

COMMISSION ROYALE SUR
LES PEUPLES AUTOCHTONES

ROYAL COMMISSION ON
ABORIGINAL PEOPLES

LOCATION/ENDROIT: BIG COVE,
 NEW BRUNSWICK

DATE: WEDNESDAY, MAY 20, 1992

VOLUME: 1

"for the record..."

STENOTRAN

1376 Kilborn Ave.
Ottawa 521-0703

May 20, 1992

Royal Commission on
Aboriginal Peoples

1

2

Big Cove, New Brunswick

3

---Upon Resuming on May 20, 1992

4

STEPHEN AUGUSTINE: Good

5

morning. We'd like to start off today's hearing by the

6

Royal Commission on Aboriginal Peoples with an opening

7

prayer by our community elder and it will be followed by

8

Father George and then it will be followed by George Paul

9

and Eugene and Michael with the traditional drumming and

10

chanting and the Sweetgrass Ceremony.

11

[OPENING PRAYERS]

12

STEPHEN AUGUSTINE: I'm

13

just going to explain to those who may not have seen a

14

Sweetgrass Ceremony before or who may not have experienced

15

being part of a Sweetgrass Ceremony. What is happening

16

right now is the sweetgrass we consider has been given

17

to us by the Creator to use to open up the spiritual realm

18

so that what we are doing, any ceremonies that are being

19

conducted, will be acknowledged and we will be blessed.

20

And we purify ourselves with the sweetgrass. The

21

sweetgrass is taken and you bless yourself with it by using

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1 your hands you sort of cleanse your hands so that what
2 you do in this world--it is idea of working with your hands.
3 You cleanse your hands so that what you do is good as
4 you go through this world. You cleanse your head so that
5 your thoughts and your mind would be good at this meeting
6 here today. You cleanse your eyes so that what you see
7 will be in the manner that the Creator wants us to walk
8 upon his world and to see things, see things that are good
9 in a sacred and holy manner. Also your ears, you cleanse
10 your ears. When you're doing this you're cleansing your
11 eyes, your mind, your ears. You cleanse your ears so that
12 what you hear would be good and you block out all that
13 is not good. You also take and you smell some and you
14 take some in your breath, inhale it so you cleanse inside
15 yourself so that the spirit that is within you the Creator
16 has given you that spirit of life and the spirit that is
17 within you will also be cleansed. And all the things that
18 are not supposed to be there, things that are wrong, things
19 that are negative, not in good nature will be also cleansed
20 out. Also you take some and you put some on your heart
21 so that your heart is good. So that what you do and what

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1 to call in the spirits and we do this by the use of a drum.

2 I don't want anybody to be alarmed when I say that, we're
3 going to call in the spirits. The spirit of this circle
4 here today, and the spirit within you, each and every one
5 of you, because we are doing a ceremony what we are going
6 to be doing when we sing that song, we are going to keep
7 in mind, in our minds, our ancestors, the ones who have
8 passed on years ago, what their respects were and how they
9 used to conduct themselves, how they believe in the Creator
10 and how they walked His world.

11 The drum, we show that
12 respect. The drum is circular. It tells us of the cycle
13 of life is continuous. It's never ending, and the circle
14 of unity within the people. When we beat the drum, the
15 drum is the heartbeat of the nation. When the drum starts
16 to play, the hearts of the native people automatically
17 they will come here and this is what we're doing when we
18 play the drum.

19 Okay, I should explain
20 briefly about what I just done there. The tobacco offering
21 on the drum is done with the respect of the teachings as

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1 well and this teaching is that when we call the spirits,
2 this is what we do. We make an offering first because
3 we have to have permission and they are the ones that are
4 in control. So we offer the tobacco to the Creator so
5 to acknowledge what we are doing here is good. That's
6 the first tobacco that's offered that goes in the center
7 of the drum. Then we offer the tobacco to the four
8 directions, four cardinal points, so that all the nations
9 are represented in the world - the red, white, yellow and
10 black. And then also upon this world that we live on,
11 I made a complete circle around the drum with the tobacco
12 to acknowledge that everyone else and everything else that
13 is part of this world that we are on acknowledge that what
14 we are doing here today is good.

15 [DRUM CEREMONY]

16 **STEPHEN AUGUSTINE:** Good
17 morning and I'd like to welcome the guests or
18 Commissioners. We have Judge Rene Dussault, who's the
19 co-chair of the Royal Commission. We have Mary Sillett,
20 she's from Labrador, Hopedale? Hopedale, Labrador and
21 we have Justin Francis, he's representing the youth of

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1 Big Cove. He's an honorary commissioner for the day and
2 we have his grandfather, Anthony Francis, who represents
3 the elders of the community. He's our honorary
4 commissioner for the day as well. So I'd like to welcome
5 you, as commissioners, to our community.

6 I'm going to be giving sort
7 of like a history lesson, I guess, here about the reserve,
8 about the MicMac people and then Chief Albert Levi will
9 make his presentation. Clifton Simon isn't here, but I
10 believe some women from the Native Women's Council of New
11 Brunswick are here. They're ready to make their
12 presentation as well. And I believe we can move along.

13 Some people are not here yet but as they arrive we'll
14 just slot them into our schedule.

15 So without any further
16 delay I'll just go into a historical perspective. Usually
17 I go into quite a large--far in depth in the MicMac creation
18 story which it's an oral history of our community. It's
19 an oral history of the whole MicMac Nation as well as all
20 the Eastern tribes.

21 And the story itself was

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1 European people might have been wondering where the word
2 came from or--a noun by itself, a relative--a relative.

3 I mean even a desk or a pen, it's got to belong to somebody.

4 It's somebody's pen. This building belongs to the people
5 of Big Cove.

6 So in trying to find a word
7 for "MicMac", nogomaq, wogomaq, they must have just said,
8 "Well, we'll just call them [Migomaq]", and that would
9 mean all the relatives in the noun sense.

10 So it is with the creation
11 story that the MicMac people shared with the European
12 missionaries when they first came after living among the
13 MicMac people, and after understanding the language, after
14 learning the language, the missionaries explained to the
15 elders, a MicMac, who said he had seen 140 winters and
16 he had explained to him, "This is our creation story about
17 the birth of the nations, about the story of Adam and Eve
18 and the great flood and the story about Jesus Christ."

19 And so he asked the elder,
20 he says, "How do you people explain your existence here
21 in North America?" And the elder said, "The number seven,
the significance of the number seven, is very important

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1 "Thank you, for being part of my creation. You are here
2 for my existence." And then he looked at the sun, Nisgam.

3 He said, "Thank you, Nisgam, for giving me my heart and
4 soul." So altogether seven directions.

5 And after Glooskap was
6 created he wondered out loud, "What is my purpose on the
7 surface of this world?" And just then when he looked up
8 in the sky he saw a bird soaring around in a circle around
9 Nisgam, the sun, and it was coming down lower and lower
10 until it landed and the bird was the great bald eagle.

11 He said, "I am the messenger sent by Geezoolgh and if you
12 have anything to say to Geezoolgh you can say that to me
13 and I will carry your message. I will soar high in the
14 sky and transmit your message to the Spirit Creator,
15 Geezoolgh." And [gketpo] is the name of the bird in our
16 language.

17 He told Glooskap that he
18 will meet somebody soon and Glooskap met an old woman one
19 day when he was walking and he asked her, "Who are you?"

20 She said, "I am [Noogami], I am your grandmother. I owe
21 my existence to the stone on the ground. The rock was

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1 So Abistanoodj came back to life and he continued and
2 another animal laid in its place.

3 With the bolt of lightning
4 that caused Glooskap's creation, his grandmother brought
5 the sparks together and put dry wood on top of the fire
6 and this fire was the Great Spirit fire, what they call
7 in our language, [ektchibuchtao]. And with this fire they
8 cooked their first meal of martin, Abistanoodj,
9 [bistamun]. Today when we use the word, bistamun it means
10 a little something of a snack to hold us over in between
11 meals.

12 So they had cooked their
13 first meal out of meat and they had their, in honour of
14 Glooskap's grandmother's creation. And so while they were
15 looking after the fire a young man came into existence
16 and Glooskap ran into the young man and he was real tall,
17 very muscular and he had white, sparkly, shining eyes.
18 And he explained to Glooskap, he said, "I am [Nedawansum].

19 I am your sister's son. I came into existence as a young
20 man. When the wind was blowing from the direction of the
21 rising sun it caused the waters to roil up and foam began

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1 to form on top of the water and this foam got blown along
2 the shore on the sand onto the tall grass, sweet smelling
3 grass, sweetgrass." He said, "The sweetgrass held onto
4 this foam until Nisgam, the sun, was in the highest sky
5 in the midday--midday skies. Gave him existence as a young
6 man. Strong, spiritually strong. He had spiritual
7 strength and physical strength." And he said he came to
8 help Grandmother and Glooskap. And he told Glooskap, "If
9 you respect my strength, if you respect my vision for the
10 future, you will gain a place in your world."

11 So Glooskap called upon the
12 fish of the waters to come ashore and offer their lives
13 so that they can eat. And Noogami cooked a feast of fish
14 in honour of Nedawansum's arrival, Glooskap's nephew.

15 So they all lived together
16 for a while looking after the fire. Grandmother making
17 clothing for Glooskap and his nephew and the nephew was
18 out in the woods bringing in animals for the food.
19 Grandmother gathered the woods, dry wood for the fire.

20 And so one day Glooskap was
21 sitting by the fire and a woman sat beside him and said,

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1 "Are you cold, my son?" And he asked her, "Who are you?"
2 She said, "I am your mother. My name is
3 [Neeganaganimqooseesq]." She said, "I owe my existence
4 to the leaf of a tree who fell--which fell to the ground
5 and dew formed over the leaf and with the power of Nisgam,
6 the sun, gave me existence as a woman." She said, "I bring
7 you love. I bring you understanding and I bring all the
8 colours of the world and I bring you strength so that you
9 and your people can withstand all the elements of the
10 world."

11 So Glooskap was so happy
12 that his mother came into existence he called upon his
13 nephew to gather all the fruits and the nuts of the trees
14 because he did not want to harm the animals anymore. He
15 didn't want to harm the fish anymore, so he relied on the
16 fruits and vegetables of the plants and trees.

17 So they had a feast in
18 honour of his mother's arrival. So after Glooskap and
19 his mother and his nephew and his grandmother were looking
20 after the Great Fire, Glooskap told his mother that there
21 comes a time that "Grandmother and I are going to have

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1 So it is with this kind of
2 oral tradition that dates back as far as--if you could
3 carbon date oral tradition. When we have in our MicMac
4 language legends of the Glooskap, or Glooskap's legends,
5 where Glooskap is seen reducing the sizes of the animals
6 so that he could protect his people. The reduction of
7 those huge animals like mammoth and beavers and so on dates
8 back as far as 15,000 years. And if you can carbon date
9 that, and the uniqueness of our MicMac language is so--it
10 even dates further back than creation of the English
11 language. It is even older than the French language.
12 And I would go as far to say that the development of the
13 Greek and Latin languages, they say that these languages
14 are dead languages today. The MicMac language is not a
15 dead language. We still speak our language today and I
16 think it dates as far back as 10,000 years or as far as
17 whenever native people or MicMac people have been known
18 to have been in existence.

19 So the meaning of these
20 oral traditions is very meaningful for First Nations'
21 peoples, not only here but all across Canada.

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1 The other aspect of our
2 oral history here is that the name of the Richibucto River
3 as I mentioned earlier, [Mother tongue spoken]. [Buchtao]
4 is the fire. So there are several versions. It's the
5 river of "the great fire". It's the "path of the great
6 fire" because it is said that the Great Fire,
7 ektchibuchtao, is somewhere around the Gaspé area, around
8 Montreal, around that region.

9 And the other families, the
10 other seven families are the other Algonquian tribes that
11 dispersed from the area of the Great Fire.

12 So the oral traditions have
13 been kept alive by our elders with the use of wampum belts,
14 with the use of talking sticks, deer hides, caribou hides
15 and rock drawings. These have held aspects of our history
16 and culture for thousands of years and it is our elders
17 who come to gatherings like this, large gatherings. You
18 will see them talking to the young people because the young
19 people are acting as the legs and the hands and the eyes
20 of the elders because the elders can no longer go into
21 the woods.

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1 was the fur, it was the meat, it was Abistanoodj. It is
2 our spiritual relationship with the animal. It's our
3 spiritual relationship with the fish, with the land, the
4 trees, the leaves from the trees, the lumber. And the
5 land was Glooskap's creation, and the waters our highways.

6 In the summer we travel through those in our canoes and
7 in the winter we travel through them in our toboggans and
8 sleds.

9 So with all of this we come
10 into a more modern perspective of government today because
11 after all of the conflicts it was the English and the French
12 that decided to come together to create a country called
13 Canada. And with this there developed a British North
14 America Act. And with this the treaties that were made
15 with the British Crown there were promises that were left
16 outstanding. And with the British North America Act they
17 promised to look after our people.

18 And the Indian Act was
19 created in 1876 and because of subsequent amendments and
20 Bill of Rights and finally in 1981 a new Constitution was
21 developed. And here, today, we've had several commissions

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1 looking into different aspects of our history. To have
2 an understanding of First Nations' peoples and the meaning
3 of inherent right and all we are telling government people
4 is that our inherent right is our spiritual relationship
5 with the world around us, our environment, the animals,
6 the plants and all we are asking for is to maintain that
7 spiritual relationship. This is the inherent right. And
8 so this is a summary history and Judge Rene Dussault will
9 explain to you the role of the Royal Commission. Thank
10 you.

11

CO-CHAIR RENE DUSSAULT:

12 Thank you very much for this very enlightening historical
13 perspective that you just gave to us.

14

15 First of all, I would like
16 to thank Chief Albert Levi for inviting us and allowing
17 us to come to Big Cove Reservation and to sit in this house
18 that is a very important one, and we really appreciate
19 your hospitality.

20

21 As Steve Augustine
mentioned, there've been many commissions around during
the last few years and last few months because of the

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1 we go along to test ideas of solution that will be given
2 to us by the people who are coming to our public hearings.

3 So we start fairly wide open but we would like to get
4 some sense of direction and to get more focussed as we
5 go along.

