradual Enfranchisement Act* and later the *Indian Act* and all it entailed were thus made uniform throughout Canada.

The *Gradual Civilization Act* and The *Gradual Enfranchisement Act*: Copyright © Indian and Northern Affairs Canada. Reproduced from the *Report of the Royal Commission on Aboriginal Peoples* under the terms for Non-commercial Reproduction, as defined at <www.ainc-inac.gc.ca/1info/imnts-eng.asp>.

The Paradox of the *Indian Act*

BLM
2.3.4

Read the following two quotations in preparation for your speech protesting the 1969 White Paper.

"We do not want the Indian Act retained because it is a good piece of legislation. It isn't. It is discriminatory from start to finish. But it is a lever in our hands and an embarrassment to the government, as it should be. No just society and no society with even pretensions to being just can long tolerate such a piece of legislation, but we would rather continue to live in bondage under the inequitable Indian Act than surrender our sacred rights. Any time the government wants to honour its obligations to us we are more than ready to help devise new Indian legislation."

Cardinal, Harold. *The Unjust Society, The Tragedy of Canada's Indians*, M.G. Hurtig Ltd., 1969, p. 140.

"In 1969, the recently elected federal government—like many other Canadians at the time—wished to eliminate the barriers that were seen increasingly as preventing Indian people from participating fully in Canada's prosperity. The government issued a white paper on Indian policy that, if implemented, would have seen the global elimination of all Indian special status, the gradual phasing out of federal responsibility for Indians and protection of reserve lands, the repeal of the Indian Act, and the ending of treaties. The government watchword was equality, its apparent goal "the full, free and non-discriminatory participation of the Indian people in Canadian society" on the basis "that the Indian people's role of dependence be replaced by a role of equal status". Surprised by the massive and fervent opposition to this measure, the government was forced to withdraw its proposal in 1970. The Indian Act, largely unchanged, is still with us."

The Paradox of the *Indian Act*

BLM
2.3.4

"Nonetheless, most still agree that progress in self-government, in economic development and in eradicating the social ills afflicting many Indian communities cannot be accomplished within the confines of the Indian Act. Despite being its harshest critics, however, Indian people are often extremely reluctant to see it repealed or even amended. Many refer to the rights and protections it contains as being almost sacred, even though they are accompanied by other paternalistic and constraining provisions that prevent Indian peoples assuming control of their own fortunes. This is the first and most important paradox that needs to be understood if the partnership between First Nations and other Canadians is to be renewed."

Report of the Royal Commission on Aboriginal Peoples

Volume 1: Looking Forward Looking Back (1996)

Part 2: False Assumptions and a Failed Relationship

PDF Version of 9 – *The Indian Act*

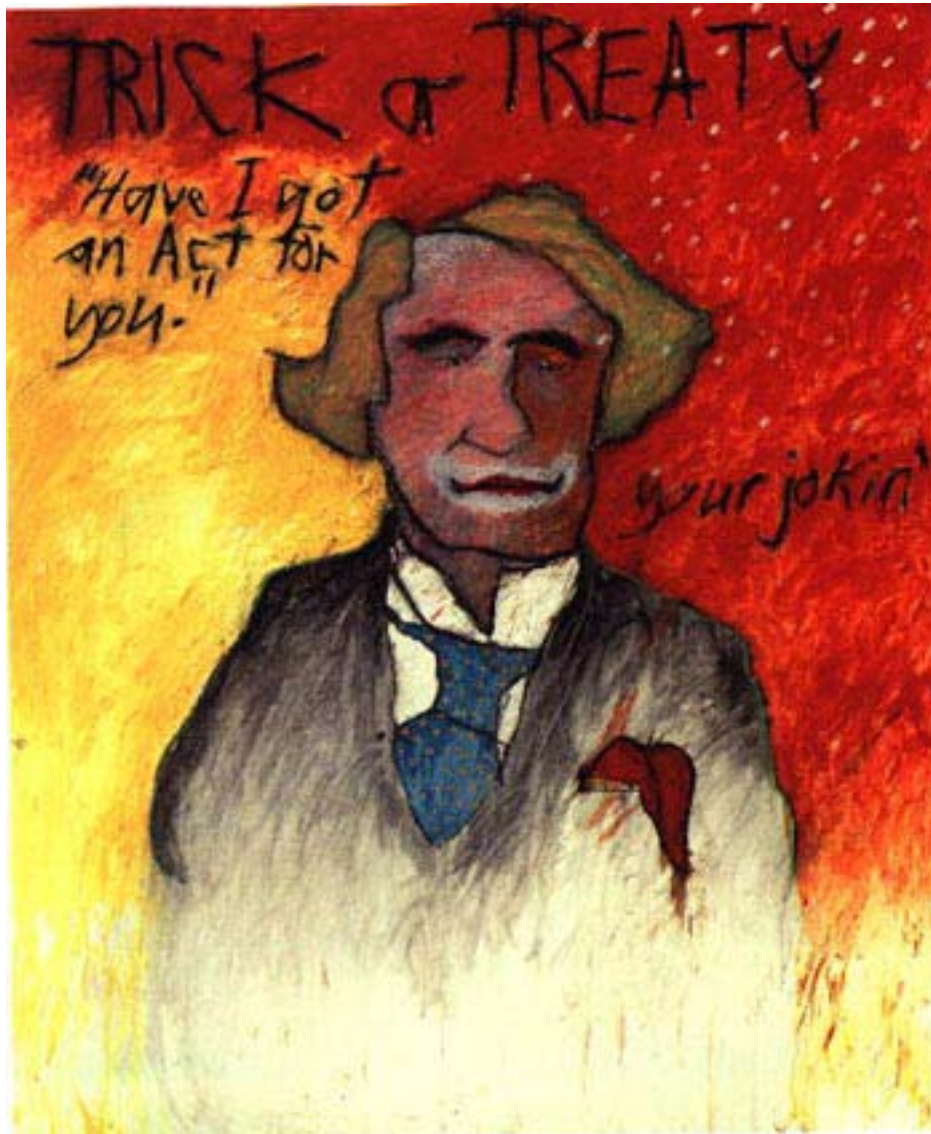
1. The Paradox of *Indian Act* Reform

pp. 5–6

Available online at <www.collectionscanada.gc.ca/webarchives/20071211051151/> and <http://www.ainc-inac.gc.ca/ch/rcap/sg/sg22_e.html>.

"Trick or Treaty"

BLM
2.3.5



Trick or Treaty: by Gerald McMaster, 1990, acrylic and oil pastel. Reproduced with permission from the artist.

Red River cart

Red River Resistance

Louis Riel Day

Pemmican

Red River Jig

Scrip

Manitoba Act

Batoche

Seven Oaks

Michif

Road Allowance People

Mariage à la façon du pays

What Do You Know About The Métis?

Complete the following quiz with a partner. After checking, add your answers to your portfolio.

1. True or False:
 - Some Métis people speak Michif, which includes elements of French and First Nations languages.
 - The Métis are one of three Aboriginal peoples recognized in Canada's constitution.
 - The historic origins of the Métis people were in the unions between First Nations women and European fur traders.
 - At the time of Manitoba's entry into Confederation (1870), the Métis made up the majority of the population in the Red River Settlement.
1. Draw the Métis flag. Indicate the colours.
2. Match the following Métis Manitobans with their descriptions from the list below:
 - Theoren Fleury
 - Gabriel Dumont
 - Sierra Noble
 - Cuthbert Grant
 - John Norquay
 - Yvon Dumont
 - Beatrice Culleton Mosionier
 - a. Premier of Manitoba 1878-1887
 - b. First leader of the Métis Nation, led Métis forces at the Battle of Seven Oaks
 - c. Led Métis forces in 1885 Resistance
 - d. Former NHL star—raised in Russell, Manitoba
 - e. Novelist (*In Search of April Raintree*)
 - f. Lieutenant-Governor Manitoba, 1993–1999
 - g. Manitoba-born entertainer/fiddle virtuoso
3. What is the name of the 19th century "Métis bard" for whom Falcon Lake, Manitoba is named?
4. What are two objects symbolically associated with Métis culture and heritage?
5. Why does Louis Riel deserve a Manitoba civic holiday named in his honour?

In a small group, using print and electronic resources, research a significant historic conflict involving the western Métis by responding to the following questions. Record your findings in your learning logs and cite your sources.

1. What were the events leading up to, during, and following the conflict?
2. Who were the significant figures? What role did they play?
3. What was/were the issue(s) that led to the conflict? Was there resolution?
4. How did each side view the conflict?
5. How did the conflict affect the Métis?
6. Why was the conflict a significant event?
7. What reliable evidence supports your understanding of the conflict? Cite your sources.
8. What adjective or phrase would you use to describe the conflict? Explain your choice.

You may choose from the following words or phrases or use your own:

- Tragedy
- Victory
- Futile
- Necessary (a means to an end)
- Inspirational
- Destructive
- Inevitable

In a small group, using print, electronic, and/or human resources, research Métis scrip by responding to the following questions. Record your findings in your learning logs and cite your sources.

1. How did the Métis attempt to secure a land base in Manitoba?
2. What were the Métis promised in Section 31 of the *Manitoba Act*?
3. Why did the government want to settle the Métis land issue?
4. What is land scrip?
5. What is money scrip?
6. How did the scrip process and its intended results differ from that of the numbered treaties? In what ways were they similar?
7. Why did the scrip process fail to fulfill the promise of Section 31 of the *Manitoba Act*?
8. What effect did the failure of the scrip process have on the Métis of Red River?
9. Who benefited from the scrip distribution process in Manitoba?
10. What was the process of dealing with Métis land claims in the North West Territories (including present day Saskatchewan and Alberta) as laid out in an 1879 amendment to the Dominion Lands Act?

Word Splash:

Self-Determination, Modern Treaties, and Rights

Inherent Rights

Northern Flood
Agreement

Treaty Rights

Crown Land

Specific Land Claim

Nation

Urban Reserves

Collective Rights

Treaty Land
Entitlement

Self-Government

Self-Determination

Aboriginal Common Law

Comprehensive Land Claim

"River Road"

by Ted Longbottom and Greg Pruden

BLM
2.5.2

Read and discuss the following lyrics with a partner, then complete a reflection journal entry in response to the question:

- What do the lyrics reveal about the singer's ties to his homeland?