6 We plan to visit over 100
7 communities plus the major sovereign cities, the capitals
8 and the major metropolitan cities, because we want to hear
9 from both aboriginal people and non-aboriginal people.
10 We feel that visiting communities, not only in the north
11 but on reservations like this one, is very important.
12 It's very important that we see things. That we hear
13 things but we see things also, as they are.

14 There is nothing like going
15 to visit house to realize the housing situation. Not only
16 to have the people coming to tell us in a setting like
17 this one. There is nothing like going to the school to
18 speak to the students, to the children. Like going to
19 the penitentiaries, the provincial jails to speak to the
20 inmates as we did in Stony Mountain and we're going to
21 do it many times again. To go to visit the hospitals,

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1 to have recommendations. We hope to have recommendations
2 that will be seen not only as acceptable by aboriginal
3 peoples because they will come from aboriginal people.
4 But we hope to be able to translate them into terms and
5 language, the structure acceptable to the larger society
6 because we would not be satisfied with doing a good public
7 education job.

8 We know that there is a
9 feeling of urgency, and rightly so when we're talking about
10 the young generations. They can't wait to get a future.

11 And we are looking, of course, for implementations of
12 proposals and this will be done if we tackle the tough
13 issue, if we address the issue, they can't be put under
14 the carpet.

15 We want to have a debate
16 between aboriginal and non-aboriginal people. But
17 sometimes things, or some conflicting interest, but that
18 could be put together. This discussion has to happen in
19 order--and it has to come out, in order to enable the
20 proposals that we're going to put to the Government of
21 Canada and also to the provincial governments, a fair

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1 chance of being implemented. Keep the momentum and the
2 push of the larger public for implementation.

3 I just want to say that we
4 would--the mandate we were given we know that we will have
5 recommendations not only in the jurisdiction of the federal
6 government, we are a federally-appointed government. But
7 we are going to have recommendations also that will involve
8 the provinces and that's the reason why we wanted at the
9 outset to meet with the premiers of all the provinces and
10 to let them know that this was the situation. And I must
11 say that we have had a very encouraging reception. We
12 wanted to avoid being seen as competitors to provincial
13 task forces and groups, but the message was that help was
14 needed by all governments.

15 I think people have become
16 aware that there is a social problem that has to be tackled.
17 That there is an economic problem that has to be addressed
18 and that the young generation has to be given a future,
19 to be given choices. Again, this is building the future
20 together and I would like to welcome everybody who have
21 accepted to make presentations to us today and also

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1 everybody who is sitting in this room and will be sitting
2 in this room later on during the day, it is part of the
3 process and we thank you very much for playing an active
4 role.

5 I would like now to ask Mary
6 Sillett to say a few words.

7 **COMMISSIONER MARY SILLETT:**

8 [Mother tongue spoken.] Before I begin I'd like to
9 introduce some of the Commission staff, the people who
10 have been working very, very hard to organize this public
11 hearing. There is Sandra Germain. Would you stand up
12 when I recognize you? She works in public participation
13 with the Royal Commission and she's also an easterner.
14 Tammy Saulis who works with public participation. Michael
15 Lazore who also works with public participation. Roger
16 Farley who's our senior policy analyst. Don Kelly who's
17 our media relations officer. And I'd like to thank them
18 very much for all the work that they've done in organizing
19 these hearings.

20 Before we started these
21 public hearings one of the things we decided was to hire

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1 are rarely heard from. Will
2 the Commission work? That's a question that's often been
3 asked now and before. There's no guarantee but I think
4 that all of us who are working on this Commission have
5 faith and hope that there is a way, surely there must be
6 a way, to improve the lives of our people. I know why I'm
7 here and I believe that whoever comes to talk to us believes
8 that there are solutions out there somewhere.

9 What I've seen right across
10 this country when we've heard from aboriginal peoples,
11 I've heard a lot of frustration, I've heard a lot of pain.

12 When we were in Stony Mountain one of the prisoners said
13 the Indian's life is on the streets, in the jails and in
14 the graveyards. But I believe that that must stop. There
15 is a lot of pain, there is a lot of frustration but despite
16 all of this what I see in the aboriginal peoples that we
17 talk to is a spirit of survival and a faith that we will,
18 someday, live in a better Canada. And that's why I'm here.

19 This morning when we were
20 participating in the Sweetgrass Ceremony I must admit that
21 I'm an Innu, I'm from Labrador and my ways are different

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1 Chief, Albert Levi. He's married and has six children
2 and due to his family responsibilities he took the
3 necessary steps to become economically self-sufficient.
4 From 1956 to 1981 he owned and operated a taxi business.
5 Today he's a school bus contractor and a landlord. These
6 activities have provided employment for his people and
7 the improvement of this community.

8 Because of his
9 contributions to his country, his community and his people
10 he was inducted into the Order of Canada in 1984.

11 Chief Levi has been chief
12 of the Big Cove Band, the largest reserve in New Brunswick,
13 from 1967 to the present.

14 Since 1969 he was a board
15 of director of the Union of New Brunswick Indians. He
16 was the longest serving chief and has been the longest
17 serving board of director for the Union.

18 In 1970 he was a member of
19 the Atlantic Region Indian Economic Development Committee.

20 He served this function for ten years until 1980.

21 In 1978 to the present he

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1 is a member of the Kent County Industrial Commission, a
2 corporation that supports economic development
3 initiatives in Kent County in New Brunswick for both native
4 and non-natives.

5 In 1988 he was vice-chief
6 for the Assembly of First Nations representing the eastern
7 part of Canada. Chief Levi is still very much involved
8 with the Assembly of First Nations in an indirect and
9 supportive role.

10 In 1990 to the present he
11 was appointed by the Premier of New Brunswick to the New
12 Brunswick Commission on Canadian Federalism as a full
13 commissioner. The commission is to make recommendations
14 to the government of how the Canadian federation might
15 be strengthened so as to serve the interest of Canadians
16 living in New Brunswick and in other provinces and
17 territories.

18 In 1991 he was one of the
19 selected group of chiefs to review a specific land claim
20 policy of the Government of Canada through the Department
21 of Indian Affairs.

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1 In 1991 he became a member
2 of the Atlantic Lotto Corporation.

3 He also participated in the
4 drafting of a report on the native justice system for the
5 federal government.

6 So Chief Levi, he's a
7 thinker and a planner with a vision for a better way of
8 living for his people. He prompts forward thinking and
9 repeatedly says that trust and belief is what natives say
10 and do. He's the key to new and better relationships.
11 Chief Levi is a man of integrity and understanding.

12 Although he has no official
13 title he's, undoubtedly, the senior elder statesman among
14 the chiefs of the Atlantic region. His reputation is not
15 limited to the Indian community and commands a high level
16 of respect in many circles.

17 Ladies and gentlemen, I
18 present to you, Chief Albert Levi.

19 **CHIEF ALBERT LEVI:** Thank
20 you, Mr. Chairman. Members of the Royal Commission,
21 fellow Big Covers, ladies and gentlemen. For many, many

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1 years the First Nations in Canada called for the Royal
2 Commission into their past treatment and present
3 circumstances.

4 Today we can take a great
5 pride in this fact, that our call has been answered, and
6 the members of the Royal Commission are sitting down before
7 us. I have great hopes for this Royal Commission. I
8 believe that it is good. It can put the meat on the bones
9 of any Constitutional arrangements for Indians and I
10 believe that when the non-Indians study your final report,
11 they will learn a great deal about the history and the
12 goals of the Indian people. This fact is very important
13 because ignorance about the Indian and Indian issues among
14 the general public is the greatest danger to the Indian
15 rights in Canada today.

16 I am sure that your
17 Commission will produce a well-accepted final report.
18 The report that you released on a self-government issue
19 has been very well accepted. I personally support it.
20 My hopes are being raised by the fact that many thoughtful
21 and concerned people are sitting on the Royal Commission,

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1 including my good friend, Georges Erasmus, who helped me
2 tremendously when I fought for Indian issues as a member
3 of New Brunswick commission on the Canadian Federalism.

4 But I must admit that I fear
5 the Royal Commission process because the process does raise
6 the Indian hopes. We had our hopes raised before only
7 to suffer a tremendous blow. Those blows set the Indian
8 society back many, many years.

9 I am not saying that a
10 commission like yours deliberately raised the hopes of
11 the Indians only to kill those hopes later. I am saying
12 that there are being very little goodwill in this country
13 among the non-Indian politicians.

14 In 1983 we had a report of
15 the special committee on the House of Commons on the Indian
16 self-government in Canada. This was a huge study that
17 looked at all aspects of the government-to-government
18 relationship between the First Nations and Canada.

19 The special committee held
20 a great many hearings on Indian reserves, at the friendship
21 centres and in the offices of Indian organizations right

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1 across Canada including here in New Brunswick. The
2 committee even visited the Indian tribes in the United
3 States and had a research done on the aboriginal
4 self-government around the world.

5 The report of the special
6 committee was not perfect but it was very well received
7 by the First Nations governments. Of course, nothing came
8 out of that report. You don't even hear our chiefs mention
9 that important study anymore.

10 In 1985, we had a report
11 of a task force to review the comprehensive claim policy.
12 This was a huge study that examined all aspects of an
13 Indian land and resources rights in Canada. Its
14 recommendations were raised by the First Nations right
15 across the country but, again, nothing came of the report
16 because of what it might mean for Canada.

17 In 1992, Indians are faced
18 with a great many constitutional reports coming out of
19 the provinces and Ottawa that address the issues of Indian
20 rights. These reports, including the report of the
21 special joint committee, of the Senate and the House of

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1 I have come to believe that
2 even though the general public in Canada is ignorant of
3 Indian issues, the government are not so ignorant. Those
4 governments had lots of time to study the Indian issues
5 and they know what they mean. It is just that they don't
6 like what they mean. They do not really accept that Indian
7 government should be a third order government in Canada.

8 They do not really want it to provide a transfer of dollars
9 to the first nations or enter into the resource sharing
10 agreement with the first nation government. They do not
11 really want to see our land base grow or our hunting and
12 fishing rights reach into a new area.

13 They pretend that Indian
14 government and Indian rights cannot be defined. They try
15 to scare the general public who know nothing about these
16 issues. Sometimes the Indian leaders help the non-Indian
17 government by refusing to discuss the nature of our rights.

18 Indian leaders do not have all the answers about the future
19 and the self-government but we have many more of the answers
20 than we make the general public believe. It is time to
21 put our cards on the table. We will not have the

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1 They claimed to be the sovereign in this country even
2 though they wrote to their king and said that their
3 authority did not extend further than a cannon shot from
4 the fort.

5 The English could not
6 ignore the Micmacs because they were all around them.
7 For 36 years not one English settlement was made outside
8 of the fort at Annapolis. For 36 years treaties were
9 signed with the Micmacs and Maliseet Indians of this
10 region. These treaties followed a basic plan first set
11 down in New England. That plan was based on the important
12 principles. As the governor of New England told a French
13 priest in 1718, "We not only had it in command from the
14 kings of England, but it was one of the fundamental laws
15 of this government not to enter upon any of the lands
16 belonging to the aboriginals without a fair, honest
17 purchase."

18 Our treaties were based on
19 the same principle. The treaties clearly promised that
20 our lands were reserved to us and that our lands would
21 not be settled by the English except after a fair and honest

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1 had renewed the treaties that came before 1749, especially
2 the Great Treaty signed at Boston in 1725.

3 By 1779 the Micmac people
4 had no doubt what their treaties meant. They had been
5 dealing with the issue for more than half a century. But
6 on the English side the faces were always changing. Every
7 time a new governor or army general came to Nova Scotia
8 the policy towards Indians changed. By the time that the
9 Americans and British were at war in the 1780s few
10 Englishmen knew anything about the Indian treaties in 1713,
11 1725 and so on.

12 But the Micmacs never
13 forgot. When the refugees from American came to New
14 Brunswick and took our land, we never forgot. When our
15 people were forced to ask for small pieces of woodland
16 to be reserved for them, we never forgot. When the Indian
17 Act came along and made children out of our great Indian
18 nations, we never forgot. And we don't forget our treaties
19 even today. You can search the history books and you will
20 never find a time when the Micmac people were not talking
21 about their treaties. We would not remember the year or

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1 accept on our Indian rights.

2 Our rights are not pure.
3 We did limit our rights every time we signed a treaty or
4 told the English we would not destroy their former
5 settlements on land that belonged to us. Limits are
6 nothing new. We made compromises and we must make
7 compromises even today. We must be reasonable and
8 practical and we must protect those things that will allow
9 our future generation to survive as a Micmac people. But
10 the words "reasonable" and "practical" do not mean "cheap"
11 and "quick". We are calling on non-Indian governments
12 to fundamentally change their relationship with us. And
13 we are asking them to base the new relationship on our
14 inherent rights and existing Indian title. Anything less
15 is unacceptable to our people. Non-Indian governments
16 must soon face the painful truth.

17 If our self-government is
18 to survive we must have the resources that the land claims
19 can provide. Our inherent rights must be supported by
20 our inherent wealth. If our land claims are to be settled
21 they must be settled by the self-governing first nations

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1 presentation. We realize that what will be decided at
2 the Constitutional level will have great importance for
3 the Royal Commission. This has been acknowledged at the
4 outset because in our terms of reference there was a link
5 established with the constitutional process, and that's
6 the reason why we felt in February that we had to publish
7 a commentary on the inherent right of self-government,
8 because we felt that the people who are involved in the
9 negotiations would be better to focus on the setting up
10 of this right within the Canadian context than discussing
11 the existence of the right as such. And that the energy
12 would be better spent towards finding an arrangement with
13 self-government and the implication of provincial and
14 federal laws, some of them at least, maybe many of them.

15

16 My question is, I think you
17 said quite rightly, that this is no time for bluffing.
18 It's worth putting on the table our best ideas and to have
19 a real discussion, and not being afraid of being turned
20 out again or being in a situation where we raise hope.
21 And if inaction follows of course there's a lot of

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1 would like to know how do you see for New Brunswick, for
2 example, the concept of self-government. If you could
3 be a bit more precise on the relationship between
4 self-government and the provincial government in this
5 province, for example. Because many of the fields involve
6 the provinces. And, of course, it would entail the Indian
7 Act as a basic requirement.

8 But I would like if you
9 could tell us a bit--if you could go down a couple of levels
10 and tell us what it could mean and why you feel it is
11 important for--what would be the relationship between this
12 and the services, the possibility of young people getting
13 an education and wanting to get an education. What are
14 the links because sometimes people tell us, well, be
15 careful, it's not a panacea and it's not a cure-all. We
16 have to work at all levels altogether. So I would like
17 to hear a bit from you on this.

18 **CHIEF ALBERT LEVI:** Yeah,
19 I guess, Your Honour, I'm a strong believer, you know,
20 that the Canada didn't born in 1867. Canada born somewhat
21 500 years ago when the French and English landed on this

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1 coast and shook hands with the Micmac chief. Something
2 new was formed with something different. It wasn't long
3 after that that French cooking pots found their way to
4 the Indian tents and Indian clothes found their way to
5 the back of the French man. It wasn't long after that
6 we borrowed from English, English borrowed from French
7 and French borrowed from the Indians until there would
8 be no longer French, English and the French, it's just
9 Indians. Something new has been born. So the
10 relationship between the three government started in
11 Canada born.

12 We was very careful, our
13 leaders was very careful and that's why that the treaties
14 in this eastern part are so important to be studied
15 carefully with the self-government issue. The treaties
16 gave us enough protection if it was followed, and it's
17 got to be followed, that we could have a third order of
18 the government within Canada. We are partners of three
19 governments to build Canada: French, English and Indian.
20 All we're saying is that we want the same kind of a
21 government as the third order of government. We want the

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1 preaching of the law doesn't do the way they preach then
2 the explosion going to be on Indian community. So the way
3 to have the Canada I guess to remain Canada is to recognize
4 the French issue and you must recognize the Indian issue
5 as a self-government, the third order of the government
6 in Canada. If it's looked at as a third order of the
7 government in Canada then I can't foresee the hard times
8 of Indians the way they're having today unless the whole
9 country have a hard time. But the way it is now it would
10 never work. Recession, this is the recession year, but
11 in Big Cove Reserve it's been a recession year for 200
12 years. They wouldn't put up with that. So the
13 self-government has to be recognized and respected the
14 same way as they was recognized and respected in 1700s
15 only with a limit, with Canada.

16

CO-CHAIR RENE DUSSAULT:

17 Just as an addition, I would like to take as an example
18 the young people in the reserve. First of all, I would
19 like to know what is the percentage of--I understand that
20 the people are very young and half of the population is
21 below 20 years old. I would like to know what is the

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1 percentage of the young people going to the secondary
2 school and percentage of those going to post-secondary
3 or professional training after that at this moment in the
4 Reserve. Could you give me some figures on this?

5 **CHIEF ALBERT LEVI:** If
6 Indian educators are here or senior administration, they
7 can come up with that figure but I personally can't tell
8 you that, Your Honour.

9 **CO-CHAIR RENE DUSSAULT:**
10 Well, roughly.

11 **STEPHEN AUGUSTINE:** I
12 think we have an average of 20% of those people who go
13 to start school graduate at the other end.

14 **CO-CHAIR RENE DUSSAULT:**
15 Graduate?

16 **STEPHEN AUGUSTINE:** To go
17 to post-secondary institutions. Roughly 20% which is the
18 reverse of the Canadian statistics. It's 80% of those
19 people, the average Canadian, that will start into a school
20 system will graduate.

21 **CO-CHAIR RENE DUSSAULT:**

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1 And, in fact, my question is how do you see the coming
2 of a self-government having positive effect on the will
3 of young people and their parents to pursue their studies,
4 to go into the mainstream society, to come back to their
5 own. I would like if you could--

6 **CHIEF ALBERT LEVI:** Well,
7 I guess it would be just like any other place. If Big
8 Cove is part of Canada then those that are not launched
9 a job in Big Cove with this self-government they should
10 be launched a job in Fredericton or Ottawa or BC, like
11 the rest of the Canadians. I'm saying the self-government
12 here it doesn't really mean that every individual
13 registered Indian will have a job. They will still be
14 Canadians. And those that have the qualifications and
15 wanted to do some business or work in British Columbia
16 so be it. But everyday services here would be run by
17 government, Indian government. As I stated that the
18 limits are pretty well recognized, history forces us to
19 the limits and we have to.

20 **COMMISSIONER MARY SILLETT:**

21 I'd just personally like to thank you for making your

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1 presentation and maybe in phase two, three or four we'll
2 have another opportunity to hear from you. Thank you very
3 much.

4 **CO-CHAIR RENE DUSSAULT:**

5 Merci beaucoup. Thank you very much Chief Levi.

6 **CHIEF ALBERT LEVI:** Merci

7 beaucoup, thank you.

8 **STEPHEN AUGUSTINE:** I

9 think if the presentation is not going to be too long we
10 could probably here from Evangeline and Elizabeth Levi
11 before lunch. Evangeline is working with the alcohol and
12 drug treatment centre, Rising Sun. She's been active in
13 the community in working with, okay, she's been working
14 with the native families and children and have been
15 involved in the alcohol treatment program as well as with
16 child and family services. She has been active with our
17 education committee.

18 Elizabeth Levi she's been
19 involved with the Native Women's organization in the
20 province. She's also been involved as an entrepreneur
21 running a restaurant and she's also been very active in

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1 our community functions with our school as well as the
2 child and family services. So I think together they're
3 going to make a joint presentation.

4 **CO-CHAIR RENE DUSSAULT:**

5 Good morning.

6 **EVANGELINE FRANCIS:** My
7 name is Evangeline Francis and I am one of the board members
8 of the New Brunswick Native Women's Council. Elizabeth
9 is the first vice-president for the Council. We don't
10 have too much prepared today because I was just notified
11 last night by Liz to make a presentation on behalf of the
12 New Brunswick Native Council.

13 But before I go into that
14 I'd like to read something that I had written and it does
15 concern like for the Family Violence Committee that I am
16 involved with as a coordinator. And I just want to talk
17 about something in the past.

18 In the past our ancestors
19 had its own government and they had their own system and
20 order inset to govern our nations. You can imagine when
21 the first non-native people entered to their system how

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1 fearful and worried they became because they were made
2 to believe that their existing order was the wrong way.
3 Aboriginal people are God Creator existing. They lived
4 their own order by having faith traditional way and trust
5 with respect. You can imagine how much pain and fear and
6 humiliation they suffered when non-native people came into
7 their lives and the Christianity was first introduced to
8 them and they were made to believe that their native way
9 was wrong and sinful. Today our aboriginal people are
10 going through the same changes of fear they experience
11 when their system was disrupted by the invasion from the
12 explorers and Europeans. Gradually our native people are
13 going back to our system by taking control of our culture.
14 By doing Sweat Lodge ceremonies and for rebirth and by
15 praying with our sweetgrass to find balance in our
16 essential self called, our identify.

17 In the past our men had high
18 respect for their native aboriginal women. They had an
19 important role to play. They had to provide shelter,
20 provide food, provide nurturing family systems and their
21 family's safety. Our women have an important role to play

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1 issue of native women living on or off reserve. The
2 founders of the organization, formerly known as the Native
3 Women's Association of New Brunswick, began meeting in
4 small groups in various communities across the province
5 during this time. 1975 to 1981 were the struggling years
6 for the native women but with the perseverance and
7 determination they were able to keep the organization in
8 operation.

9
10 In 1981 during the general
11 assembly over 200 native women across from New Brunswick
12 came together. The organization was reconstituted and
13 became the New Brunswick Native Indian Women's Council.

14 It incorporated in July of '83. Since those formative
15 years the New Brunswick Native Indian Women's Council has
16 been involved in political and social action on behalf
17 of Micmac, Maliseet and aboriginal women in New Brunswick.

18 It continues to evolve as an organization whose priority
19 is the needs of native women at a local level.

20 The objectives of New
21 Brunswick Native Indian Women's Council are as follows:

To improve the living and working conditions of native

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1 women. To advance their aboriginal rights and their
2 cultural heritage by providing a forum by which native
3 women can be involved in the solution of their problems.
4 To support each other to the fullest extent thereby
5 fulfilling our role as communication link between native
6 women whereby we can rediscover and develop those
7 traditional skills which have been unique to the native
8 Indian culture. To work with all levels of government,
9 public and private agencies, private industries, private
10 individuals, to improve social, educational and employment
11 opportunities for the native women in their traditional
12 Micmac and Maliseet territories. To inform the general
13 public of the special needs of the native women throughout
14 New Brunswick in their effort to achieve full participation
15 in economic, social and political life in their traditional
16 Micmac, Maliseet territories. To cooperate with all other
17 native and non-native organizations and agencies
18 incorporated or not in matters pertaining to interest on
19 the native women and native people in general. To support
20 and to enforce land claims, aboriginal, civil and human
21 rights of all native women in their tradition Micmac,

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1 Maliseet territories. At no time shall the association
2 activities derogate from the rights and privileges of
3 native women as does the Indian Act. To work to rebuild
4 the two native nations in their respective traditional
5 Micmac, Maliseet territories.

6 The New Brunswick Native
7 Indian Women's Council consists of the following executive
8 officers of council. There's a president, the first
9 vice-president, the second vice-president, that's me,
10 Elizabeth Levi, Board of Directors, that's Evangeline,
11 one youth 16 to 25 years. We have Tammy Augustine, that's
12 Steve Augustine's daughter. Ten native women elected at
13 each annual assembly and one elder.

14 Current issues that the New
15 Brunswick Native Indian Women's Council is addressing are
16 as follows: Indian Act, family violence, child-care
17 issues, employment and training, economic development,
18 youth and, of course, constitutional. Thank you.

19 **EVANGELINE FRANCIS:** I'm
20 just going to talk about now like where we have the
21 transition House, and that's our priority right now. The

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1 support to the Department of Indian Affairs and Northern
2 Affairs and we've made a request for the Province of New
3 Brunswick and request to the MLA in Fredericton, Mr. Bud
4 Bird. We've made requests for support to the Chiefs of
5 New Brunswick and the Union of New Brunswick and I'll read
6 that because they had--they gave us tremendous support
7 in our achievement of the transition house.

8 We wish to acknowledge the
9 overwhelming support from the native community here in
10 New Brunswick, particularly from the Union of New Brunswick
11 Indians and the Chiefs within this territory. It takes
12 a great deal of moral courage and vision to stand behind
13 the native women when it is time to begin the work of healing
14 families and nations. The Family Violence and Child Care
15 Committee of New Brunswick Native Indian Women's Council
16 is requesting support from the Commission to look into
17 much needed facilitates to speed up our funding sources.

18 I guess that's why we're here today.

19

CO-CHAIR RENE DUSSAULT:

20 Thank you very much. The latter part of your message is
21 quite clear. I understand that your concern is all

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1 not to go through the same abuse that I have gone through
2 myself and experienced then it would be of benefit and
3 it would work as a collective concern for the native women
4 and their children.

5 **CO-CHAIR RENE DUSSAULT:**

6 Collectively is there something that could be done at the
7 level of the reserve, for example, at the level of the
8 band to improve the situation?

9 **EVANGELINE FRANCIS:** Yes,
10 there has been. Yes, there's helping agencies here in
11 Big Cove. The family violence itself was addressed, like
12 this spring, by our Chief. And I found that the level
13 of violence has come down a little because everybody has
14 taken concern, notice. So everybody seems to be like,
15 you know, there is family violence here now, all the
16 abuse--any form of abuse, you know, is being looking at.
17 So it has declined some.

18 **CO-CHAIR RENE DUSSAULT:**

19 In terms of education, are the young girls going to school
20 as much as a boy? Now if we look at the future
21 generations, what is the situation for the schooling?

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1 For example, are there many students, women students, who
2 goes to the health professions, the various health
3 professions? Is it coming? Is it moving toward that
4 direction?

5 **EVANGELINE FRANCIS:**

6 Could you rephrase your question?

7 **CO-CHAIR RENE DUSSAULT:**

8 Yes, I would like to know if young women go to school as
9 much as the boys are going to school. And the second
10 question is, are they going to do professional trainings
11 in the health sectors to become nurses, for example, or
12 any kind of health professions?

13 **EVANGELINE FRANCIS:** The
14 young girls?

15 **CO-CHAIR RENE DUSSAULT:**

16 Yes, well, for students, women students.

17 **COMMISSIONER MARY SILLETT:**

18 Excuse me, when the girl goes to school what do they
19 study? What do they--

20 **CO-CHAIR RENE DUSSAULT:**

21 But first of all, do they go school as often extensively

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1 as to boys do?

2 **EVANGELINE FRANCIS:**

3 Well, from my understanding from your question, you're
4 asking me like are the girls taking the traditional roles
5 as workers in health fields like nursing, whereas I
6 understand now there's a lot of young girl students going
7 off to universities and the ones that are in grade 12 are
8 planning to go into engineering, non-traditional roles,
9 they're going into law to be lawyers. Probably from there
10 they'll probably be able to address the family violence
11 that's going on in the communities. And hopefully, our
12 men, our young men, our boys would gradually go into that
13 too in helping profession as social worker and
14 understanding the family violence itself.

15 **COMMISSIONER MARY SILLETT:**

16 Just two questions. One of them is, you know, I guess
17 the Charter issue is a big one at the national level anyway.
18 You've probably discussed it at the provincial level and
19 less at the reserve level. But at provincial level with
20 the New Brunswick Native Women Association, have you
21 discussed the question as to whether aboriginal

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1 self-government should come under the Charter or not and
2 have you discussed that question within your organization.

3 If you have what side are you on or what's the position
4 of your association? That's the first question.

5 The second question is what
6 are the--has your association discussed the whole issue
7 of membership? On our travels we've heard a lot of
8 people--there is a lot of tension between like, you know,
9 urban Indians and reserve Indians and is that an issue
10 at all in your organization, and if it is, how do you deal
11 with it?

12 **EVANGELINE FRANCIS:** I
13 don't think I am really qualified because our president
14 does a lot of awareness and information sessions I guess
15 when she goes to meetings to address the concerns of the
16 Constitution, that we should be with the Charter of Rights.

17 And I know I was part of it once but I mean I sat through
18 the meeting. I don't usually go with her very often.
19 But once I had gone to Halifax with her and there was a
20 lot of debate and discussion on that too. The big concern
21 for the New Brunswick Native Women I guess, not New

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1 Brunswick Native Women but the national. The national
2 level is more concerned about that, whereas we are too
3 because we are native women and we're going to be affected
4 by that.

5 **CO-CHAIR RENE DUSSAULT:**

6 Well, I would like to thank you very much for meeting with
7 us this morning and we will keep in touch because there
8 is a lot of work to be in other phases of our consultation.