There are many River Roads. The one referred to in these lyrics runs along the west bank of the Red River between Lockport and Selkirk, Manitoba. In the pre-Confederation days of the Red River Settlement, the country-born Métis farmed their river lots along this stretch.

I was born on River Road
The clothes I wore my mother sewed
Past our door the Red river flowed
Like a mother's endless love on River Road

Chorus

I'm going home to River Road
It's funny how you find
The things that you were looking for
Are the things you left behind
I love to hear the river's song
Breathe the air so clean and cold
To wake up in the place I love
Back home on River Road

We had a farm on River Road
My daddy hunted the buffalo
My brothers and my sisters we shared the load
No I never felt alone on River Road

Chorus

I got itchy feet on River Road
I was 17 thought that I'd explode
How all my dreams of freedom glowed
They led me far away from River Road

I'm a thousand miles from River Road
Still paying for the debts I owed
I've reaped the bitter seeds I sowed
I need to find my way back to River Road

Chorus

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After reading and discussing the speech by Chief Gisdaywa, answer the following questions and record your answers in your learning logs:

- *What is the relationship between traditional Wet'suwet'en people and the land?*
- *How is this relationship maintained?*

In a closing statement to the British Columbia Supreme Court in the case of *Delgamuukw v. The Queen*, a Wet'suwet'en chief described his people's understanding of the working of natural law:

"Now this Court knows I am Gisdaywa, a Wet'suwet'en Chief who has responsibility for the House of Kaiyexwaniits of the Gitdumden. I have explained how my House holds the Biiwenii Ben territory and had the privilege of showing it to you. Long ago my ancestors encountered the spirit of that land and accepted the responsibility to care for it. In return, the land has fed the House members and those whom the Chiefs permitted to harvest its resources. Those who have obeyed the laws of respect and balance have prospered there.

The means by which instructions were conveyed are described consistently as 'sacred gifts' received through dreams and visions, in fasting huts and sweat lodges, as well as from human teachers:

In times of great difficulty, the Creator sent sacred gifts to the people from the spirit world to help them survive. This is how we got our sacred pipe, songs, ceremonies, and different forms of government....

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

*Report of the Royal Commission on Aboriginal Peoples
Volume 1: Looking Forward Looking Back
Part 3: Building the Foundations of a Renewed Relationship
15 - Rekindling the Fire
8. Ceremonies and Symbols*

Map of Treaties and Comprehensive Land Claims in Canada

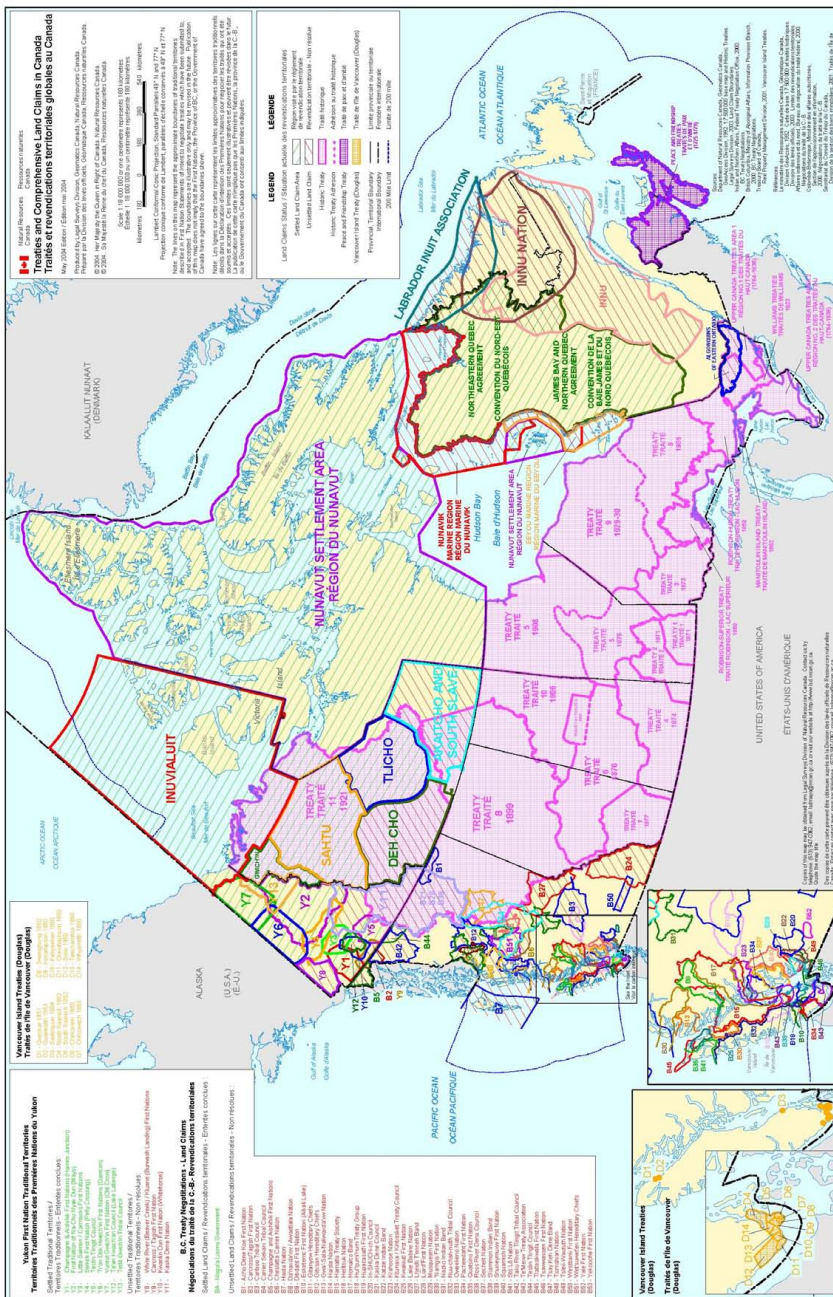
In a small group, study and discuss the following map and develop statements about

- the scope (geographical extent) of comprehensive land claims
- the significance of comprehensive land claims to First Nations claimants and to all Canadians

Appoint a reporter to share the group's statements with the class. Record the statements in your learning log.

Note: For a larger, full-colour version of this map, see

<<http://manitobawildlands.org/maps/CANLandClaimTreatyMap.pdf>>.



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Land Claims, A Language Not Our Own

In the following passage, Georges Erasmus, co-chair of the Royal Commission on Aboriginal Peoples, discusses the use of the term "land claims." With a partner, read the following excerpt and summarize Erasmus' argument with specific reference to the term "land claims." Record your summary in your learning log.

"There is a problem of language. A study done for the Royal Commission on Aboriginal Peoples examined over two hundred commission and task force reports issued between 1966 and 1991. The researchers pointed out that even when we used the same words, Aboriginal people and government representatives were often talking about different things.... I first want to focus on the nature of discourse between our cultures. By discourse I mean the way we carry on conversations.

"Inter-cultural discourse is carried on predominantly in English or French. Since this requires translation of concepts and experience, there is the normal problem of finding words in a second language that approximate the meaning we want to convey. But beyond that, the discourse has been framed in terms that are often fundamentally alien to the way we think about an issue. Take "land claims" for example. Elders in our nations find it strange that younger leaders launch "claims" to lands that have supported our peoples since time immemorial. "Comprehensive and specific claims" are the terms around which the Government of Canada is prepared to engage in legalistic dialogue. Aboriginal people have had to work with the prescribed terms in order to get land questions on the policy agenda, even though the language distorts our reality. The discourse is driven by an imbalance in power, and considerations of strategy. In other areas as well—governance, health, education—Aboriginal people have been required to adopt language that is not quite our own."

The above is an excerpt from the 2002 speech by Georges Erasmus presented at the LaFontaine-Baldwin Symposium. Available online at www.icc-icc.ca/fr/projects/erasmus.php.

In a small group, using print and electronic resources, research a comprehensive land claim negotiation/agreement in Canada. Organize your findings in point form on a wall chart. You may use the following outline to organize your research. (Some headings may not apply.) Present your chart to the class and cite your sources.

When organizing your research, consider the following:

- Overview/description of groups(s) advancing the claim, including:
 - brief history
 - traditional government
 - geographical territory
 - traditional
 - reserve land(s)
 - population
 - economies
 - other
- Issues leading to claim
- History of claim
- Government(s) involved
- Third-party interests (Aboriginal and/or non-Aboriginal)
- Process of negotiation
 - key personalities
 - obstacles
- Terms of agreement:
 - land
 - area
 - categories
 - monetary compensation
 - resources
 - governance
 - rights
 - timeline of implementation
 - other
- Current economic, environmental, and social conditions
- How the agreement has affected:
 - culture/language
 - spirituality
 - education
- Summative statements:
 - What was gained?
 - What was lost?

In a small group, using print and electronic resources, research a specific land claim negotiation/agreement in Manitoba. Organize your findings in point form on a wall chart. You may use the following outline to organize your research. (Some headings may not apply.) Present your chart to the class and cite your sources.

When organizing your research, consider the following:

- Overview/description of groups(s) advancing the claim, including:
 - brief history
 - traditional government
 - geographical territory
 - traditional
 - reserve land(s)
 - population
 - economies
 - other
- Reasons for non-receipt or loss of land
- Timeline of significant events
- Government(s) and (where applicable) government agencies involved
- Third-party interests (Aboriginal and/or non-Aboriginal)
- Negotiations
 - category (e.g., Treaty Land Entitlement, Northern Flood Agreement)
 - key personalities
 - obstacles
- Terms of agreement:
 - land
 - area
 - categories
 - monetary compensation
 - resources
 - rights
 - management
 - timeline of implementation
 - other
- Current economic, environmental, and social conditions
- How the agreement affects:
 - culture/language
 - spirituality
 - education
- Summative statements:
 - What was gained?
 - What was lost?