9 You are always welcome to write to us or contact us through
10 the 800 line to tell us what are your concerns and what
11 are the priorities because we work in a moving environment.

12 We realize that in the coming two years that a lot of
13 things will happen and it is important for us to remain
14 relevant and to focus on the priorities as seen by
15 associations like yours. Merci beaucoup. Thank you.

16 **STEPHEN AUGUSTINE:** I

17 think at that note we'll break for lunch. We're serving
18 soup upstairs in our conference room, soup and homemade
19 bread I guess. So we'll break and then come back at 1:30.

20 [LUNCH BREAK 1220 - 1332 hrs.]

21 **STEPHEN AUGUSTINE:** We'll

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1 resume our afternoon hearings. We have several students
2 from Bonar Law Memorial School who have come to hear some
3 of the hearings. This afternoon we will start with a
4 presentation by Anthony Francis. Anthony is our
5 representative, he's our honorary commissioner today.
6 But he was a Chief in Big Cove from 1957 to 1963. He was
7 the vice-president of the Union of New Brunswick Indians
8 from 1967 to 1970. He was also the president of the Union
9 of New Brunswick Indians from 1970 to 1978. He has served
10 on two national Indian Brotherhood committees, one on
11 economic development from 1971 until 1978 and he served
12 on the one on housing from 1973 to the present. Today
13 he the director of the Big Cove Alcohol and Drug Prevention
14 Program, which also includes the Lone Eagle Treatment
15 Centre. Both of these programs are under the
16 administration of the Big Cove Band Council. His hobbies
17 are carving and boating and some of his works are the eagles
18 you see up here and on either side. He's got a lot more
19 I've seen. Here he is, Anthony Francis.

20 **ANTHONY FRANCIS:** Ladies
21 and gentlemen. Incidentally I don't have a written

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1 presentation so anybody that wants to quote some of the
2 things I'm going to say you probably will have to take
3 notes.

4 I am going to give you a
5 brief overview of our history, the developments that took
6 place through the years and I am also going to give you
7 an outline of what is there today.

8 When the Europeans first
9 came the Indians were considered as Indian nations.
10 Consequently they were treated as Indian nations. They
11 made treaties and the treaties are the same, exactly the
12 same, as any treaties that are made between two distinct
13 nations. We probably lived with that same recognition
14 up until 1958 when Canada made us Canadian citizens.
15 Incidentally when Canada made us Canadian citizens this
16 was a unilateral action on the part of the government.
17 Indians were never consulted about that. They never sat
18 down to negotiate this citizenship, this new citizenship
19 to determine how this was going to affect their lives in
20 the future, their legal and constitutional lives. There
21 was no sitting down to talk about their border crossing

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1 rights or any special rights before the law. They never
2 discussed any perpetuation of our present example, our
3 presents systems, the reserve, the Indian Act and so on.

4 When Confederation came, when Canada became independent
5 there was a special consideration given to the Indian
6 nations of this country so that they would come under
7 federal responsibility. So there was a section put
8 into--which was called the British North America Act, 91
9 24 where it states that Indians would come under federal
10 responsibility. In the Constitution for those of you that
11 don't quite understand maybe how the government works in
12 Canada, the Constitution is the basis under which laws
13 are made. There are certain jurisdictions outline in the
14 Constitution. For example, under Section 92 there is a
15 list of provincial responsibilities and 93. In the
16 provincial responsibilities there is a section there about
17 justice, the administration of justice and the court
18 systems, child custody laws and so on, come under
19 provincial jurisdiction.

20 Now I've often asked
21 myself, for example, in Section 91 at 24 where it says

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1 that the Federal government has the exclusive rights to
2 legislate over Indians and lands reserved for Indians,
3 how does that go in conflict with Section 92, the provincial
4 jurisdictions. I myself, you know, tend, because I think
5 I have a right, to make analogies. I think I myself have
6 this freedom to express my political views on that. And
7 I tell you what I think about that. I think that as far
8 as 91(24) goes I think the Indian people have jurisdiction.

9 I think as far as Indians are concerned it overrides the
10 provincial jurisdiction under Section 92.

11 Recently after Canada
12 unilaterally made Indians and Inuit in 1958 Canadian
13 citizens, and those people that were registered as Indians
14 ten years prior to that, governments have made a very
15 definite effort to try and get rid of the special
16 relationships that we have with Canada. Even before we
17 were made Canadian citizens there was a study made by it's
18 called the Diamond Geness Policy. It was a 25-year plan
19 to terminate the special relationships that Indians had
20 with the government. There was supposed to be more
21 education given to Indian people, better services, housing

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1 and so on. So that when the government let go, I don't
2 know whether you should call it the umbilical cord or the
3 apron strings or whatever, then Indians would not look
4 too bad, you know, in these conditions because before then
5 the conditions on the reserves was awful. Indians were
6 living in shacks. There was no kind of health services
7 extended to them hardly. Indians were gradually dying
8 off.

9 I myself belong to a family
10 of nine children and there is only three of us now today.
11 The rest of the children died before the age of 10 because
12 of malnutrition and other diseases that are easily
13 controlled today. But you see that didn't only happen
14 in our family. It happened in almost all families. So
15 we've suffered. There was no need for that because the
16 government had this federal responsibility and obligation
17 to extend better care for Indian people.

18 Well, I've often heard, you
19 know, that people are interpreting, you know, some of the
20 sections of the Indian Act as being to exterminate Indians
21 so that we all die off. You know, it's hard for me to

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1 fish. Indians are having problems all over. Nobody wants
2 to recognize that. Then there was some additions to the
3 Constitution, the Section 35, about recognition of rights
4 that we have.

5 Now there are people that
6 are saying and are being quoted by the media that the best
7 thing to do that the biggest drawback for the Indian people
8 is the Indian Act. They would like to get rid of the
9 Indian Act. I would like to explain to you briefly,
10 because nobody too much, you know, Indian people don't
11 read the Indian Act. There are very few people that read
12 the Indian Act. And I don't think that it stops anybody
13 from any kind of development. We have some pretty well
14 off native people amongst us. Those that try will be able
15 to make it. We go to school, we get education, we get
16 college education and so on. There is nothing really there
17 to stop you from making a living. But there is a lot of
18 protections in that. Because I think what is important
19 for us is that 50 years from today we still have an Indian
20 community. We still have an Indian land base. That we
21 are able to nurture our culture, our languages, our

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1 traditions so that we don't become assimilated.

2 Let me give you one example
3 of the self-government that I have learned about. In 1969
4 the Government of Canada decided that the Indians are being
5 held back by reserves, that Indians should become equal
6 to everybody else. Prior to that they went around and
7 sent this copy, it says here "Choosing a Path." They sent
8 a copy to every Indian family in Canada. And what does
9 it say there - the amendments of the Indian Act. What
10 should we do about the Indian Act? And there are copies,
11 if anybody is interested in reading, there are copies of
12 the one that was held in Moncton where I took part in that
13 and the Chief of Big Cove took part in that. We gave our
14 comments there of what we think we should have in the Indian
15 Act. Because whatever is in the Indian Act is termed
16 as lawful. Whatever sections there are there about the
17 protection of our lands, about education, about taxation,
18 about the status of Indian property and so on. Those are
19 all legal rights. When judges make decisions, if you made
20 an offence of some kind, when the judge makes his decision
21 it's based on Canadian law, which includes the Indian Act

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1 and it's the section 88 of the Indian Act that the judges
2 used in the Supreme Court of Canada when they decided in
3 favour of the 1752 Treaty.

4 Now let's imagine
5 ourselves, supposing that Section 88 wasn't there. Would
6 the judges have decided in favour of the Indian people?

7 So I, myself, think that there are a lot of positive
8 things for the Indian people in the Indian Act. Let's
9 say, for example, now let's say that we were like an
10 enclave. Let's say that we were an independent, I don't
11 know what order you can call it, but let's say suppose
12 that we had full responsibility to make our laws to set
13 up our justice and everything. Then somebody comes up
14 before the Court in--we'll say in Ottawa or Fredericton.

15 Do you think that the judge there is going to take the
16 set of principles that were established on the Indian
17 community and judge by that. It's going to be very
18 difficult.

19 So I think what we need to
20 examine before we even get into this term of
21 self-government, this inherent self-government, I think

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1 we should examine what we have there now without making
2 any further changes. Okay. What we have today is Section
3 91(24) the Federal responsibility. What we have today
4 is the Indian Act. My understanding of 91(24) is that
5 Federal government has trust obligations for our welfare.
6 They have obligations to protect our lands so that there's
7 no encroachment, no further encroachment, so that the lands
8 are held in common, so that lands are not used as mortgage
9 and so on. I myself think that this is our protection.

10

11 If, for example, that
12 Indian Act wasn't there, supposing they decided, okay,
13 we're not going to set up any law to protect the Indian
14 people in Canada and they took all our law and we became
15 assimilated? Do you think that we would be sitting around
16 here today talking about any preservation of rights or
17 inherent self-government? No, we would have lost our
18 identity. We would have lost our languages. We would
19 have lost a lot of our values and our traditions. Maybe
20 the people, the powers of that day when they decided to
21 make the Indian Act didn't quite realize nor the good they

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1 were doing by setting aside a land specifically for us.
2 Otherwise we would have been gone, we would have been
3 extinct. In history it would have been written as though,
4 the same as the Beothuks from Newfoundland, that there
5 were once, you know, Micmac people in this Atlantic area.
6 But they're gone now, they're assimilated. And then a
7 lot of people would say, look, my grandfather was a native
8 and so on. So I think myself I would want to be sure that
9 self-government is not going to jeopardize what we have
10 already. I think 91(24) is very important to the Indian
11 people. What needs to be done is a sitting down of
12 negotiating certain arrangements in regard to, let's say,
13 justice. If we want to establish our own justice system,
14 for example, in Big Cove we should be able to do it with
15 the Federal government. Make an arrangement to give us
16 certain powers so that we adjudicate our own certain cases
17 if we want. We should be able to do the same thing with
18 our policing. We should be able to do the same thing in
19 child care custodies and so on. Because I think that the
20 Federal government has exclusive rights. We don't
21 necessarily have to go to the provincial judge or to the

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1 provincial Solicitor General's office to establish any
2 kind of an arrangement with them because that would be
3 unconstitutional as far as I'm concerned. Now some other
4 people may interpret that differently. But I think it's
5 important for the Indian politicians to make a case out
6 of that, that we are clear as to the jurisdiction of the
7 Federal government and the Indian people. Where does the
8 provinces come in? See there is where we are having
9 problems.

10 We are having
11 jurisdictional problems right today, right now. After
12 the '69 White Paper came out the Federal government tried
13 very hard to relinquish a lot of their obligations and
14 push them over to the provincial governments. I myself
15 think, you know, that's a wrong step. And the reason why
16 they're doing that is because they don't want to see
17 themselves under this special arrangement. The American
18 termed it as termination.

19 I will read you a--I have
20 hear a copy of a book that was written by Russell Barshe,
21 an international lawyer. And he's quoting some of the

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1 developments, political developments, and he's quoting
2 President Roosevelt's Secretary of the Interior.
3 President Roosevelt's Secretary of the Interior, explaining
4 the efforts of the government "To make the Indian
5 self-supporting and fully assimilated segment of our
6 civilization can never hope for complete success so long
7 as a considerable number of Indian tribes follow the very
8 human and natural inclination to sit back and wait for
9 the day of payment of the claims which will bring them
10 riches." See they don't want to make any aboriginal
11 rights' claims. What they want to do is a tradeoff in
12 economics and then we'll make you equal citizens in the
13 country. Your lands will become a fee simple. Your lands
14 will be individually owned lands. So that people could
15 mortgage and so on. Well, these are the
16 questions that are in this "Choosing the Path" that was
17 sent out to every family in 1968. Those are the kinds
18 of questions they were asking the Indian people. What
19 about your properties? What about outright ownership of
20 your properties? And they were pushing social and
21 equality rights. The exact same kinds of rights that

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1 he tells you it's good, take it. What they're doing is
2 they're also taking with the other hand something away
3 from you. And a lot of times they take more away from
4 you than what they're giving you. We have to be wary of
5 that.

6 Now I think that a lot of
7 these things that the Indian people want can be arranged
8 under the present system without having to do away with
9 the Indian Act, without having to do away with 91(24).

10 A lot of the arrangements, if both sides really care about
11 solving a lot of our problems. If the government would
12 forget, for example, about assimilating Indians, forget
13 about doing away with the Indian Act, forget about turning
14 Indian responsibilities over to the provinces, and
15 actually sit down with the Indian people and work out a
16 lot of these problems that the Indian people have. For
17 example, spending monies on Indian reserves, for example.

18 How much authority can the bands have in regard to spending
19 Federal monies, equalization grants and other monies that
20 could benefit the economics of the Indian communities.

21 I really don't think that

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1 we should be trading off the preservation and our identity
2 of our culture and so on. We shouldn't trade that off
3 for economics. We should be able to develop without having
4 to lose a lot of these cultural values. We should save
5 them, ensure our future generations that they can, 50 years
6 from now, you know, they can say this is our community,
7 these are our roots.

8 We're not like other ethnic
9 groups in Canada where everybody's roots are
10 somewhere--beyond somewhere in Europe or someplace in the
11 world. We're the only ones where our roots belong here.

12 If we become assimilated what happens to us? It would
13 be the worst thing that could ever happen in Canada. So
14 we have to maintain these unique communities.

15 When, for example, the '69
16 White Paper came and they were going to terminate all
17 treaties and terminate the Indian Act, terminate the
18 special relations with Canada and turn this over too, and
19 be treated the same as people in the rest of the society,
20 there's something that he said about--in fact, and he had
21 the same problem with the French Canada. He had a little

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1 citizen. There's no consideration whatsoever about me
2 being an Indian. See, there's the Jay Treaty that should
3 be looked at about the border-crossing rights, both ways,
4 of Indian people because they're North Americans. Before
5 the white man came they had free access all over, there
6 were no borders. And it was only lately that border was
7 made. And the Indian people are having a lot of trouble
8 with that.

9
10 Those are the kinds of
11 things I think should be straightened out before we even
12 put anything more in the Constitution. So I hope that
13 our younger political leaders that are representing us
14 make sure, you know, that we don't lose more than what
15 we gain.

16
17 And this is about all that
18 I can think of that I wanted to say. Oh yeah, this morning
19 I think there was some mention of a Charter, should
20 self-government come under Charter. There's been a lot
21 of talk about either a Charter or some kind of an
incorporated entity. Like the Sechelt Band, those of you
that probably follow Indian politics know that the Sechelt

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1 Band in B.C. have made a special arrangement with Canada.
2 And they didn't have any special thing added to the
3 Constitution, it was done under this present setup. They
4 haven't incorporated self-government there. They have
5 certain authority over their properties, and so on, and
6 they can charge tax. If any community--I think there's
7 been several communities in Canada that have made that
8 same kind of an arrangement. It's a self-government
9 arrangement that they made. I don't know how it affects
10 their constitutional status, or how the laws apply to them
11 differently than others, but they have rejected certain
12 sections of the Indian Act, do not apply to them. Some
13 of the property sections and so on.

14 But I really think myself,
15 you know, that the Indian people really should read the
16 Indian Act and read it more positively before they say,
17 okay, let's throw it out. The reason why I'm bringing
18 this up is because of the media quote, you know, that was
19 out after the Eskasoni Commission hearings. No doubt,
20 you know, there's a lot of people in support of that, but
21 it's not in the media.

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1 And then I collected some
2 statistics and I guess we have something like 500 students
3 in Big Cove. We have 92 students in the next town here,
4 the next town to here, Rexton, going to high school. We
5 have 50 students in universities. And we have 355 students
6 from Big Cove here going to our day school here. So
7 altogether we have 500 students.

8 In our population, which
9 is close to 2,000, there are 1200 under the age of 34.
10 So these are our statistics. How is this group--how are
11 they going to be affected by this inherent self-government?

12 So this is about all I'm
13 going to say. I thank you very much for listening. And
14 I thank the Commission for giving me the opportunity.
15 And if there are any questions, I'd be glad to talk about
16 them.

17 **CO-CHAIR RENE DUSSAULT:**

18 Well, I would like, first of all, to thank you very much
19 for making such an eloquent presentation. We are
20 interested, of course, in hearing all views and we know
21 that there is a variety of views. And also what you

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1 mentioned is important, in terms of the future, to be
2 cautious enough to know where we are, and where we want
3 to go, and how, without losing ground, but gaining.

4 I would like to take the
5 opportunity to welcome our friends from the school. I
6 think it is--it's a great pleasure for us to have you with
7 us this afternoon, or for a part of the afternoon. I think
8 it is comforting to see those who are most concerned by
9 this process to come and have a look and listen to what
10 is being said because the future of young people, and that's
11 true of any young people, there's really the most important
12 aspect of any country, but in particular when we are, as
13 a Royal Commission, to work together with aboriginals
14 peoples to find solutions for the future, you're certainly
15 concerned and you're most welcome. And we try to go to
16 meet you in the schools as often as we can and also to
17 discuss with you--to discuss about the dreams you might
18 have and the way to attain those dreams and to fulfil them.

19 And, in fact, on an individual basis--but, in fact, what
20 we're doing here collectively with the larger society is
21 to try to see how dreams of aboriginal people could be

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1 made a reality, and not only of the student, but what is
2 true from--collectively is true for each individual also.

3

4 We are certainly aware that
5 moving towards self-government raises many questions.

6 It does raise questions in the Canadian public in general
7 and also I understand it raised some questions, and many
8 questions, depending on the situation of each people, of
9 each group, of each nation. That's the reason why we feel
10 that when we will enter into the discussion of the Indian
11 Act and how it should be amended or totally repealed, there
12 can be--and we have to make sure that we will know with
13 sufficient precision what will replace it and that's the
14 reason why we want to hear not only about the problems,
15 but about the design of the solutions for the future.
16 Because that's what will be expected both from aboriginal
17 peoples and also the larger public to know how things will
18 happen.

19 Of course there are
20 some--you can't know everything in advance. There are
21 some risks to be taken, but they have to be assessed.

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1 And those who are concerned have to say their word and
2 that's the reason why we have this public education
3 process, this hearing process. And it has certainly have
4 been, both from an historical point of view, legal point
5 of view also, and a social point of view, very interesting
6 to hear what you just said to us. And I'm sure the students
7 have also enjoyed it. Thank you very much for being with
8 us. Mary, if you want to add something, no?

9 **COMMISSIONER MARY SILLETT:**

10 Well, I'd just like to say thank you very much.

11 **CO-CHAIR RENE DUSSAULT:**

12 Good. Well, I think we will move to another presenter.

13 **STEPHEN AUGUSTINE:** The
14 next presenter is Serena Francis. She was born on this
15 reserve. She's originally from Big Cove. She'd gone off
16 to marry somebody from another reserve and she's gone to
17 university, St. Thomas University. She's worked up at
18 UNB as a student counsellor. She's been working helping
19 a lot of the native students with their problems in
20 university in selecting courses and in guiding them through
21 the hard four years. And she's gone through a Social Work

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1 Program and she's back on the reserve here doing--working
2 with Child and Family Services. So she's here to make
3 a presentation.

4 **SERENA FRANCIS:** I worked
5 with Child and Family Services and I worked on a project
6 called the Family Respect Project. We were going to make
7 a formal presentation as a team. We've been meeting
8 regularly for the past year and our goal was to look at
9 an alternative approach to family healing and to find ways
10 to make it safe for people to start talking about issues
11 like child abuse. But we were unable to meet as a team
12 and to discuss and to talk about exactly what was going
13 to be presented.

14 What I'd like to be able
15 to say at this time is that we would like the opportunity
16 to be able to make a written presentation and hope that
17 some of the solutions that we put forward, we can get some
18 help and some guidance.

19 So I apologize. We would
20 have liked to have made a formal presentation. But out
21 of respect for the group and for the team, at this time

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1 I'd rather not continue with this. Thank you very much.

2 **CO-CHAIR RENE DUSSAULT:**

3 Thank you. I just would like, before you go, to recall
4 what I said this morning, that we are looking forward and
5 receiving briefs in our office even if there is no oral
6 presentation. Because we also--well, we will come back
7 to New Brunswick probably in the fall and there might be
8 a possibility to come to us and present your written brief.

9 But in all cases I would like, if you could, send us a
10 copy as soon as it will be available. The subject of your
11 concern is of a great importance and we recognize that
12 getting your views will be certainly helpful for the
13 Commission and the whole of the community. Thank you very
14 much.

15 **SERENA FRANCIS:** Thank
16 you.

17 **STEPHEN AUGUSTINE:** I
18 guess our next presenter is not ready and so we will go
19 on to Leon Sock. Leon isn't here. We'll go on with
20 Mildred Milliea.

21 **MILDRED MILLIEA:** [opens

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1 in Micmac language] Hi, and I'm very pleased to have you
2 in our community and I welcome you all.

3 My topic for this afternoon
4 will be on the importance of our aboriginal languages.
5 And to start off I personally feel that languages are the
6 root of our culture. And as in all other aboriginal
7 languages, and I think I'm safe to say that in Canada alone
8 there are over 50 native languages and Micmac is just one
9 of the 50. And I specialize in teaching the Micmac
10 language.

11 I would just like to give
12 you a brief history of our languages. Prior to 1969, and
13 I guess most of you are well aware of before 1969 there
14 was no native language teaching in any schools, in any
15 Indian day schools, or federal schools. And I think this
16 has all come about when there was--it was about that time
17 I think there was this bilingual and biculturalism was
18 implemented into Canada. And I often make this
19 presentation because of the way the system, or maybe the
20 government, uses the Indian people, the unfairness in it.
21

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1 I went to the school that day, when I asked the principal
2 that what I was supposed to teach, well, he said, "It's
3 whatever you want to teach." And I said, "Don't I get
4 any materials, or books, or anything to use?" And he said,
5 "There is nothing."

6 Well, we all know that you
7 don't start any programs--you never see an English language
8 being taught anywhere without a good curriculum. You
9 never see a French language being taught anywhere without
10 a good curriculum, without any books. But the first day
11 I entered in that classroom with the principal, and after
12 his introduction and he left me in front of the class,
13 Grade Five class, and he told the students that, "This
14 is Mrs. Milliea and she will be teaching you the Indian
15 culture." That was the introduction he gave and he went
16 out. And he left me standing in front of--there were more
17 25 students in that class. And for a moment I stood there
18 not saying a thing. And they themselves, when you stood
19 in front of the class you can see all those--all the faces
20 and I see all those faces of the Indian children in that
21 Grade Five class and I could see their expressions of

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1 anticipation, or uncertainty in their face. And I think
2 some of them, I could see fear in their eyes.

3 I don't know if they
4 themselves could see fear in my eyes as well. Because
5 I stood there empty handed and the first word I could speak
6 was to tell them that [nin we aw?]. And this translates
7 into, "Do you know me?" And at that instant, as I spoke,
8 I could see the change of the expressions into their faces
9 because there were smiles. There were smiles in their
10 faces. And you know it took me a long time to understand
11 that these children were spoken to for the first time in
12 their own language. And it was a sad situation, you know,
13 not to have anything to use for my culture class at that
14 time.

15 Well, that was the
16 beginning. That was the beginning of my teaching Indian
17 culture to my own people. And now it's 23 years after
18 the day in 1969 and you know I have never seen any
19 improvement in that 23 years. There's not a change yet.

20 I have yet to see a curriculum in the education system.

21 I have yet to see teachers having piles and piles of their

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1 books and their tools that they can use. I teach and give
2 lectures to teachers and we also have workshops. And they
3 are very--they are very frustrated by not having any
4 material, by not knowing what to teach and what to do,
5 and by sequencing.

6 I think the hardest part
7 in teaching the native language, when you don't have a
8 curriculum, is that you can have a whole pile of your
9 material, but when you don't know how to sequence it's
10 pretty hard to know where your priorities are in the level
11 of teaching.

12 They have seen and they
13 have worked side by side with French teachers and English
14 teachers. And they have been very envious of what they
15 see, of all the material they have. This is very
16 irrelevant because native language is their own language.
17 This is their mother tongue. And yet they don't have
18 any material.

19 While English language is
20 their second language and they have all kinds of material,
21 but they are still struggling with that language. They

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1 the way things are right now. If nothing is being done
2 about providing help for the native language teachers,
3 we won't have any teachers in a short time. And I feel
4 that the language is so--the native languages are so
5 expressive and so strong, and they're so--they're
6 beautiful. And, you know, you take the Micmac language,
7 I think the Micmac language could stand anywhere among
8 any languages in the world because of its expressiveness
9 and just one verb would fill a whole book if you want to
10 do the [explore the band maybe?] I don't think I need to
11 go through the towns and that.

12 In closing, I would like
13 to recommend to you, the Royal Commission, that to ensure
14 that the languages and culture would be implemented in
15 the Constitution. This is all I have to say. Thank you.

16 **CO-CHAIR RENE DUSSAULT:**
17 Thank you for your presentation that came from--straight
18 from the heart. If you could stay with us a couple of
19 minutes. I think you have expressed a feeling of urgency
20 and time--each day's past make it worse. And when you
21 mentioned that the situation hasn't changed today from

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1 what it was 21 years, or 23 years ago in '69, that you
2 mean that there is no more materials for teaching the
3 language, that there is no curriculum?

4 **MILDRED MILLIEA:** No.

5 **CO-CHAIR RENE DUSSAULT:**

6 So there is no basic substratum on which to build?

7 **MILDRED MILLIEA:** No,

8 there's nothing.

9 **CO-CHAIR RENE DUSSAULT:**

10 Everybody is left to his own--

11 **MILDRED MILLIEA:**

12 Everybody is doing their own thing, still.

13 **CO-CHAIR RENE DUSSAULT:**

14 So nothing has been done centrally to--

15 **MILDRED MILLIEA:** No.

16 **CO-CHAIR RENE DUSSAULT:**

17 --to help the teachers?

18 **MILDRED MILLIEA:** No,

19 there's nothing.

20 **CO-CHAIR RENE DUSSAULT:**

21 And if I understood you well, that would be the first thing

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1 that will have to be done, in terms of steps, to turn--

2 **MILDRED MILLIEA:** Uh hmm.

3 **CO-CHAIR RENE DUSSAULT:**

4 --the clock around, that we would need--you would need--

5 **MILDRED MILLIEA:**

6 Resource people. Resource people to make materials for
7 the teachers--

8 **CO-CHAIR RENE DUSSAULT:**

9 Yes.

10 **MILDRED MILLIEA:** --who

11 are in the classrooms. The set up would be something like
12 they have in the education system, like the English and
13 the different--

14 **CO-CHAIR RENE DUSSAULT:**

15 And what else? Well, this is the basic--

16 **MILDRED MILLIEA:** Well,

17 you would probably need resource people. Resource people
18 to do the material.

19 **CO-CHAIR RENE DUSSAULT:**

20 What is the situation now in practical terms? The language
21 is taught at primary school, or--and to what extent?

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1 **MILDRED MILLIEA:** In New
2 Brunswick--I'm only aware in New Brunswick here.

3 **CO-CHAIR RENE DUSSAULT:**
4 Yes.

5 **MILDRED MILLIEA:** We have
6 two--there's Micmac language courses in two provincial
7 schools. One at Bonnerlaw and one at Dalhousie.
8 Dalhousie, New Brunswick. Now in Dalhousie, that's in
9 elementary, elementary school. And at Bonnerlaw, that
10 would be in high school. And in Burnt Church, Red Bank
11 and Eel Ground, they all have in their own federal schools.
12 They have--that would be the elementary.

13 **CO-CHAIR RENE DUSSAULT:**
14 But there is no teaching of the language here in Big Cove?

15 **MILDRED MILLIEA:** There is
16 no language here in Big Cove, no language teaching.

17 **CO-CHAIR RENE DUSSAULT:**
18 Only English?

19 **MILDRED MILLIEA:** Only
20 English.

21 **CO-CHAIR RENE DUSSAULT:**

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1 And it is--the curriculum and it is a matter of money too,
2 or what has been lacking in the last 20 years?

3 **MILDRED MILLIEA:** I think
4 it's all a matter of the government maybe taking the
5 responsibility to get the curriculum or to get the resource
6 people. I think it's the responsibility of the
7 government, really, the education governed department to
8 do that. Because I can't see who else would do it.