In a small group, using print and electronic resources, research the Alberta Métis settlements. You may use the following outline to organize your research. Record your findings in your learning logs and cite your sources.

The Alberta Métis settlements include Buffalo Lake, East Prairie, Elizabeth, Fishing Lake, Gift Lake, Kikino, Paddle Prairie, and Peavine.

When organizing your research, consider the following:

- Brief history
- Governance
- Geographical territory
- Population
- Economies
- Environment
- Social conditions
- Culture/language
- Spirituality
- Education
- Relationship with provincial government
- Issues
- Summative statements:
 - Are the settlements a success?
 - Why or why not?

Working in small groups, use print and electronic resources to research a significant legal case involving treaty rights (First Nations), Aboriginal rights (Métis and Inuit), or land claims. You may choose from the list of landmark cases that follows the suggested framework or a legal case of your choice (in consultation with your teacher). Organize your findings in point form on a wall chart. You may use the following outline to organize your research. (Some headings may not apply.) Present your chart to the class and cite your sources.

When organizing your research, consider the following:

- Brief description/background of issues/events leading to trial
- Plaintiff(s)/Appellant(s)
- Defendant(s)/Respondent(s)
- Location
- Timeline
- The charge(s) or what was/were the plaintiff(s)/appellant(s) seeking?
- What was/were the question(s)/issue(s) at stake?
- What was the court's decision and how was it arrived at?
- How did the decision affect the plaintiff(s)/appellant(s) or the group they represented?
- What was the significance of the decision on treaty or Aboriginal rights or land claims in Canada?

Note: The *Royal Proclamation of 1763* recognized the existence of Aboriginal title (to land). This recognition established a starting point for all future land claim settlements in Canada.

Landmark Cases

- 1888 – St. Catharine's Milling and Lumber Company v. The Queen—Supreme Court of Canada
- 1973 – Calder et al. v. Attorney-General of British Columbia—Supreme Court of Canada
- 1984 – Guerin v. The Queen—Supreme Court of Canada
- 1990 – R. v. Sioui—Supreme Court of Canada
- 1990 – R. v. Sparrow—Supreme Court of Canada
- 1996 – R. v. Van der Peet—Supreme Court of Canada
- 1997 – Delgamuukw v. British Columbia—Supreme Court of Canada
- 1999 – R. v. Marshall—Supreme Court of Canada
- 2003 – R. v. Powley—Supreme Court of Canada
- 2005 – Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)—Supreme Court of Canada
- 2008 – Manitoba Metis Federation v. Canada and Manitoba—Manitoba Court of Queen's Bench
- 2008 – R. v. Goodon—Provincial Court of Manitoba

Standing Their Ground—Protest and Resistance: Research Framework

Use print and electronic resources to research one of the following acts of resistance. Fill in the following framework in point form.

Acts of Resistance:

- Lubicon Lake Cree (1988)
- Oka (1990)
- Ipperwash (1995)
- Burnt Church (2000)
- First Nations National Day of Action (2007 and 2008)
- Caledonia (2008)
- Other?

Act of Resistance: _____

1. Who were the parties involved?

2. Where did the resistance take place?

3. What was/were the issue(s)?

Standing Their Ground—Protest and Resistance: Research Framework

BLM
2.5.10

4. Timeline of key events:

5. What were the short-term results?

6. What were the long-term results?

7. Cite your sources.

"Eulogy for a Truant" by Joanne Bealy

BLM
3.1.1

Read and discuss the poem with a partner, then respond to the following:

- Why do you think the poet has interpolated the anthem lyrics and the narrative passages describing Charlie's death?
- Explain the significance of the title. **Note:** definitions for truancy include shirking responsibilities and duties.

Record your responses in your learning log and complete a reflection journal entry.

Note: Charlie Wenjack was a 12-year-old Anishinabe student at a residential school near Kenora, Ontario. Charlie perished in 1966 trying to return home.

Eulogy for a Truant, 1966

by Joanne Bealy

O Canada our home and native land,

the country sang, still celebrating its brand new shiny red maple leaf flag,
still dancing in the streets, long past discord, well beyond fractious debate
over how we came to be.

True patriot love in all thy son's command

Except there along the tracks in the woods north of Kenora, lay little Charlie Wenjack,
thin cotton clothing soaked, frozen, stuck to his skin, nothing but a screw top glass jar
in his pocket, keeping dry six wooden matches.

With glowing hearts we see thee rise

Nobody knew Cecilia Jeffrey but there she was, had a school named after her:
Cecilia Jeffrey Indian Residential School, 400 miles south of Charlie's home.
They'd taken him, his siblings and most of his friends, weren't about to let him go.

the true north strong and free

Charlie couldn't practice his religion anymore, wasn't allowed to speak his language;
so he whispered to his brother, sang to him in the night; paid later with beatings
and ridicule; he was tired of being their heathen, he was tired of not being free.

O Canada we stand on guard for thee

Charlie Wenjack was 12 years old when he ran. 400 miles nothing but a number.
Charlie Wenjack died alone and cold,

 hungry,
 probably scared,
 just trying to get home.

O Canada, glorious and free.
O Canada, with breaking hearts we see thee.
Oh.
Canada.
Oh.

Eulogy for a Truant, 1966: Reprinted with permission from the author. All rights reserved.

Prime Minister Harper's Residential Schools Apology

BLM
3.1.2

Text of Prime Minister Stephen Harper's Residential Schools Apology House of Commons Wednesday, June 11, 2008

I stand before you today to offer an apology to former students of Indian residential schools. The treatment of children in these schools is a sad chapter in our history.

For more than a century, Indian residential schools separated over 150,000 aboriginal children from their families and communities.

In the 1870s, the federal government, partly in order to meet its obligations to educate aboriginal children, began to play a role in the development and administration of these schools.

Two primary objectives of the residential school system were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture.

These objectives were based on the assumption that aboriginal cultures and spiritual beliefs were inferior and unequal.

Indeed, some sought, as was infamously said, "to kill the Indian in the child".

Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country. One hundred and thirty-two federally-supported schools were located in every province and territory, except Newfoundland, New Brunswick and Prince Edward Island.

Most schools were operated as joint ventures with Anglican, Catholic, Presbyterian and United churches.

The Government of Canada built an educational system in which very young children were often forcibly removed from their homes and often taken far from their communities.

Many were inadequately fed, clothed and housed. All were deprived of the care and nurturing of their parents, grandparents and communities.

First Nations, Inuit and Métis languages and cultural practices were prohibited in these schools.

Tragically, some of these children died while attending residential schools, and others never returned home.

The government now recognizes that the consequences of the Indian residential schools policy were profoundly negative and that this policy has had a lasting and damaging impact on aboriginal culture, heritage and language.

While some former students have spoken positively about their experiences at residential schools, these stories are far overshadowed by tragic accounts of the emotional, physical and sexual abuse and neglect of helpless children, and their separation from powerless families and communities.

Prime Minister Harper's Residential Schools Apology

BLM
3.1.2

The legacy of Indian residential schools has contributed to social problems that continue to exist in many communities today.

It has taken extraordinary courage for the thousands of survivors who have come forward to speak publicly about the abuse they suffered. It is a testament to their resilience as individuals and to the strengths of their cultures.

Regrettably, many former students are not with us today and died never having received a full apology from the Government of Canada.

The government recognizes that the absence of an apology has been an impediment to healing and reconciliation. Therefore, on behalf of the Government of Canada and all Canadians, I stand before you, in this chamber so central to our life as a country, to apologize to aboriginal peoples for Canada's role in the Indian residential schools system.

To the approximately 80,000 living former students and all family members and communities, the Government of Canada now recognizes that it was wrong to forcibly remove children from their homes, and we apologize for having done this.

We now recognize that it was wrong to separate children from rich and vibrant cultures and traditions, that it created a void in many lives and communities, and we apologize for having done this.

We now recognize that in separating children from their families, we undermined the ability of many to adequately parent their own children and sowed the seeds for generations to follow, and we apologize for having done this.

We now recognize that far too often these institutions gave rise to abuse or neglect and were inadequately controlled, and we apologize for failing to protect you.

Not only did you suffer these abuses as children, but as you became parents, you were powerless to protect your own children from suffering the same experience, and for this we are sorry.

The burden of this experience has been on your shoulders for far too long. The burden is properly ours as a government, and as a country. There is no place in Canada for the attitudes that inspired the Indian residential schools system to ever again prevail.

You have been working on recovering from this experience for a long time, and in a very real sense we are now joining you on this journey. The Government of Canada sincerely apologizes and asks the forgiveness of the aboriginal peoples of this country for failing them so profoundly.

We are sorry.

Prime Minister Harper's Residential Schools Apology

BLM
3.1.2

In moving toward healing, reconciliation and resolution of the sad legacy of Indian residential schools, the implementation of the Indian residential schools settlement agreement began on September 19, 2007. Years of work by survivors, communities and aboriginal organizations culminated in an agreement that gives us a new beginning and an opportunity to move forward together in partnership.

A cornerstone of the settlement agreement is the Indian residential schools truth and reconciliation commission. This commission represents a unique opportunity to educate all Canadians on the Indian residential schools system. It will be a positive step in forging a new relationship between aboriginal peoples and other Canadians, a relationship based on the knowledge of our shared history, a respect for each other and a desire to move forward with a renewed understanding that strong families, strong communities and vibrant cultures and traditions will contribute to a stronger Canada for all of us.

God bless all of you. God bless our land.

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Response to Apology to Residential School Survivors by Premier Doer

BLM
3.1.3

Hon. Gary Doer (Premier): Yes, Mr. Speaker, I have a statement for the House.

Mr. Speaker, elders, survivors, Aboriginal people, members of this Chamber. Yesterday the Right Honourable Prime Minister of Canada, Prime Minister Stephen Harper, made a formal apology to the survivors of residential schools and to Aboriginal peoples of Canada.

He apologized for the great wrong that was done by forcibly removing children from their homes, placing them beyond the protection and guidance of their families and robbing them of their languages and culture. The simple words, "we are sorry," mark an important moment in our nation's history.

As National Chief Phil Fontaine said yesterday from the floor of the House of Commons, they opened the possibility of a new relationship with the first peoples of Canada, with the Aboriginal peoples of Canada and a common road of hope for our shared future.

With those words of apology and regret, an historic injustice has been acknowledged and the pain and suffering of thousands of Canadians who were placed in residential schools has been recognized from the very Chamber in which generations ago the policy of forced assimilation of Aboriginal people was conceived and legislated.

Yesterday, that policy was formally repudiated. The words "never again" were spoken by our Prime Minister on behalf of all Canadians and echoed by Grand Chief Fontaine on behalf of Canada's First Nations; President Chartrand on behalf of the Métis people; President Mary Simon on behalf of Inuit people; President Beverley Jacobs on behalf of the Native Women's Association of Canada; Patrick Brazeau on behalf of the Congress of Aboriginal Peoples.

I commend the Prime Minister and the leaders of all parties in our national Parliament for joining in the apology yesterday. In particular, I wish to commend Grand Chief Fontaine for the dignity of his response and in the moving way he, as a survivor of our residential schools, continues to lead on the path to healing and reconciliation.

Mr. Speaker, there are many thousands of Manitobans, including members of this Chamber, who have experienced directly the pain of being separated from their families and placed in institutions that sought to change their identity, the very sense of who they are, where they came from and where they belonged.

Response to Apology to Residential School Survivors by Premier Doer

BLM
3.1.3

As one who did not experience it, I simply cannot imagine the pain of children who were taken from their homes at the age of five and six years old. As a parent, I cannot imagine the pain that parents experienced to have their children taken away from them and to be powerless to stop it.

It is due to the resilience of survivors in residential schools and their communities that the goal of forced assimilation was not achieved. Indeed, it is a tribute to the strength of First Nations, Inuit and Métis people that they not only preserved their culture but assert it today with renewed spirit and a sense of pride.

But the damage done by the residential schools is beyond calculation. Some children did not survive the experience. Many suffered physical and sexual abuse. For all survivors, for whatever benefits they received from this schooling, they are as Grand Chief Fontaine said, scars on our soul, and they have a lot to carry in their entire lives.

In breaking the vital connection children had to their parents and traditions, the residential schools took away the ability of many survivors to feel secure in their own identity, to pass on their own traditions to their children and to connect again with families and communities. The impacts continue to be felt within Aboriginal communities and add to the enormity of this injustice. The residential schools have been a major and continuing cause of individual tragedies, of addictions, of suicides and family breakdown.

Like many Canadians, I became aware of this injustice only as I grew older. This was not part of the history we were taught in schools. It was missing from our history books, just like the story of Chief Peguis' rescue of the Selkirk Settlers and the tragic relocation of the Peguis First Nation community. It was missing from our history books just like the contributions of Louis Riel and the Métis people in founding our province and just like the adoption of Aboriginal children out of Manitoba in more recent decades, a sad chapter in our own province's history that bears many of the hallmarks of the residential school policy as articulated in the Aboriginal Justice Inquiry report.

As a boy growing up in Manitoba, I knew none of these things. I remember playing hockey against the boys who attended a residential school just a few blocks away in Winnipeg. To me, they were just another team of hockey players, of boys my own age. I thought they or their families must have made the choice to send their children to communities to attend school. I had no idea that they were forced to go to the residential school or the fact that everything they contributed to their own sense of family and security had been taken away from them. I took for granted returning to my home and my family and the security of my family, that that was the same situation for the boys I played hockey against.

Response to Apology to Residential School Survivors by Premier Doer

BLM
3.1.3

It was with a growing sense of shame that I began to appreciate the wrong that was done and to reflect on the devaluation of Aboriginal culture that lay behind the policy of assimilation. Over the years, as I have listened to Aboriginal leaders and elders and visited Aboriginal communities throughout Manitoba, I have come to see more directly the devastating impact of the residential school system. I have also been humbled to witness the untiring work of elders and leaders to bring healing to the survivors, their families and their communities. As so often in history, it is not the actions of those who seek to dominate other people but the resistance of domination which speaks to the strength of human spirit and gives us hope and inspiration for the future.

The apologies heard yesterday mark an important step that all Canadians must take in coming to terms with this chapter in our collective Canadian history. This is the moment of acknowledgement that begins a path towards reconciliation.

We know, however, that reconciliation is also a matter of action, not just words. Mr. Speaker, the establishment of the Truth and Reconciliation Committee is an important step to further the dialogue about residential schools and expand our citizens' awareness of what happened. Similarly, the building of the Canadian Museum for Human Rights will serve to promote historical understanding and point the way to a stronger recognition of human rights, including Aboriginal rights, throughout Canada.

We, Mr. Speaker, must ensure that Aboriginal youth from northern communities and remote communities also have an opportunity to visit the human rights museum in Winnipeg.

At the same time, I want to say that the most effective way for historic reconciliation in Manitoba and our nation is to re-dedicate ourselves as elected leaders, as citizens, as an entire province, to closing the gap that exists between the well-being of Aboriginal people and the gap with non-Aboriginal citizens. We must resolve to address the serious health and housing needs in Aboriginal communities. We must expand educational opportunities for Aboriginal youth and commit to raise the level of school success and post-secondary education achievement. We must commit to increase the participation of Aboriginal citizens in our economy, and we must state that this is something that we will do in partnership with Aboriginal peoples in the spirit of respect and openness.

Response to Apology to Residential School Survivors by Premier Doer

BLM
3.1.3

Action is the only way we can remain true to what was said and felt in the House of Commons and across Canada yesterday. Aboriginal communities and their leadership have sought and patiently waited for that pledge of partnership. For our elders in Manitoba, the residential schools are not part of the past. The 15 schools in our province shaped the lives of five generations of Aboriginal children and youth. The impact of that experience is something that families and communities feel and deal with every day. But elders have also taught us to keep the faith in the spirit that endures in their people, in their communities and to look with hope to the future.

Yesterday, Manitoba Grand Chief Ron Evans gathered in Winnipeg with over a thousand people to watch this historic apology. A gathering was also hosted by President David Chartrand of the Manitoba Metis Federation, and similar events took place in band councils and community halls across Manitoba.

Today, Mr. Speaker, we are joined by the Grand Chief, by President Chartrand, by leaders, elders and residential school survivors from all across Manitoba. I want to say to all of you that are with us here today, we respect the dignity with which you have borne the impacts of residential experience. We pledge not just words, but actions to ensure the future of Aboriginal people of Manitoba is based on partnership, respect and a determination that the rich culture of all communities is allowed to survive and flourish.

Although the Province of Manitoba did not establish a residential school system, we must acknowledge that members of this Chamber sat silent while Manitoba children were taken from their homes and deprived of their culture and families. Child welfare agencies in Manitoba also sent Aboriginal children for adoption outside of their country and outside of their culture.

On behalf of present and past members of this Legislature from all parties, I want to offer a sincere apology for the pain inflicted on generations of our citizens, and for that I say I am deeply sorry.

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Residential Schools: Research Questions

BLM
3.1.4

Use print, electronic, and human resources (survivors) to research residential schools in Canada. Answer the following questions, record your findings in your learning log, and cite your sources.

1. What was the purpose of residential schools, according to
 - a) the government?
 - b) the churches?
2. What was an average day for a residential school student from waking in the morning to going to bed at night?
3. What subjects were taught?
4. When were the schools in operation?
5. Who administered the schools?
6. What level of education did residential school students attain?
7. What abuses did children in the schools suffer?
8. What factors led to these abuses?
9. What accounts for the high death rate of students attending residential schools?
10. What factors led to the closure of the schools?
11. What was the effect of the residential school experience on students?
12. What is "intergenerational impact"?
13. What were the effects of the residential school experience on Indigenous communities and cultures?
14. How are First Nations, Métis, and Inuit communities and organizations working with government to compensate survivors and to enable healing and reconciliation?

Use the following framework to organize your information about, documentation of, and responses to your visit to a residential school site.

Note: For a list of residential schools that were located in Manitoba, see BLM 3.1.6: Residential School Sites in Manitoba.

Before the Visit:

- Name of school
- Type of school (industrial, boarding, day)
- Location of school
- History of school
 - Timeline (include any significant dates/events)
 - Students' home communities
 - Religious organization administering
 - Existing documents/records

During the Visit:

- Description of site
 - School building
 - Grounds and surrounding area
 - Cemetery? (if yes, describe)
 - Other?
- Information gained on site
- Visual representation(s):
 - Photograph(s)
 - Sketch(es)
 - Crayon rubbings (gravestones, corner stones, monuments)
- Observance/Ceremony
- Complete a reflection journal entry

After the Visit:

- Share your impressions, thoughts, and feelings about the visit with your classmates.
- Add your information to your learning logs.
- Add your visual representation(s), including a brief description, to your portfolio.

Residential School Sites in Manitoba:

Assiniboia (Winnipeg)

Birtle

Brandon

Churchill Vocational Centre

Cross Lake (St. Joseph's, Jack River Annex—predecessor to Notre Dame Hostel)

Elkhorn (Washakada)

Fort Alexander (Pine Falls)

Guy (Guy Hill, Clearwater, The Pas, formerly Sturgeon Landing, Saskatchewan)

McKay (The Pas, replaced by Dauphin)

Norway House United Church

Notre Dame Hostel (Norway House Roman Catholic, Jack River Hostel, replaced Jack River Annex at Cross Lake)

Pine Creek (Camperville)

Portage la Prairie

Sandy Bay

Source: Indian Residential Schools Class Action Settlement—Schools English. Available online at <www.residentialschoolsettlement.ca/schools.html>.

Conduct surveys and interviews (in person or electronically) to research education for and about First Nations, Métis, and Inuit peoples in a school of your choice. Incorporate information from your previous research into successful schools for First Nations, Métis, and Inuit peoples. Record your findings in your learning log.

Guidelines:

What information do you need to gather in order to form a picture of the education for and about First Nations, Métis, and Inuit people in the school?