9 **CO-CHAIR RENE DUSSAULT:**
10 Did you put a request to the government in the last--

11 **MILDRED MILLIEA:** I've
12 made some--

13 **CO-CHAIR RENE DUSSAULT:**
14 I imagine so.

15 **MILDRED MILLIEA:** Every
16 presentation I make, I make that kind of presentation.
17 But it seems I have never been heard yet.

18 **CO-CHAIR RENE DUSSAULT:**
19 Okay. Mary, do you want to--

20 **COMMISSIONER MARY SILLETT:**
21 Well, thank you very much for your excellent presentation.

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1 I share your concerns about language and I just have
2 several questions. I can understand how you feel
3 discouraged about not having any curriculum, or teaching
4 aids for the last so many years. But I'm wondering, have
5 you seen any changes in the ability of children, or your
6 people to use the Micmac language more? Is there, like,
7 for example, is there a change? Was there a time when
8 they didn't speak it? Is there a time now they speak it
9 more? Do younger children speak it more? You know, what
10 is the pattern?

11 **MILDRED MILLIEA:** The
12 change, I think, is we're losing, we're losing it. I think
13 in '69--and I think probably if we had it in Big Cove,
14 we had it in our school until I had stopped working. Then
15 I went along to Bonnerlaw to teaching high school. But
16 I have taught adult classes. Instead of teaching the
17 children, I had taught the adult classes. And I think,
18 from that, probably that's why we are still speaking maybe
19 about 80 percent? 80 percent would be the language, yeah?
20 About 80 percent, eh, that we have in Big Cove. So there's
21 not too many non-Indian speakers still in Big Cove.

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1 federal schools. There was a special committee was
2 established, but there was never any real monies available,
3 made available, to develop the curriculum.

4 And I think also it's a
5 little bit of our fault. I think it's our fault a little
6 bit because a lot of us are not really fully recognizing
7 the importance of maintaining our languages.

8 Some people, I think, is
9 because of our image, our public image. Some people, I
10 think, tend to believe, you know, the cowboy concept, like
11 the John Wayne's concept of an Indian and so on, this
12 stereotype thing you mentioned initially. And I think
13 some native people probably are a little bit ashamed of
14 their being Indian and they know--they want to talk English
15 and so on. And some of our younger generation will, say
16 in their 20s, 19, 20s, they would sooner teach their
17 children in English. I have a hard time, you know, to
18 convince even in our own family, you know, for my daughter
19 to talk to her child in Micmac. I try my best everyday
20 to talk to the girl there in Micmac myself, but she's
21 forgetting as fast as I'm trying to teach her.

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1 So I think we ourselves
2 must sit down and say, okay, our language is important
3 and it should be preserved so that 50 years from now Indian
4 people here in New Brunswick still talk their own language.
5 That's the point I was trying to make in my speech so
6 that this self-government is not going to take that away
7 from us, we don't become assimilated in our own community
8 and we lose our own identity. And that's the point I want
9 to make.

10 **CO-CHAIR RENE DUSSAULT:**

11 Yes, I just want to add that on this particular aspect,
12 on the other hand, the future could all--may be better
13 than the best unless we let the past go. And so that's
14 why the existence of a push like a Royal Commission could
15 be of some help to bring people together towards achieving
16 some goals and deciding the means to reach them. I think
17 the cultural aspect is certainly a very important aspect
18 for the well-being of individuals in the communities.
19 And we are certainly going to--

20 **MILDRED MILLIEA:** Thank
21 you.

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1 in the creation story is our basic world view. It contains
2 within that a relationship with our elders, how we should
3 treat our elders. It contains within that our
4 relationship to the young people because it is their
5 strength and vision that we will rely on for the future.

6 We have to rely and respect our women because they are
7 the Creator's helper because they are part of creation.

8 They help to create further generations of First Nations'
9 peoples. And we have to rely and trust our leadership
10 as well because without their leadership we would not
11 achieve those concerns, or those things that First Nations
12 have.

13 And today, with the
14 Constitution the way it is coming on to us, things get
15 separated. Education gets separated from our
16 spiritualism, which before, traditionally, this was all
17 together, education, spiritualism, justice, the social
18 and economic well-being of the community. It was all one
19 big whole and to try to divide it and separate it from
20 each other, it is very difficult for our First Nations'
21 peoples in this community to try to talk about just

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1 forums of education, we have to take into consideration
2 those special relationships that we had with the land,
3 the birds, the animals, the fish, the plants, our
4 environment. We have to take into account our special
5 relationship that we have with each other as human beings.

6 And then we have to think about the connectedness that
7 we have with our land and with each other as human beings
8 with the different cultures. And this is the aspect that
9 native people, or First Nations people in Canada are always
10 referring to as the circle. Everything is a circle. If
11 you are to go and do some injustice to your grandmother
12 by taking her and throwing her outside, it will come back
13 to you in the future. You cannot walk into your community
14 and say I am proud because I threw my grandmother out the
15 door. It will come back to you eventually. And this is
16 what they refer to as the circle. You cannot disrespect
17 the animals, or the plants, or humans because you have
18 to rely on them for your continued existence.

19 So these basic principles
20 have kept our language, our culture and our way of life
21 alive for many years. In order for us to become

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1 River, living on the Richibucto River for so many years.
2 And so when they arrive into town to go to school, they
3 receive a little bit of criticism because of some negative
4 media treatment of aboriginal people being found drunk
5 on the streets in the City of Toronto, or some major cities.
6 Scalping done in the TV in the shows. And when somebody
7 makes a remark about Indians, our children are not taught
8 about our past so automatically they will just disappear
9 into the woodwork and they will not go back to school not
10 feeling too good about themselves.

11 So there is a need for us
12 to develop our own curriculums. There is a need for us
13 to take control because we received control of that
14 education system. We received it from the Department of
15 Indian Affairs. We have sent our teachers to be educated
16 in the English language with a curriculum that has been
17 developed for middle class, non-native culture. And the
18 teachers, they feel proud when they graduate from their
19 universities and they come back to their own community
20 because they have been trained to teach in the English
21 language. They've been trained to teach a curriculum

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1 he said, "when an elder dies in our community he speaks
2 the language, he is almost like an encyclopedia in our
3 culture." He said, "when an Elder dies in our
4 community,..." he said, "...that is what is left."
5 [tearing blank sheet of paper in half and throwing it away]
6 He says, "When another elder dies in our community, this
7 is what is left of our culture." And he said, "And later
8 on, if we don't do anything about it, if we don't ourselves,
9 First Nations, that's what's going to be left of us,..."
10 he said, "...nothing. We can't go anywhere." Anyway,
11 that's just the last point.

12 This morning, we looked
13 at--

14 **CO-CHAIR RENE DUSSAULT:**

15 Very eloquent. Very eloquent.

16 **COMMISSIONER MARY SILLETT:**

17 Very good.

18 **STEPHEN AUGUSTINE:** This
19 morning we had a speaker that was scheduled to speak.
20 His name was Clifton Simon, or Francis Simon. He has two
21 names. He goes by either. Anyway I see he's arrived here

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1 and he's going to make a presentation.

2 **CLIFTON SIMON:** Good
3 afternoon.

4 **CO-CHAIR RENE DUSSAULT:**
5 Good afternoon. Bonjour.

6 **CLIFTON SIMON:** Probably.
7 No, all right. My name is Francis Simon. I'm from this
8 reserve. I'm also known as Clifton Simon. My spiritual
9 name is White Owl, [wha-bay goo-goo-gwess] Who am I
10 speaking to?

11 **CO-CHAIR RENE DUSSAULT:**
12 Dussault, I'm a judge with the Court of Appeal in the
13 Province of Quebec. I'm Co-chair of the Royal Commission.
14 Mary Sillett is a Commissioner. She is an Inuk from
15 Labrador. There are also we have Anthony Francis,
16 Commissioner of the Day, sitting with us. And also we
17 have the grandson, Justin Francis, sitting with us as
18 Commissioner of the Day. We're seven Commissioners at
19 the Royal Commission of Aboriginal Peoples. My
20 Co-chair--the Co-chair is George Erasmus. There is Viola
21 Robinson, who is Micmac from Nova Scotia. She was, before

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1 being appointed to the Commission, President of Native
2 Council of Canada. Paul Chartrand, who is a Metis from
3 Manitoba. And Allan Blakeney, who was Prime
4 Minister--Premiere of Saskatchewan for more than a decade.
5 And Bertha Wilson, who just retired from the Supreme Court
6 of Canada. She was the first woman appointed to the
7 Supreme Court of Canada.

8 So we broke into panels.
9 Two other panels are--one is in B.C. and the other is in
10 Manitoba doing exactly what we're doing this afternoon
11 here in New Brunswick.

12 **CLIFTON SIMON:** That's
13 really noble of you guys. That's the first time that I
14 ever witnessed something like this because there have
15 always been too many chiefs and not enough Indians that
16 really had anything to say. We have 16 points of
17 reference, or terms of reference to cover, this history
18 of relations between the aboriginal peoples and the
19 Canadian Government and the Canadian society as a whole.
20 It's a complicated matter.

21 The aboriginal peoples

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1 have always governed themselves for thousands and
2 thousands of years. But there's only been problems in
3 the past hundred and twenty years, but why is that? That
4 we'll probably touch on when we get into talking about
5 the Indian Act. But there is a problem and what is it?

6 The questions remains to be answered, but I'm hoping that
7 with all of our presentations that you guys will put it
8 all together.

9 There are some elders that
10 believe that to be--I don't how polite to put this, but
11 it's--and they say it's none of your business, right.
12 But it's our business, as Indian people.

13 The Chief is limited in his
14 powers. So are the counsellors. Mainly because of money
15 and the land base. There's no land base here. Economy,
16 like, it's dead. There's no--the recession is bad, but
17 even it hurts more--it hurts this reserve more, you can
18 feel it more.

19 Aboriginal
20 self-government, it will always be around. It's always
21 been here. It's in a form of circles. If we don't agree

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1 Off-reserve Indians,
2 there's a problem there too. I believe that I should have
3 the same rights on and off the reserve. If I leave the
4 reserve, I should have those rights. I don't have to
5 answer to any organization, just myself, so long as I
6 conduct myself in a civil way and I follow your rules,
7 just as when people come on our reserve, you follow your
8 rules, or whatever rules that are made by the band office.
9 The rules are absolute. And although I may buck them
10 at times, there's a method behind my madness.

11 The Indian Act, that is the thing
12 that's hurting our government. It's limiting it very,
13 very--to a very small portion of it from beehives to dog
14 tags, to very little. There's nothing much it can do
15 except try and give everybody a doorknob or something.
16 But it--the Indian Act is impeding us. I don't like to
17 be considered a prisoner of war, but I look at it that
18 way.

19 I have spoken to African
20 people, people that came from Kenya, South Africa. They
21 said that we've lost our country. I don't believe so.

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1 The cultural issues of
2 concern to aboriginal peoples, we, pardon the language,
3 we took a shit-kicking. I cannot speak my language no
4 matter how hard I try. I can speak your language, but
5 I cannot speak my language. Why, I don't know. But I'll
6 tell you here it's because of those residential schools.
7 And the day that I speak chief--I mean Indian, is a time
8 that I run for chief and not before that. That's going
9 to be a long time from now.

10 Our elders, I feel sorry
11 for them. There's nothing for them after--when they
12 retire they get CPP. And there's no one to look after
13 them. Something has to be done for them, as in the
14 non-natives--I mean, yes, the non-native society, excuse
15 me. You guys are experiencing that problem also. We're
16 going to have to find a way to take care of our Elders.

17 The women, under the
18 existing social conditions and legal arrangements, they
19 don't stand much of a chance. They're standing up.
20 They've had it rough. They've been discriminated against
21 trying to amend that 12:1(b), the Indian Act. They went

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1 cutbacks. What are we supposed to do? Where are we going
2 to get the money? We don't have the money to set up
3 scholarship funds, or anything. That's--something
4 should be done about that, but where can we get the support?

5

6 The justice issue and
7 concerns of aboriginal peoples, that is my biggest beef.

8 I know the systems, you need a system to keep organizations
9 running. You need people to keep it going. And right
10 now the justice system--there's a recession going on, but
11 not in the legal system. Those wheels are turning. A
12 lot of native people are going through those systems.
13 They're not getting the fair breaks because we don't have
14 the money to pay for the lawyers. If you're not well liked
15 on a reserve, it could hurt you. I had hoped to bring
16 my pre-sentence report. I served time, like all--a lot
17 of Indians have. But more time than I should have because
18 of a pre-sentence report. It can--you can hide the good
19 and show the ugly and make it look bad.

20

21 There's a lot of Indians
doing time. I'm talking about heavy time. The most I've

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1 ever spent is six weeks. Mainly because I have a mouth.
2 I'm not afraid to speak my voice. There are a lot of
3 native people, and I know that you are going to speak to
4 them in the prisons, you will be speaking to them and you
5 will hear from them. And they're plight--they want
6 paroles, but they can't get paroles because there is no
7 work. But yet there can be work. I look at this reserve
8 and I see a lot of potential for this reserve, but it's
9 hindered by a lot of bureaucratic red tape.

10 My presentation wasn't
11 really--it's coming from my heart. I don't have it marked
12 down, I'm just going through it. Going with your 16 terms
13 of reference. I thank you very much for your--to give
14 me the opportunity to speak because I really thing that
15 sometimes there is too many chiefs and not enough Indians
16 on display. And I don't think I'm a prisoner of war, but
17 just take some of my points. Just take them along with
18 everybody else's and the 100--and--you're going to 144
19 reserves, are you not? Over a hundred.

20 **CO-CHAIR RENE DUSSAULT:**

21 The five.

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1 is an issue, a major issue. The land base is a major issue.
2 But to enhance the quality of life, the daily life of
3 as many people as possible, very often small items. People
4 know what works and what can work. And it's important
5 that this be told to us. So we appreciate you coming to
6 the Commission and maybe I would like, if my fellow
7 Commissioners have something to add. Mary Sillett?

8 **COMMISSIONER MARY SILLETT:**

9 Yeah, I'd just like to thank you very much, as well, for
10 coming. You mentioned that--when we went to Stony
11 Mountain and we met with the aboriginal peoples there,
12 one of the comments that came out after we met was that
13 maybe these inmates didn't tell you exactly what they
14 wanted to because they were afraid, because there were
15 people in that room who could--who had power over them.
16 And I guess, you know, when you made your
17 presentation--when you said something that it reminded
18 me of that particular experience. I'm wondering do you
19 think that's the case? And if that is the case, what can
20 we do to--what should we do in order to make sure that
21 what we hear from the inmates is exactly what they feel?