- Student population
- Staff
- Courses offered
- Resources
- Extracurricular programs
- Community involvement
- Physical environment
- Inclusive of parents/caregivers
- Successes
- Issues/challenges
- Solutions

Materials Needed:

- Adhesive notes
- Flip chart papers or large newsprint
- Markers

Instructions:

In your group, view and discuss BLM 3.2.3: Dis-Ease Word Splash. Write each word or phrase on a sticky (self-adhesive) note. Explore possible connections between the words and the phrases by manipulating the notes to create a concept map on your paper. Create additional words or phrases that occur to you during this process. Add duplicate notes for words or phrases that may have more than one possible connection.

Repeat the procedure for the "Health Word Splash."

Continue this process until you have explored all possible connections for both BLMs and have arrived at a consensus to create your final concept maps.

Present your completed concept maps to the class, explaining the connections and allowing time for discussion.

Dis-ease: Word Splash

BLM
3.2.2

suicide
injustice
assimilation
pollution
isolation
policies
resource exploitation
loss of identity
teen pregnancy
abuse
colonization
inadequate funding
loss of language
intergenerational impacts
inadequate housing
tuberculosis
paternalism
stereotypes
residential schools
limited resources
chronic disease
violence
substance abuse
poor dental health
no land base
despair
high cost of nutritional food
dishonoured treaties
Elder abuse
imbalance
poverty
urban migration
diabetes
gangs
community dislocation
land loss
loss of traditions
lack of recreational facilities
sedentary lifestyle
dependency
disrespect

Health: Word Splash

BLM
3.2.3

medicine wheel

family

education

injustice

sacred land

First Nations, Métis, and Inuit health care practitioners

spiritual health

capacity

community

clean water

diversity

traditional knowledge

community-based research

prevention programs

money

accessible care

safe communities

self-determination

community health

recreational facilities

collective health

balance

respect

traditional models

geriatric care

family health

devolution

recreational programs

strength

pride

adequate housing

healing

nutrition

veteran support and care

recovering traditions

land claim settlements

medicine chest clause

dental health

control

parenting

bi-cultural health care model

In 1997, then Associate Chief Judge Murray Sinclair spoke to the Elders-Policy Makers-Academics Constituency Group Meeting. In his speech, Judge Sinclair made several recommendations for Aboriginal justice.

Read the following set of questions before reading the article, and complete the questions following your reading. Record your responses in your learning log.

1. What are the most important questions that a human being must grapple with?
 - What is the connection between the over-representation of First Nations, Métis, and Inuit peoples in the justice system and a failure to address these questions?
 - Why have so many Indigenous people failed to answer these questions?
2. Why did the government pursue a policy of assimilation?
3. What were the various ways the government carried out its policy of assimilation of Indigenous peoples?
4. At what point in Canadian history did statistics begin to show an over-representation of Aboriginal people in the justice system? How does Judge Sinclair account for this increase?
5. Judge Sinclair makes reference to a number of statistics regarding Indigenous Canadians in the justice system. Compare present-day statistics to these 1997 figures.
6. Judge Sinclair refers to First Nations, Métis, and Inuit people whose first exposure to their culture occurs only after they've been jailed. Is this still the case? What opportunities are available to Indigenous Canadians in your community to connect with their history and culture?
7. What solutions does Judge Sinclair propose to improve the justice system for Indigenous peoples?

Transcript of Presentation by Associate Chief Judge Murray Sinclair

Elders-Policy Makers-Academics Constituency Group Meeting

Aylmer, Quebec, April 16-18, 1997

We have a lot of ground to cover, all of us, in a very short period of time. We only have one lifetime each and we have much to do when it comes to dealing with Aboriginal people and justice issues. I am not sure that one lifetime is enough to do all that needs to be done.

So let us begin with the understanding that we cannot do all of the things that need to be done in the short time we have together. We can only do so much with what we have been given and we can only go so far within the time that we are here together.

As always, I'm a bit perplexed about how I can contribute to the conversation when invited to gatherings like this because I'm never certain what it is that each of you knows, nor am I certain of what each of you do or want to do and how I can help with whatever you've come here for.

So, perhaps, some of you have already heard some of the things I'm going to talk about, however there are many of you here who I have not previously met and those people have not yet had a chance to hear some of the views that I have on the issues that Aboriginal people face in the Aboriginal justice system. You have also not had an opportunity to hear, perhaps, some of my thoughts about where it is, we should be going.

If you have heard some of these thoughts, I hope you can listen once more, and perhaps they'll help you to get a new insight.

I'm always a bit concerned and humbled when I'm asked to speak to a gathering like this, such an august body of people with such knowledge and I'm not talking about you lawyers, incidentally, so stop sticking out your chests.

I'm talking about our Elders here, who have so much information and knowledge about the things I am only beginning to understand and have not yet grasped the full ability to apply those things to my life or for that matter, to the lives of others.

So I want to begin by acknowledging the greater gifts they have and the greater understanding they can bring to this conversation.

On the other hand however, I also recognize that my law degree seems to give me instant credibility with some people. My stature as a judge makes you feel compelled to listen to me. So I will take advantage of that by doing what it is that you've asked me to do and that is to talk to you.

Where do we begin?

It is hard to know where we begin. It really is, because as I said earlier we have so much ground to cover, so many things that we want to do.

I have been asked to talk primarily, to address the issue of the Aboriginal Justice Learning Network and where I see it going, what I see it being able to do. So as with all good speakers I'm told by my Elders, keep the best part to the end so I'm going to do that, I'm going to talk about that at the end just in case you thought I was leading to a conclusion.

What I do want to talk to you about are some very basic issues I think you need to keep your mind on as we are going through this process.

The most important thing that we as human beings have to come to grips with, is who we are. That is the biggest question in life, "who am I?" The biggest question of life necessarily leads us to ask other questions, such as, "Where did I come from?" And "Why am I here?" And probably the most important question is, "Where am I going, and what's going to happen to me after my life is over on this earth and I go to the next world? What happens to me over there?" And our Elders always tell us that those questions are very basic to open for every human being.

What I see for our young people or all Aboriginal people who come before me in court, is the tremendous imbalance they are confronted with. How out of balance each and every one of them is in their life, that they end up coming to me in the process. I'm often involved at the very end of a very tragic set of circumstances and I'm presented with just enough information to decide whether they should go to jail, and for how long. But I'm never presented with enough information to decide what I can truly do, to help this person to find his balance.

As a judge, the single most difficult thing for us to accept is that we don't have the answers. I speak to judges all the time. In fact, just this week I came from a new judge's training program just north of Montreal. All of the new judges in Canada are brought together there to begin their legal careers. What I try to impress upon them the most is that if you don't have the answers, don't begin to think that your appointment as a judicial officer will automatically allow you to set things right. That you somehow have the ability instantly because of your appointment to determine not only the truth which is an impossibility, but to determine how it is that you're going to change the lives of these people and move society into a better mode, because we can't do that.

The great flaw of our justice system is that the justice system somehow assumes by orienting things the way we do, we are able to correct everything and can do it infallibly. The reality however, is the system is fallible at virtually every step in the process, and the challenge of the process is to make it as little fallible as possible.

The unfortunate thing is what our inquiry and every other inquiry in Canada has found, concerning Aboriginal people in the justice system. That is, when the justice system can be fallible where Aboriginal people are concerned, it is fallible. It fails at virtually every point in the system in the process.

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This is understandable because quite frankly, Aboriginal people and the Euro-Canadian justice system they come into contact with are inherently in conflict. So it is understandable that where a system orients people to do things a certain way vs. Aboriginal people who come from a system that orients them to do things differently, will naturally do things at odds with the system.

So the first thing we have to understand is the system is in conflict with the very people it purports to assist and help, and our report in Manitoba talked about that.

We spent a lot of time and a lot of words talking about where in the process the system fails Aboriginal people and how we think the changes we recommended could address those shortcomings.

But there is an even more fundamental issue at play here we need to talk about and I want to give you a bit of a history lesson because it's important for you to learn it, if you are to understand who you are as players within or outside of the system or if you are to understand who you are as an Aboriginal person. You have to understand where it is we have come from, to get to this point in time.

I am not always the way I am. I was not always this way and I will not always be this way. And in the same way, our system, our justice system was not always as we now see it. In the same way, Aboriginal people were not always as we see them.

In this day and age when we look around us at our communities, at our young people and our men, we see great discordance, we see great pain. Our young people are killing themselves at incredibly high rates, six to eight times the national average rate of suicide among young people. We have among our women, incredibly high rates of domestic violence, of sexual abuse. Our men do not know how to treat our women properly anymore.

We are in a situation in some of our communities bordering on social chaos and anarchy where people have no respect not only for their brothers and their sisters but they have no respect for their parents, they have no respect for their Elders, they have no respect for their leaders if there are any and they have no respect for their society, however they see it, which is not to say that we all live that way.

Sometimes we overstate the problem, with the result being that many people have the wrong impression about us as Aboriginal people. Many people have the impression that we are still savages as they were taught so long ago in our history books.

As a result of the dysfunction within some of our communities, people believe this is the way all Aboriginal people would tend to be if it were not for the grand civilizing process we have come through with the help of the churches and Canadian society.

But the reality is, when you look at that picture, at the way Aboriginal people are today, and look at it in historical terms, you come to realize that we have not always been this way.

Aboriginal people did not always kill themselves at a high rate. Aboriginal men did not always abuse their women and their children. Aboriginal people did not always represent 70 per cent of the jail populations of our provinces. Aboriginal people lived a relatively stable life at long points of our history and very recently.

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In fact, our study in Manitoba pointed out, and those of you who read it know we pointed out in Manitoba at least, until the Second World War, Aboriginal people were not over-represented in the justice system. In fact, their presence in the jails was less than their presence in the population. 12 per cent of Manitoba's population is Aboriginal today. It was probably in the area of 15 to 20 per cent during the '30s and '40s, and less than 9 per cent of the people who were incarcerated in Manitoba during that period of time, were Aboriginal people.

The same with our child welfare system. The number of children in care today in Manitoba who are of Aboriginal ancestry represent about 70 per cent, and yet prior to the Second World War the number of Aboriginal children in care was minimal. In fact, they are unable to point to any statistical existence whatsoever.

Why is that the case then? Why is it until that period of time we appeared to have relative stability in our communities, our people did not appear to be dysfunctional. Our people did not appear to be acting out and committing crimes at such excessive rates. Our people did not appear to be abusing themselves and others in the same way we see today.

A part of it, for me, is because of the way the government has treated our leadership, the way the government has treated our families, the way the government has treated our culture. There has been and there still is great disruption among our people today as a direct result of some of the laws that have been passed in this country.

I have spoken many times about this issue, but I think it is always worth repeating. Beginning with Confederation in 1867, the government set out on a deliberate attempt to undermine the very existence of Aboriginal communities, to undermine the very nature of Aboriginal families within society. The view was, it would be better for Aboriginal people to assimilate into Canadian society and to therefore, become more civilized.

There was a belief existent among the policy makers at the time that Aboriginal people were inherently inferior and needed to be brought up to a state of civilization more advanced than what they were offering the rest of the world at that time.

So because of that, they passed laws designed to assimilate us. They passed laws designed to undermine some of the institutions of our existence they felt had created our state of inferiority.

They passed laws, for example, that said Indian people living on reserves were incapable of entering into contracts, were incapable legally of selling anything that they produced, anything they manufactured, anything they discovered.

If they had minerals or resources in their community they could exploit, they were forbidden by law from selling or leasing those resources unless the government gave its consent. Part of that was the government believed they were inferior and incapable of contracting. Another part of it also was the government had a deliberate policy that it did not want the Aboriginal communities of this country to flourish economically. They did not want Aboriginal communities to become self sufficient and stable. They wanted Aboriginal people to assimilate, to leave their communities and integrate with the rest of society.

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“Ultimately, within a few generations,” John A. Macdonald was reported as saying, “there will no longer be any Indian reserves, there will no longer be any Indians and, therefore, there will no longer be any Indian problem.” That is a quotation from the discussions and debates of Hansard.

The thrust of government policy at that time was not merely to make it difficult to be an Indian, but it was to make it difficult to be as an Indian, for they did other things as well to undermine our existence.

They passed laws for example, that said that all of our children could be taken away from our families at the age of five and locked up in residential schools, away from their families until the age of 18, and they did that. In many of our communities, 100 per cent of the children between the ages of 5 and 18 were taken from their families and put in residential schools and in some cases we are told—and the whole issue of residential schools incidentally, has not been adequately discussed and studied—they would be removed from their families at a young age and told they would never see their families again until they turned 18 and were allowed to leave. Often however, they were not allowed to leave unless they agreed to marry someone else who was in the school system with them.

The purpose of that was to further the view that we can’t allow these newly civilized Indians who have been raised in this residential school to go back to their communities and marry an uncivilized Indian. We have to keep these people together and flourishing.

And so marriages were arranged in these schools and children were often required to marry each other. This happened with my grandmother and my grandfather. My grandmother was not allowed to leave the convent where she went to school until she agreed to marry my grandfather.

We know the natural instinct of a mother when a child is taken away from her, is to go and do something about that. We know that. All good parents who lose their children in that way will want to do something about it. History records that Indian people tried to do something about that as well.

While all of the treaties and the treaty negotiations of the time reflected a desire by Indian people for their children to grow up, be educated and have careers just like the white man, it was not this form of education they wanted for their children. Indian people often protested and tried to get their children out of this form of education, this institutional situation. Well, the government passed a law that said Indian people could not do that. They made it an offence for any Indian apparent to interfere with the education of their child who was taken and placed in an educational system like that.

Incidentally, compulsory education for Indian people doesn’t sound so bad today because we know all of our children have to go to school in this day and age. Compulsory education is the norm for everyone. However, compulsory education was not the norm for Canadian society until the 1930s, and in some cases, 1940s. In those days, white children didn’t have to go to school compulsorily. They did not have to go to school until laws were passed in the ’30s and ’40s. So in some ways, we were 50 years ahead of time.

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Parents were prohibited from interfering with their children. The government inaugurated in the 1880s what came to be known as the “Indian Pass System”. It required that any Indian person who was outside of a reserve who didn’t have a written pass, could be arrested by the police and returned to his community. This effectively prevented of course, parents from leaving their communities to go and get their children out of those schools.

They also made it an offence for Indians to protest these things. Of course, the natural thing was families would get together and say well, we are going to do something about this, but that was made to be an offence. It was the Indian conspiracy laws of the 1880s which said if three or more Indians get together in order to discuss a grievance against the Government of Canada, then they were guilty of an offence and could be sent to jail. So, two people could talk about their grievances, but three Indians couldn’t.

Furthermore, they knew that Aboriginal gatherings in the 19th century such as sun dance and pot latch ceremonies and the huge gatherings we saw then and see today in pow wows were not just social events but were important political events as well. Chiefs would be recognized and births would be acknowledged. Names would be given, marriages would be performed, property would be shared and all of those important things. They also represented opportunities for Indian people to get together in order to grieve their concerns about Aboriginal people—about the Government of Canada. Laws were then passed in the 1880s saying Indian people could not have those gatherings anymore. They came to be known as the sun dance and pot latch laws. They said it was an offence for an Indian to participate in those ceremonies.

It was also made an offence for Indian people to do other things like go to sweat lodges or participate in any traditional ceremony involving the wearing of Indian garb. Art Shofley would have been guilty of an offence years ago by dancing at pow wows he’s now famous for.

All of us would have been guilty of an offence last night just by sitting here and watching those people perform, because attending those kind of functions was also an offence under those laws.

They were very clear about the nature of the ceremony you could not participate in and said an Indian was guilty of an offence if he participated in any ceremony involving the exchange of gifts. This was intended to address the issue of the pot latch ceremony on the west coast.

It inadvertently also caught Christmas in its definition, so in 1888 they amended the definition to allow them to participate in Christmas, a very important Christian event of course.

If you can’t go and do something about your child who’s in a school you don’t want him to be in, if you can’t gather in order to air a grievance, then perhaps the one thing you want to do is go to court. A very common reaction to those who feel a grievance against government is to go to court, and that is why we have lawyers, lawyers all over the place. We have about 67,000 lawyers in Canada, all of whom are ready to go to court for you.

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In the 19th century there weren't 67,000, but there were still lots of lawyers ready to go to court for Indians, and all the Indian had to do was just say the word and they were there. However, the government had an answer for that too. They said no Indian could go to court and sue the Government of Canada unless they first got the permission of the government.

There was never any reported incidence of the government giving its consent that we were able to discover, but it certainly had a chilling effect on Indian's accessibility to the legal system. It also had the effect of making lawyers think twice about doing anything about these laws, even those who felt the laws were clearly wrong and there were lawyers who felt that way.

Friendship societies were formed of non Aboriginal people who supported the Indian cause, who themselves, were willing to go to court on behalf of Indians. So the government passed a law saying nobody can go to court on behalf of an Indian person unless they also got the permission of the Government of Canada.

Another law was passed saying any lawyer who secretly agrees to represent any Indian person, even as a lobbyist to represent their interests with the Queen, and there were many cases of people going to England to speak to the Queen, were guilty of an offence if they accepted such a retainer and they could lose their licence to practice law.

So what the government did was effectively take away from Aboriginal people some very essential civil rights, rights we take for granted. Not only did they take away the right to demonstrate, the right to have access to the courts, but they decided by 1890 Indians were so uncivilized they couldn't vote, either.

Indians had the right to vote incidentally in federal elections until about that time, but they took that away in a law that said Indians couldn't vote unless they agreed to be enfranchised.

So all of the recourses to the democratic procedures every citizen of Canada took for granted in the 19th century, were taken away from Indian people. But the government wasn't satisfied with that, because they truly believed these Indians would continue to do things secretly to keep themselves going, and of course, that is what we were doing.

We know all about how our Elders continued to protect our ceremonies. They'd often go into the bush miles into the distance and conduct their secret little sweat lodge and other ceremonies. Sometimes they'd go off on an island in the middle of a lake and do their ceremonies there. But even that didn't sit well with the government, so they passed a law saying any person who continues to represent himself as an individual with medicine or healing abilities, was guilty of an offence. They attacked our medicine people, our healers, and said if they continued to say they could heal people in a traditional way, they were guilty of an offence.

Then a law was passed that I think is ironically titled the *Indian Advancement Act* in 1891, which said any Indian community which is considered by the government to be in an advanced stage of development—and that is the phrase—an advanced stage of development would henceforth from that point on, have to elect its leadership in accordance with rules and regulations created by the government.

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Those rules and regulations said only Indian men over the age of 21 could hold office, and only Indian men over the age of 21 could vote for them, which of course undermined the status of women in society and greatly undermined the matriarchal societies of some of our tribes by creating this form of government, that was modeled on the form of government that Canadian society followed, its so called democracy.

But they went further than that and said the forms of government that are elected in that way, really have no power. If they want, they can control noxious weeds, decide where houses can be built, or control where the garbage is to be dumped. If they want, they can decide whether people coming into their community can sell trinkets and goods, but beyond that they have no real authority.

And just to keep a handle on it, they passed a law saying whenever the council wants to meet, they have to give notice to an Indian agent who is responsible for that territory, and they can't have a meeting without them, and it was always a man, of course.

The Indian agent had a right to attend those meetings and furthermore, had the right to chair those meetings and set the agenda.

So those advanced Indian communities were still subject to the direction of the local Indian agent. Any Indian leader who held himself out to be a representative of the community, who said he was the traditional chief and not these new chiefs, was guilty of an offence and could go to jail just for declaring these new forms of government were invalid, and that his traditional form of government was still valid. Those leaders were prosecuted, and we know of several instances where they were incarcerated for continuing to do that.

Incarceration was a relatively easy thing to accomplish because Indians who were prosecuted under the *Indian Act*, had to appear before a Justice of the Peace designated by the Minister of Indian Affairs, and was prosecuted by someone also designated by the Minister of Indian Affairs.

Government cutbacks were as important in those days just as they are today, so they decided to roll that person into one, and the prosecutor was the Indian agent. Just to keep it easy, the Justice of the Peace was also the Indian agent.