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1 **CLIFTON SIMON:** If you can
2 do that, if you have the time, speak to them one-on-one
3 without no guard, without nobody there and take some of
4 his advice. It might be useful because mostly all of
5 political prisoners--I don't--I shouldn't call them
6 political prisoners. Some are though. Anyway, that's
7 a different topic. But speak to them one-on-one. If you
8 really want an honest answer ask them one-on-one.

9 **COMMISSIONER MARY SILLETT:**
10 Yeah, I think that's, you know, that was suggested to
11 us. But one of the real problems that we have is one of
12 time. We had close to--I don't know, that was the biggest
13 turnout that we had for our hearing was in Stony Mountain.
14 I remember walking in and that place was packed. And
15 it was probably because there was nothing else to do except
16 to come to our hearing. I don't know what the reasons
17 were, but anyway it was a really large turnout. And, you
18 know, we have--one-on-one would be good, but are there
19 any other ways, considering the number of people that are
20 there, that really did want to talk to us. Many of them
21 didn't want to see us go.

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1 **CLIFTON SIMON:** Well, then
2 I don't know what I could suggest. I understand the time
3 and the money that you're allotted. It's not very much.
4 You have a couple--I mean, a couple years to do this,
5 interview all these people. And they can't write to you
6 because most likely--I mean, you know the rules. They're
7 going to be screened and it won't get through--won't get
8 to you if there is a problem unless you had some forum
9 where they would--or some way of getting them to get you
10 their ideas on paper without being searched. Can you do
11 that? Is that possible?

12 **CO-CHAIR RENE DUSSAULT:**
13 We will be looking at all means to have as many people,
14 depending on their setting, to tell us what they have--they
15 want to tell us. And so that's a thing we will look at.

16 **COMMISSIONER MARY SILLETT:**
17 Anyway, he's a judge.

18 **CO-CHAIR RENE DUSSAULT:**
19 Yeah.

20 **COMMISSIONER MARY SILLETT:**
21 He can figure it out.

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1 **CLIFTON SIMON:** Oh yeah.
2 You are a--oh yeah, Court of Appeal for Quebec, correct,
3 Court of Appeal. Yes. But, again, I thank you very much.
4 Have a nice day.

5 **CO-CHAIR RENE DUSSAULT:**
6 Thank you for being with us.

7 **STEPHEN AUGUSTINE:** --now
8 and we'll take a short, well, 15 minute break. And if
9 anybody wants to make presentations afterwards there,
10 we'll have an open forum and people are invited, whoever
11 wants to make a presentation after the coffee break. Just
12 let me know who's going to be--who wants to speak and I'll
13 relay the name to the Commission. Thank you.

14 [BREAK 1525-1550 hrs]

15 **STEPHEN AUGUSTINE:** Our
16 next presenter is Leon Sock. Leon has been working with
17 our Economic Development, has been involved in a business
18 enterprise, and he's been working for the Big Cove Band
19 for several years. Leon?

20 **LEON SOCK:** Thank you,
21 Steve. I don't know where to start, I guess page one.

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1 Good afternoon. I know everybody's tired, so--

2 **CO-CHAIR RENE DUSSAULT:**

3 Good afternoon, you've already started.

4 **LEON SOCK:** Okay. I guess

5 I'm going to speak on the economic development in our
6 community of Big Cove. I guess I'll start from page one.

7 Okay.

8 The failure to deal
9 seriously with the question of Indian economics in Canada
10 can be rated as one of the greatest failures in our national
11 policy. Indian economic development, or more precise,
12 the lack of Indian economic development has received much
13 attention in the past years, but it has always remained
14 as a low priority amongst the Departments of Indian Affairs
15 vast array of programs to assist aboriginal people.

16 The task force on Indian
17 Economic Development in December of 1985 determined that
18 Indian economic development in all respects falls far short
19 of the national average. Before attempting to resolve
20 the dilemma of economic development on reserves, you have
21 to examine the various problem areas. In doing so, I

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1 So, you know, we devised
2 a plan. Our proposed plan is that we are preparing a
3 community master plan, which is in its almost-final stages.
4 But this plan will map out the social, educational and
5 economic development direction that the band intends to
6 embark upon.

7 We are in the process of
8 reorganizing the Big Cove Economic Development Program
9 in terms of both physical plant and requisite personnel.
10 We are also forging new contacts with office of
11 consultants, businessmen, business advisory groups,
12 government officials, and other native economic
13 development corporations principally through
14 implementation of in areas of a responsibility concept.

15 We shall be continuing to
16 prepare business plans for small reserve band-based
17 entrepreneurs, which at least this year, I think, there
18 will be about 10 to 15 in our community for this fiscal
19 year. But in the past we have looked at about 36
20 applications. So that's a great response to a need, I
21 guess, that was there and that's the response to it.

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1 That's the community services, that's the Big Cove
2 Community Service Incorporated, which I work out of and
3 also several of our other guys.

4 We are continuing to engage
5 in staff professional development activities. For
6 example, course work, workshops, seminars, trainings, et
7 cetera. We intend to engage in professional consulting
8 advisory service to assist the band in assessing the
9 feasibility of existing and planned development projects.

10 There is, I guess, a commercial trading centre that we
11 would propose. We propose to take over the [Potato?] House
12 Restaurant. And we have some others that are just on the
13 drawing board that are a little bit too early to mention
14 yet. But I guess one of them would be, I'll still mention
15 them--mention them anyway, but it's the Community Radio,
16 FM radio channel and a maybe community channel on cable.

17 We are intent on developing traditional aboriginal
18 business enterprises, such as basket making, manufacture
19 of snowshoes, guiding outfitting, arts and crafts.

20 We will continue to explore
21 the possibility of establishing an economic development

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1 corporation that will--I guess that we have already done.

2 I'm reading from last year's text, so I'll just skip over
3 that one.

4 We have identified various
5 key elements that must be put in place in order to build
6 a strong commitment to economic development on the part
7 of the residents of our community, such as the need for
8 a unified team approach in economic development where the
9 band counsel and the economic development staff and the
10 people themselves work as a team to develop our own
11 community our own way. The need to develop cooperation
12 and trust between the public and band development staff
13 and the need to enhance staff know-how, knowledge and
14 skills. So we implemented a plan of action that includes
15 visioning, planning and contracting, resource
16 development, implementation of strategy and evaluations.

17

18 Okay, we must build and
19 establish firm commitments, clarify our vision, and
20 develop objectives of our plans of action, and secure the
21 participants' commitment for our plans of action.

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1 Nation espouses to an economic
2 development philosophy that is
3 premised upon the contribution of
4 sweat equity by band members and
5 creative thinking on the part of
6 its development staff. This
7 philosophy is designed to begin the
8 process of overcoming the vast
9 socioeconomic problem that exists
10 in Big Cove. Big Cove believes
11 that a marriage of these two
12 philosophies, coupled with the
13 provisions of adequate seed
14 resources by non-Indian agencies
15 to Big Cove can result in
16 sustainable and successful
17 economic development on our
18 community. We want a fully
19 educated, trained, employed and
20 imaginative population in Big Cove
21 by the dawn of the 21st century.
22 Chief Albert Levi.

23

24 Thank you.

25 **CO-CHAIR RENE DUSSAULT:**

26 Thank you very much for the presentation you just made.
27 You're, of course, certainly well aware of the fact that
28 the economic development is certainly one of the major
29 issues. And also it's one that is not easy to tackle.
30 And we are looking forward for ideas as to how not only
31 to bring a greater entrepreneurship spirit within the
32 community in the young people, but also some precise plans

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1 or designs that, from your experience, could work because
2 there have been trials and errors, have been things that
3 have been tried and did not work out. But you're certainly
4 well suited to--people like you are certainly well suited
5 to tell us and to give us practical ideas as to how small
6 businesses could be put on the rail.

7 So I appreciated what you
8 said, but I would like that you pursue your thinking as
9 in the more specific terms because it's really what we
10 will need along the road and we're putting this request
11 as often as we can.

12 Do you, just as a question,
13 do you visit the high school, or are they--is it part of
14 your plan to speak to young people about the idea of
15 becoming entrepreneurs, of doing something on their own
16 instead of--

17 **LEON SOCK:** Yes, I was, I
18 guess, looking into the Junior Achievers' Program that
19 I guess somebody else runs, if it's the Federal Government,
20 or--I don't know who it is right now, but I was thinking
21 about it quite seriously. But time constraints and

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1 financial constraints, I guess, don't allow me to go to
2 the high schools and do something like that. But, yes,
3 we did talk it over and sometime in the future we will
4 be looking into something like that.

5 **CO-CHAIR RENE DUSSAULT:**
6 What kind of budget does your organization--what is your
7 functioning budget?

8 **LEON SOCK:** Okay, right
9 now I think it is around 120, 120,000.

10 **CO-CHAIR RENE DUSSAULT:**
11 And the money mostly comes from the--

12 **LEON SOCK:** Indian
13 Affairs.

14 **CO-CHAIR RENE DUSSAULT:**
15 Indian Affairs?

16 **LEON SOCK:** Yeah.

17 **MARY SILLETT:** Is that
18 part of the CADP strategy, or?

19 **LEON SOCK:** Part of the
20 CADP strategy, yes.

21 **CO-CHAIR RENE DUSSAULT:**

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1 And have you seen--well, of course, we have been through
2 a recession, a difficult one, and--

3 **LEON SOCK:** Yeah, yeah.

4 **CO-CHAIR RENE DUSSAULT:**

5 --but can you see points that will lead to progress?

6 **LEON SOCK:** Well, I guess,
7 I got a list of deficiencies, as you may, in regards to
8 our--the funding agency that I use most often, which is
9 Industry, Science and Technology Canada, the Aboriginal
10 Business Development Program. I guess it creates a lot
11 more problems than it solves, but if a guy is serious
12 enough, or a woman is serious enough, they'll wait out
13 the two years before, or the three years, before
14 establishing because sometimes it takes that long,
15 sometimes it doesn't, depending on, I guess, on the plan
16 itself.

17 And they have to go through
18 a thick, I guess, checklist of what you've got on a plan.

19 And if it goes through all right, then it goes to another
20 person's table and then he takes it through his own
21 checklist and then if it makes it through all right, sits

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1 way around it. So by the time you're doing this and that,
2 and this and that, your opportunities are almost gone.
3 And in business, I guess, you know, if you can make the
4 deal today, you can make "X" amount, if not you're going
5 to lose "X" amount. So what we proposed to ISTC, I guess
6 I have a big list. I don't know if you want to listen
7 to it.

8 **CO-CHAIR RENE DUSSAULT:**
9 The main points.

10 **LEON SOCK:** The main
11 points. Well, like they have a really complicated
12 business-planning criteria. And every time I do a
13 project, in my mind I go through, try to use this criteria.
14 Okay, did I answer that question right? Did I answer
15 that one right? Did I answer this one? And I would
16 understand it if the project is a \$100,000, \$50,000, or
17 even \$25,000. This project is for \$1500. You have to
18 go through the same process as the guy who is doing
19 \$100,000, or \$1-million project, for \$1500.

20 So, okay, that's not bad.

21 Okay, we can skip over a lot of things that aren't

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1 **ANTHONY FRANCIS:** You've
2 never tried to recommend a different approach for economic
3 development, rather than just try to fit into their scheme,
4 their policy?

5 **LEON SOCK:** Yes, we have.
6 We have, as a--like a team of regional economic
7 development advisers to the band. We have maybe eight
8 people that sit on this advisory board, I guess, and we
9 basically want to make it a lot simpler--a lot simpler
10 process for the individuals. And I guess we are doing
11 that with the blessing of the Atlantic Chiefs, all Atlantic
12 Chiefs. So we're in the process.

13 **ANTHONY FRANCIS:** See,
14 what I'm thinking about, we're dealing with people that
15 most of them are on welfare and they have no equity, they
16 have no money to start with. But they want to--they have
17 a good idea that they want to do certain kinds of business.
18 I often wondered, you know, that if you were to use an
19 individual's declaration of intent outlining what he wants
20 to do and how long it's going to take him to eventually
21 be able to be successful, why can't the money that he's

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1 requesting be phased? Why can't he get a start-up money
2 rather than to get a whole sum, and that he carries out
3 a certain part of his business and then when he reaches
4 that stage then he can get some more money, probably after
5 the second year, or one year. When he finishes that stage
6 and he works on and then at the third stage probably he's
7 on his own, he's on his way. See, what the government,
8 I think, is scared of is, you know, to give people the
9 money and not do what they want to do, their intent.

10 **LEON SOCK:** Uh hmm, yeah.

11 Yeah, we were also requesting that these monies be put
12 out up front when the contract is signed. Okay, your money
13 is supposed to be there because you don't end up waiting
14 another six weeks to two months, three months, for your
15 money. Or for you to go around and try to make the bills
16 and not receive anything for that amount of time until
17 you put the bills into ISTC.

18 **ANTHONY FRANCIS:** I think
19 is where your sweat equity comes in, too. You know, like
20 if a person has no money, well, of course, he's got his
21 own labour that's worth some money that he could put into

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1 the business.

2 **LEON SOCK:** Uh hmm, yeah.

3 Yeah, we were looking at all our options, I guess, just
4 like that one and a few others that we were throwing around
5 that we're going to be looking at in the near future.

6 **CO-CHAIR RENE DUSSAULT:**

7 Thank you very much.

8 **LEON SOCK:** Thank you.

9 **CO-CHAIR RENE DUSSAULT:**

10 It's been very useful.

11 **STEPHEN AUGUSTINE:** We
12 still have an open forum. If anybody wants to make a
13 presentation to the Commission they can do so by
14 approaching one of the mics. Harry Sock?

15 **HARRY SOCK:** Good
16 afternoon. My name is Harry Sock. I'm with the Child
17 and Family Services. I'm the director of the program and
18 I haven't prepared anything, per se, but there's some areas
19 that I've listened to, you know, this afternoon and this
20 morning, and there's some areas that I would like to touch
21 upon. Basically, the areas I'd like to touch upon is the

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1 socioeconomic, the child welfare area and the
2 self-government area.