So as you can see, the rule of law we take for granted in our system, that everyone is subject to the equal enforcement of the law, was never there for Indian people. Those laws were in place until 1951 when the *Indian Act* was amended. Some of them were repealed in 1927, but they were there for several generations, and certainly the Indian residential school legislation is still in the *Indian Act* today, it's just not enforced in the same way.

But the Indian residential school system was a part of our lives for almost one hundred years. When you think of how many generations of children went through those schools and that kind of lifestyle, you can begin to see how the lives of those children would become disrupted, disoriented, and how they would be out of balance with their Elders and their families.

For when you think about it, you cannot take a child and raise that child in an institution, and expect that child to be able to function well and provide a loving or caring environment to his or her family.

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You cannot take a child and separate that child not only from his or her mother and family, but also separate that child from his sisters, his brothers, his aunties, his uncles, any adult of any importance to him and put that child in an environment where they don't see a loving and caring family environment, and then ask that child to return and become a parent and expect them to be able to function properly.

We know the effect of that institutional situation is not going to be immediate because the first generation of children still have their parents living back home to help them when they return, those who did. Even the second and third generations would have their parents and great grandparents to help them because we know that older people continue to have that influence with young children, even to that level.

But eventually, those who were not tainted by the residential school system began to die off and subsequently, lost their importance within the family. As each generation returned, the previous generation would become less and less able to maintain a stable and balanced influence for them.

So we begin to see the impact of it all after five, six, even seven generations in the families, and I think that is why we don't see any change in the statistics until after the Second World War.

A number of things occurred which added a great deal of impetus to the change. A lot of our men went off to war and returned having fought in battles as soldiers at the frontlines. Today, we know about post traumatic stress disorder because of studies that were done on Vietnam veterans. We know today what the impact fighting in wars has upon individual human beings and we know today those men returning from those wars to our communities did not receive anything near the support, care and rights non-Aboriginal veterans received when they returned.

We know as well that in the '50s a lot of provinces changed their laws to allow Aboriginal people into places that served liquor in Manitoba. The famous report is the Bracken Report in 1956, which allowed Aboriginal people to drink alcohol in a beverage room or beer parlor, as it was called, and we know the relationship between alcohol and crime in our communities.

Also in the 1950s, the Department of Indian Affairs decided these Indians weren't migrating into urban areas fast enough so they created a native housing program through the federal government which gave Indians large financial incentives to buy or build houses in urban communities, as long as they moved away from their reserves. Anyone wanting to build a house on an Indian reserve couldn't get any federal money but anybody building a house in an urban area could get a \$10,000 forgivable loan and in those days that could build you a pretty good house.

So a lot of people migrated into the urban areas in the 1950s as a direct result of that program and I think we know that.

But I think it is during the start of the family dysfunction's when we begin to see the statistics change. Stony Mountain Penitentiary reported in 1962 for the first time, an aberration in their inmate statistics. They estimated 20 per cent of their population were Aboriginal, the first reported notice of over representation in the jail system. Around the same time, in the early 1960s, we begin to see those statistics increase for all provincial and federal institutions in Western Canada. Those statistical increases grew even more as the years went by to the state we see today.

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Our educational system functioned much along the same lines as well. When I went to school and I'm sure this is true for every Aboriginal person today of my generation, or close to it, that we were taught about the concept of discovery, about the great arrival of Christopher Columbus. We were taught about Jacques Cartier and Samuel de Champlain. We were taught about the massacre of father Jean de Brébeuf by the Indians of Eastern Canada who tore out his heart, as savages are wont to do, and ate it. We were taught how Indians were really nothing more than part of the country side when the white men arrived and had no real rights. We were taught that Indians were actually pretty lucky that the white men came here and saved them from their life of barbarism and the terrible living conditions the white men saw. We were taught all of that.

It amazes me today that in some cases our children are still taught that. I know of a young girl back home, the same age as my daughter, who was expelled from school for two days because she refused to write a paper on the benefits of Christopher Columbus' discovery of North America.

We have a situation in our lifetime when growing up in that kind of environment resulted in our inability to find out who we are. The great question each and every one of us had to answer was beyond our capability of answering as Aboriginal people, because who we were, was not who society wanted us to be. I was not what society wanted me to be, and what society wanted me to be, was not what I saw myself as being.

I grew up in an era with Elvis Presley and the Beatles, and for a while that is what I wanted to be. But when I looked in the mirror, I didn't see Elvis, and when I let my hair grow, it didn't grow into the same style that the Beatles did. I couldn't speak with an English accent and the people I grew up with, couldn't function that way either.

When we looked in the mirror we always saw Aboriginal faces, and for a long time many of us didn't like what we saw. We didn't like our ourselves growing up in that day and age because of what we had been taught about ourselves. We didn't like ourselves because of the images of Aboriginal people that we saw in books, newspapers, movies, and on television.

We didn't like the images of the people we saw when we took the bus to Winnipeg and saw these drunken Indians on Main Street, all of whom were victims of the same kinds of things we were victims of. We didn't like those images, and so we didn't want to be that way. But that was never a positive option for us.

In other words, we were not told how not to be that way. We were told simply if you don't do what we tell you to do, you will end up like that. The unarticulated premise of our educational system was, if you don't grow up to be the way we are saying you should be, then you're going to be a failure like your uncle, you're going to be a failure like your cousin who's living in a Main Street hotel, and that was the great threat we faced.

So the reality then, for us as Aboriginal youth, was growing up with terrible conflicts over who we were. We did not know who we were and our young people today, they still do not know who they are. We have not been able to give our young people their sense of identity today, just as I was not able to get my sense of identity as a young person in the '50s and '60s.

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This is the great dilemma we face, because each and every young person who comes before me in court, is weighed down by that burden and that is why, when I look at the options available to me as judge, I think well, I can impose a fine. Now, if I fine him \$50 is that going to give him his sense of identity? Well no, maybe not. Maybe \$100 will give him a sense of identity or perhaps \$500, but that will not give him a sense of identity either. So how about if I put him on probation and make him go and report to a white probation officer downtown, will that give him his answer of identity? Well, I don't know, maybe it would. It would depend on the probation officer.

I have not met too many Aboriginal probation officers, but there are some out there who have a good sense of what they have to do. But in our system, probation officers generally function very much like police officers. They are there to keep an eye on somebody and if they do something wrong, they report it and end up back in the system.

It is very rare and I mean no disrespect, but it is very rare to find probation officers who go that extra mile with their clients. They are overworked, overburdened, just like everyone else in the system.

Maybe if I send this person to jail, I think maybe that will give him a sense of his identity. The sad reality is, there is an awful truth to that.

Many Aboriginal men who stop a life of crime, tell us the answer for them was when they learned about their culture, and where did they learn about their culture? The first time they learned about their culture was when they were in jail. It's a terrible thing to say, that you can go to jail to learn about who you are and find your solution there. If that's the only thing to stop him from living a life of crime, then couldn't we find a way of doing that outside of jail? That is the question I ask.

The reality is that some of our men and women do find their answer through learning their culture while they are incarcerated. Incarceration for that purpose seems to me to be a little illogical, but there it is. There are only three things I can do with somebody who is in front of me as a judge. I can take away their money, and the money that goes to their family. I can put them on probation and hope, hope that somebody will help him, or I can send him to jail and perhaps keep him out of trouble for a while. However, more and more evidence is coming before us that sending someone to jail simply increases their criminal activity, and doesn't decrease it.

All of this is what's going to lead me to the conclusion. I told you I was going to make this sound like I knew where I was going.

We have a situation where too few of our lawyers and too few of our judges and probation officers know about that history. They think that Aboriginal people are just like every other criminal that comes before them, people who commit a crime out of convenience, commit a crime out of need or commit a crime out of passion.

The reality in my view, is that for most Aboriginal people, criminality is often a forced state of existence. Criminality is often a direct result of their inability to function as individuals, as human beings in society.

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3.3.1

Our young people in Winnipeg are joining street gangs in huge numbers. A year ago they were estimating there were 300 to 400 Aboriginal youth gang members. Now they are saying it is about 1,500. I think it's a scare tactic myself, but even if they are joining in disproportionately high numbers like that, it's merely a reflection of the need of our young people to find out who they are, who am I? This gives them part of the answer. This gives them a sense of comfort about who they are.

So I think, we in the justice system, are compelled to accept it is our responsibility for a vast majority of the people who come before us, Aboriginal and non-Aboriginal, to find a way to help them find out who they are. Then we can help them to answer those questions I mentioned earlier, which are, where did I come from, why am I here and where am I going?

We need to find ways to help them confront those questions and find answers. For by answering those questions, each person in society is able to find a way of functioning properly.

The problem with our justice system, as it functions today, is we are often discouraged from even probing into that. We emphasize in our system the need to generate numbers. I remember I was talking one time with judges about doing sentencing circles, and I said the very first sentencing circle I ever did, involved 500 people who were in attendance. 150 of them spoke at that sentencing circle. One judge said, "We can't take all day to sentence somebody.", and I said, "Well, think about it for a moment, you're dealing with the rest of this person's life. This is probably the most important thing that will ever happen to this person. Why wouldn't you want to take all day to do it right?"

The reality is we get thousands and thousands of people in our system who we feel we need to move along. There is a great sense of discouragement over doing it carefully and doing it right. But that is a reflection of the numbers, the number game we are caught up in.

The problem is our system is not oriented in my view to doing it right yet. It needs to be reoriented to doing it right.

Somebody else here said, "What is justice?" Well, justice is doing the right thing, that is really what justice is. It is not any more complicated than that, doing the right thing.

Where Aboriginal people are concerned, we are not doing the right thing. All of the statistics and all of the studies we know about, have all come to that conclusion. What is the right thing? Well, we have to learn that. It's not going to be the same for our friends in Maniwaki as it is for our friends in Moose Factory.

It is not going to be the same for the Ojibways in Roseau River, as it will be for the Crees in Lac l'Orange.

It will not be the same for the people in the Blood Reservation in Alberta, as it will be for the west coast Indians in British Columbia, or the people of the Northwest Territories, or our Inuit brothers and sisters in Inuvik. They will all have different solutions based upon their understanding of how to do things because process is just as important as results. We must never forget that.

The process each will follow will reflect who they are. The results will be the same I think, for all of us if we let that happen.

The Aboriginal Justice Learning Network arose in a discussion David Arnot had with a number of people including myself, a couple of years ago. In that conversation with me, David said there is a recommendation in the AJI report suggesting we should have a learning centre. We called it an Aboriginal Justice Institute. We said all Aboriginal people who want to learn how to deliver justice to their people should be given a place where they can learn and study from Elders who will be able to give them that knowledge. Who can learn from lawyers about how law is supposed to work. Who can learn from judges about experience and about how justice systems are supposed to work, but will also allow them ultimately, to do their own thing.

In the similar way, we said non Aboriginal judges, lawyers, police officers and probation officers should go there to learn how Aboriginal justice is supposed to work, and it's all designed, we said, to allow the implementation of one of the major recommendations we made, which is Aboriginal people should be allowed to deliver justice their own way. Aboriginal people should be allowed to have their own justice systems in their own communities to do justice for their people, to do what is right for their people.

This program you're now participating in grew out of that discussion. Ultimately, in my view, what we need to focus on is how we can establish a process whereby you, who are Aboriginal, and you, who are non-Aboriginal, can continue to come together with a view in mind about how we can do what is right where Aboriginal people are concerned. We need to think about that and we need to talk about that.

I want us to have an on going process so when we have new judges appointed in Saskatchewan, Quebec or the Maritimes, we can say to them as administrators of our courts, in addition to going to the new judges training program, put on by the judicial institutes of our courts, you will also go and spend a couple of days with the Aboriginal Justice Learning Network, to learn how to deal with Aboriginal justice issues in our courts and with our communities.

I'd like to be able to say that to them, but we need to have an on going process that is supported by governments, and recognized by those who are within the justice system. We need to have a way of continuing this dialogue, so it is not just an opportunity for us to spend a few days in a very nice hotel, eating some very nice food, and sitting in some very hard chairs. We need a lot more than that.

So ultimately it rests with you, those of you who are here. It doesn't depend on David, it doesn't depend on me or Romola. It rests with you, all of you who are here. You have to commit personally those of you who think this is important, to see this will continue to happen.

You have to go back, those of you who represent departments and programs and governments, you have to go back to your offices on Monday morning, send a memo to your boss somewhere, whoever that might be, and say I just came from an interesting program I think we should make a commitment to. This is why you have to do that.

You have to be able to see the benefit of this, and if you don't see it today, maybe you'll see it the next time you come to this session. Maybe you will need to send somebody there who does see it, if you're not the right person.

Judge Murray Sinclair Speech and Questions

BLM
3.3.1

We have a lot of ground to cover, and we have a short time to do it. I want to be able to leave this life, this earth, thinking I have moved the conversation along a little bit and I hope you will commit your life to the same thing, that when you are done whatever it is you do, you will feel that you have moved the conversation along a little bit. I hope these words I have shared with you have given you a little appreciation for how I feel about these things.

I do not pretend to have the answers. I sometimes feel I only have questions, but I do want you to know that I have strong feelings about this. A strong feeling about the importance of these issues in this day and age, and also a strong feeling about the important role each and every one of you is going to play, and the resolution of those programs.

So I thank you for listening, meegwetch.

Transcript of Presentation by Associate Chief Judge Murray Sinclair: Reproduced under the terms for Non-commercial Reproduction as described at www.justice.gc.ca/eng/notices-avis.html.

Phase One:

Guiding Question:

What does a successful community look like?

Object:

To plan, design, and construct a model (either two-dimensional or three-dimensional) of a successful First Nation, Métis, or Inuit community.

Procedure:

In your group, decide what definition of success should be used to measure economic and community development:

- mainstream Western
- Indigenous
- bi-cultural model incorporating aspects of both Western and Indigenous conceptions

Choose an artistic medium to create your model of a successful community:

- collage
- wood
- electronic
- Lego™

Present your model to the class. Allow time for discussion.

As a class, create a list of characteristics of a successful community.

Phase Two:

Guiding Question:

How do you create and maintain a successful community?

Objective:

To plan, design, and construct a model that illustrates the **process** of creating a successful community (e.g., building capacity).

Procedure:

In your group, brainstorm how to create a successful community.

Choose an artistic medium to construct your **process** model for creating a successful community.

Present your process model to the class. Allow time for discussion. The class brainstorms a list of themes of how to build capacity to create and move a community to success.

Add your work and a visual representation of your models to your portfolio.

United Nations Declaration on the Rights of Indigenous Peoples

BLM
4.1.1



United Nations Declaration on the Rights of Indigenous Peoples

Adopted by General Assembly Resolution 61/295 on 13 September 2007

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

United Nations Declaration on the Rights of Indigenous Peoples

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4.1.1

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights (2) and the International Covenant on Civil and Political Rights, 2 as well as the Vienna Declaration and Programme of Action, (3) affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

United Nations Declaration on the Rights of Indigenous Peoples

BLM
4.1.1

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights (4) and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

United Nations Declaration on the Rights of Indigenous Peoples

BLM
4.1.1

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

United Nations Declaration on the Rights of Indigenous Peoples

BLM
4.1.1

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

United Nations Declaration on the Rights of Indigenous Peoples

BLM
4.1.1

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

United Nations Declaration on the Rights of Indigenous Peoples

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4.1.1

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

United Nations Declaration on the Rights of Indigenous Peoples

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4.1.1

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

United Nations Declaration on the Rights of Indigenous Peoples

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4.1.1

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

United Nations Declaration on the Rights of Indigenous Peoples

BLM
4.1.1

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

United Nations Declaration on the Rights of Indigenous Peoples

BLM
4.1.1

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

United Nations Declaration on the Rights of Indigenous Peoples

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4.1.1

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

(2) See resolution 2200 A (XXI), annex.

(3) A/CONF.157/24 (Part I), chap. III.

(4) Resolution 217 A (III).

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Suggested Final Project Options: Celebrations of Learning

BLM
5.1.1

Projects

- must look to the past, present, and future
- must include a presentation (maximum one hour, minimum 30 minutes)
- must tie in explicitly with course (enduring understandings, essential questions, issues)
- that involve performances must include a presentation on the development and background research involved
- may be thematic (e.g., oppression, decolonization, steps to the future)
- may be organized as part of a whole-class celebration week or two
- may involve class, wider school population, community, special guests, family, honorees, etc.
- are evaluated on both content and presentation

Project Ideas:

- Aboriginal approaches to science
 - Botany, Astronomy, environment, zoology, medicine
 - Indigenous Knowledge (IK) and issues
- Build or create
 - Canoes, atlatl, birch bark art, bead work
 - dances, regalia
- Celebration feast using traditional foods
 - May be part of celebration event
 - Prepare feast using traditional and contemporary updates of traditional foods and recipes
- Creative writing
 - Poetry
 - Write a song (e.g., rap)
 - Book publishing
 - Presentation to younger class or to elementary school
 - Oral story-telling or children's book
 - Graphic novel—Aboriginal Super Hero—format contemporary—focus traditional

Suggested Final Project Options: Celebrations of Learning

BLM
5.1.1

- Develop a game
 - An identity game, like *Scruples*™, involving Aboriginal values
- Drama, video production
 - Series of “Manitoba Moments,” “History of Aboriginal Canada, or “Manitoba in 50 minutes”; “Historical Minutes”
- Entrepreneurship
 - Develop an idea for production and marketing
 - Fashion (t-shirts, logos, images)
 - Jewelry
 - Research local Aboriginal entrepreneurs
- Field trip
 - Going to a site and honouring, clean-up
 - Research significance, proper ceremony, involvement of Elder or Pipe carrier
 - Taking pictures, evaluation, create a monument
- Hall of fame
 - images and text honoring Aboriginal achievers (e.g., Douglas Cardinal, Tina Keeper, Angela Chalmers, Myra Laramée, Lisa Meeches, Sheila Watt-Cloutier, Don Cardinal, Adam Beach, Tantoo Cardinal, Eric Robinson, Don Marks, Colleen Simard, Ian Ross, Erroll Ranville (C-Weed), Tompson Highway, etc.)
- Honouring Aboriginal women
 - Focus could be on individuals or issues
 - Contemporary women in different fields—sports, education, media, film, justice
- Multimedia presentation
 - Include two or more PowerPoint presentations, videos, music, visuals, drama, monologues, dialogue
- Pairing up with another community
 - Communication
 - Visits
 - Present snapshot of community through visuals, biographies, etc.
- Photo display
- Produce a map of Manitoba or Canada or Winnipeg with traditional Aboriginal names
 - Create a campaign to bring back Aboriginal names, send to city officials

Suggested Final Project Options: Celebrations of Learning

BLM
5.1.1

- Radio play
- Research origin theories and stories including contemporary methodology such as mitochondrial DNA, linguistics
- Research the history and development of an Aboriginal community
 - Reserve, mixed community, urban
 - Inuit in Winnipeg
 - documentary, photo show
- Stand-up comedy
 - Research Aboriginal humour and comics (Gerry "The Big Bear" Barrett, Drew Hayden-Taylor, Charlie Hill, Don Burnstick, etc.)
 - Prepare a stand-up routine
- Traditional Aboriginal sports day
 - Research events and organize a demonstration
 - Incorporate into gym classes
 - Teach to younger students
 - Create a station at an elementary field day
 - Brochure of activities
- Veterans
 - Research individuals, campaigns, Aboriginal contributions
 - Research history of Aboriginal warriors
 - Research how Aboriginal veterans were treated differently
 - Recent D-Day honouring Aboriginals
 - Invite honorees to view your final project
 - Mural in school or community honouring veterans, bench
 - Go to gravesite of veteran you have chosen and do an honouring ceremony involving his/her family
 - Creative writing piece or song (see "Tommy Prince" by Longbottom)
- Website development
- Wampum belts and winter counts
 - Traditional ways of keeping records
 - Develop a virtual method of winter counts or wampum belts
 - What might you keep records of?
 - Create a traditional belt or count