3 I'll start with the
4 socioeconomic area. I guess unemployment is a big factor
5 in the Indian communities and Big Cove is no exception
6 to that. Like our unemployment factor in Big Cove is
7 something like 80 to 85 percent most of the time. Like
8 the country worries about when the unemployment rate
9 reaches 15 percent, but here we're rejoicing when we have
10 15 percent employment.

11 So I guess the--there is
12 a real lack of an economic base on the reserve. And I
13 guess with a lack of an economic base, you have umpteen
14 problems associated with it from the housing shortages
15 simply because, you know, you cannot get access to money
16 to build a house if you're unemployed. And if you don't
17 have any equity, per se, whether it be through a
18 band-established lending company, or whatever type of
19 thing, or what have you.

20 There again, with housing,
21 just, you know, adds on to the social problems again.

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1 right now which Serena was referring to earlier is the
2 Family Respect Program. And it's--I shouldn't say it's
3 a program, it is a project under the Family Violence
4 Initiative Funds. There, again, that particular project
5 ends at the end of June and I don't think that we would
6 get a--whatever we are asking for for a second phase of
7 that project. There again, there are other problems
8 associated with the Family Violence Initiative Funds in
9 this Atlantic region.

10 Another area that I'd like
11 to touch upon is the child welfare. New Brunswick is
12 unique in the way that the child welfare agencies are set
13 up simply because of the 15 Indian bands in New Brunswick,
14 there is about 10 Indian reserves that do have their child
15 welfare--child and family services-based agencies,
16 community-based agencies.

17 The current master
18 agreement that we are under expired in 1988 and we have
19 been in the process of renegotiating this particular
20 agreement. But in the meantime, the Federal Government
21 has come out with what they call a Management Regime Paper.

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1 The Management Regime Paper does not go along with the
2 concept of community-based child welfare agencies. What
3 they want us to do is they want us to centralize our
4 agencies. In other words, that if you have 1000 children
5 between the ages of 0 to 18, then you qualify for an agency.

6 And in New Brunswick there is approximately 2,000 children
7 between those ages, so therefore we would qualify for two
8 agencies in New Brunswick, one probably on the Saint John
9 River side and another one on this side of the river, which
10 is the Miramichi.

11 The thing is we are
12 currently telling the government that we do not want to
13 go along with this particular way of doing the agencies.

14 I know that our brothers and sisters in Nova Scotia have
15 done basically what the government had wanted, and that's
16 the centralized-agency system. It might work for them,
17 but to us, we can't see it working for us here. There
18 are a lot of problems on the reserves and I guess some
19 of the people that were up here earlier had referred to
20 it especially because of the--I don't know, the residential
21 school syndrome, you know, as a result of that, or what

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1 arrangements, it wasn't possible for them to be here.
2 But more or less I said, okay, I'll try to present something
3 in that area. But it is something that would lend to the
4 fact that Indian people want to determine, you know, the
5 destiny that they are going to be following. They want
6 to be able to say that there are certain things that we'd
7 like to get some, you know, some control on and one of
8 those areas is our child and family services areas.

9 I guess that leads up to
10 the area of self-government. I had listened to Anthony
11 when he was making his presentation in regards to the Indian
12 Act. It is true that the Indian Act itself has been there
13 for many years and I don't think it has been fully realized.

14 In other words, Indian people don't know that much about
15 the Indian Act itself. And, you know, there has been
16 arguments back and forth, probably by the more prosperous
17 Indian bands out West, that the Indian Act should be done
18 away with, that it is a hindrance in trying to develop
19 certain things in certain areas. But when you look at
20 the Indian Act itself, you know, and there's limitations
21 there, yes, but at the same time why couldn't, like Anthony

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1 your, I don't know, land claim agreement, that your size
2 of the reserve is going to be increased. And those are
3 the areas that I guess I had concerns about and I felt
4 that I wanted to share with the Commission itself. Because
5 my understanding of the Commission is that you want to
6 know what the reality is on the reserves from, yeah, I
7 guess from people from the reserve and that's why these
8 are held on an open forum. So I thank you.

9 **CO-CHAIR RENE DUSSAULT:**
10 Thank you very much. Your presentation dealing with
11 socioeconomic concerns, child welfare, and also
12 self-government, what should be done with the Indian Act
13 is certainly of great interest to us. We're playing with
14 ideas and notions that have been floating into the air
15 for many years in some areas like the Indian Act and the
16 notion of self-government. And we want to hear as much
17 as possible on this because it's certainly a major issue.
18 The whole question of government and how aboriginal
19 government should take--well, how aboriginal people
20 should be allowed to choose their form of government as
21 being so far one of the major concerns, but also the concern

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1 to retain the money necessary to cope with the future.
2 So we thank you very much for your comments on child
3 welfare. We hope that the organization will be able to,
4 if not to meet us in another coming--one of our other visits
5 to New Brunswick, at least to send us something by writing.
6 You could convey the message to them--

7 **HARRY SOCK:** Yes, I'll do
8 that.

9 **CO-CHAIR RENE DUSSAULT:**
10 --because it's a very important issue. Thank you very
11 much again.

12 **HARRY SOCK:** Okay, thank
13 you.

14 **CO-CHAIR RENE DUSSAULT:**
15 Mary?

16 **COMMISSIONER MARY SILLETT:**
17 Thank you very much for your excellent presentation.
18 My question--I have two questions. One of them is probably
19 a bit more difficult than the other, but with respect to
20 the Indian Act we've heard many different comments on the
21 Indian Act. We've heard this morning that there are

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1 limitations to the Indian Act. And you mentioned that
2 maybe that can be changed and, you know, like, for example,
3 if Big Cove needs additional land, they should be able
4 to get more land in order to meet their needs.

5 I know this is sort of an
6 unfair question, but have you ever thought about what
7 changes are necessary to improve the Indian Act? If you
8 haven't, that's fair enough. We'll be coming back, you
9 know, in this province at a later time to hear more from
10 these people. But have you thought about that?

11 **HARRY SOCK:** Basically,
12 those changes would only be, I guess, come to a head once
13 and when the, I guess, the Federal Government is willing
14 to provide resources for Indian people to start doing what
15 it is that they want to do. In other words, if it's in
16 the area of say the establishment of tribal courts, so
17 be it. You know, if there's obstacles right there right
18 now, then, you know, we do need those changes to be impacted
19 on there. Like, the fact that the--when we signed the
20 master agreement back in 1983 for child welfare, the Indian
21 people in New Brunswick went on the premise that we will

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1 now.

2 So those changes, I guess,
3 would have to come about if and when the Federal Government
4 is willing to start negotiating with the Indian bands
5 exactly what it is that the Indian people wish or want.

6 **CO-CHAIR RENE DUSSAULT:**

7 Just on that, I would like to add the role of this Commission
8 is to discuss with aboriginal peoples the changes that
9 should be made and to put recommendations to the Federal
10 Government. On the other hand, it's quite clear that we
11 should not be used as an excuse for delaying reforms by
12 the Federal Government or at the provincial levels.
13 But--so it's--it is important if we want to use this
14 Commission for the purpose it was created, that people
15 like you put ideas into it and because we--there is more
16 chance that something will happen if we play at the level
17 of the Commission while pursuing the negotiations with
18 the Federal Government.

19 **HARRY SOCK:** Yes, uh hmm.

20 **CO-CHAIR RENE DUSSAULT:**

21 You see what I mean. It's not--it's a chicken and egg

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1 question where if we're waiting for negotiations with the
2 Feds, we will not fulfil our mandate. On the other hand,
3 we want to fulfil our mandate without restraining anybody
4 discussing and negotiating with the Feds and having the
5 Federal Government amending the Act even if we're still
6 working because we do not want to be used as an excuse
7 for progress.

8 **HARRY SOCK:** Yeah, I think
9 the--this particular Royal Commission, you know, the way
10 I see it, basically, it's a response to what had happened
11 in Oka and what the Prime Minister had come out and said
12 on television in regards to the Indian people. And
13 thereafter the Commission was created and I said, you know,
14 is this as a result of what had happened, or what--and
15 at the same time, I don't know--I was a little skeptical,
16 just like it was mentioned this morning, I think it was
17 Albert that had mentioned it and said that how many studies
18 are you going to do us, you know, do to the Indian people?
19 You know, we have been studied to death. There has been
20 many commissions, many inquiries. And if you look at the
21 things that had happened, especially in the justice system,

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1 realize it is a wide mandate and it encompasses all, I
2 guess, all aspects of Indian life, really.

3 **CO-CHAIR RENE DUSSAULT:**

4 So we know that in the justice area, that the problems
5 have been defined. I don't think we have to convince the
6 Canadian public that there are problems in the justice
7 system as far as aboriginal are concerned, aboriginal
8 peoples are concerned. But on the other hand, there are
9 still some questions that have been left open. We have
10 to go down from the major principle to the specific as
11 to how it's going to work.

12 We've discussed this
13 morning the application of the Charter of Rights, it's
14 an issue. We've--also an issue in the mind of the public
15 is what will be the role of an aboriginal justice system
16 for non-aboriginal living on the reserve, or whatever be
17 the situation. There are some difficult questions that
18 have not been answered yet and we have to address them
19 if we want to really create a movement toward
20 implementation. But to address it, we need your output--

21 **HARRY SOCK:** Yes, uh hmm.

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1 CO-CHAIR RENE DUSSAULT:

2 --in terms of practical solutions.

3 HARRY SOCK: Well, I
4 suppose those things could be talked about and I guess
5 the movement, you know, if the willingness is there to
6 get something done, it will be done. But I guess the
7 resourcing of whatever initiative is to be undertaken has
8 to come from the Federal Government itself simply because
9 the reserves do not have any other means of resourcing,
10 really. And it's like in the area of economic development,
11 if you need to establish an economic base on the reserve,
12 you need something, whether it's industry, or what have
13 you, to be able to entice some business. Or maybe you
14 need to start a business.

15 A lot of times we've tried
16 many business ventures here on the large scale, but they
17 were, you know, they were killed prematurely, as far as
18 I'm concerned, simply because when you're catering to a
19 consumer market, you know, at least you need, what, three
20 years to make it, you know, to make an assessment whether
21 your business is viable or not. And I guess, you know,

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1 those things that are there, or that were present whenever
2 any business initiative was killed are simply because of
3 the lack of funding, or what have you. I guess those
4 things, they probably need to be revisited and, you know,
5 maybe we should be learning by our mistakes type of thing.

6 And I think those are the areas that really need to be
7 addressed.

8 And, like, if the Federal
9 Government says I have \$200,000,000 for economic
10 development, but if they make it impossible for you to
11 get at that money, then what's the good of having that
12 money there in the first place. And I think that was the
13 experience that, you know, this particular band had in
14 the past with any economic, you know, ventures that they
15 tried.

16 **COMMISSIONER MARY SILLETT:**

17 I think what we're looking for, though, in this Commission
18 are details. Like, for example, if you say that there
19 is something wrong with CADPs, don't only tell us that
20 there's something wrong with it, tell us exactly what it
21 is that has to be done in order to change it.

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1 I think there has been a
2 lot of very general concepts laid out. You know, people
3 are talking about self-government generally, people talk
4 about extinguish the problems that they have with the
5 comprehensive land claims generally. What we're looking
6 for are details because I think eventually--because people
7 get really bogged down in details. History has shown us
8 that.

9 And I think in terms of,
10 you know, of people asking if this Commission will be--will
11 make a difference, that's a legitimate question. We all
12 have those questions. And--but there are many other
13 groups, too, that, for example, wanted this commission.
14 They approached the Prime Minister and the powers that
15 were there to have a Royal Commission. And they
16 want--they, I guess, influenced the recommendations in
17 terms of who would sit on that commission, in terms of
18 what that commission would do.

19 So what we're asking now,
20 you know, the people that we're talking to, we're asking
21 them, you find the answers, you tell us. Let's talk about

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1 of initiatives need to be undertaken. I imagine that when
2 you look at the amount of dollars going into welfare, for
3 example, for this particular community, I imagine that
4 if the band had the, I guess, the power or the reins to
5 say that, okay, instead of paying welfare what we're going
6 to do is we are going to provide "X" amount of jobs but,
7 sure, the jobs itself are going to cost more than what
8 the welfare provides. So thereby we would need some--and
9 I guess Anthony was talking about it earlier, about, you
10 know, needing additional money to get businesses started,
11 or maybe some sort of initiative by the band.

12 Now in terms of the types
13 of projects, or programs, or whatever initiatives that
14 you may start, sure you need something that is big, but
15 at the same time would be establishing something that,
16 you know, that is economically viable. Maybe after a
17 three-year period type of thing, then there will--there
18 will always be spin-offs from that, be it, you know, other
19 people going into the business, or the consumer sector
20 of the business world-type thing.

21 And I don't know--like

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1 there's been a few ideas that have been, I guess, tried
2 in the past but they didn't work, but maybe those areas
3 need to revisit the, you know, the reasons why things didn't
4 work that should have worked, really. And maybe it was
5 a poor marketing plan, or maybe it was a--I don't know
6 what it was. But those things need to be looked at.

7

CO-CHAIR RENE DUSSAULT:

8 I think we've come to a natural conclusion for the moment.
9 You will be always welcome to send us additional ideas
10 in all kinds of forms. We will be back to New Brunswick.

11

LEON SOCK: Yeah, I will

12 try to get the supervisors together on, next time you're
13 around the area that, you know, we will definitely make
14 a formal presentation.

15

COMMISSIONER MARY SILLETT:

16 Just--I'm sorry, I don't mean to be ignorant here, but
17 there is intervenor funding available in other phases.
18 And I don't know who has--I guess a copy of the booklet
19 is out there. There's the criteria and stuff like that,
20 so you could probably look at it and see if you fit into
21 it and--oh, there, you got it.

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1 **LEON SOCK:** Okay then,
2 thank you.

3 **CO-CHAIR RENE DUSSAULT:**
4 Thank you very much.

5 **STEPHEN AUGUSTINE:** I
6 think time has come to close our meeting and anybody who
7 wanted to make presentations or--can informally meet with
8 the commissioners during our cultural evening. Other ways
9 of contacting the Commission would be to submit a formal
10 presentation in written form. And so, at that, I don't
11 know if they had any closing comments? Well, then we'll
12 close with Mildred Milliea saying our prayer. And we'll
13 have George Paul singing an honour song afterwards.

14 [Closing Prayer]

15 --- Whereupon the Commission adjourned to St. John`s,
16 Newfoundland

17