

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 you say and how you treat other people would be the way  
2 that you want to be treated. You also take the sweetgrass  
3 and you smudge your legs and your feet so that as you walk  
4 through this world you will walk in the proper manner.

5                               These are the teachings,  
6 ancient teachings, that were handed down for generations.

7 This type of ceremony has existed for thousands of years  
8 here in this country. And to our people he was very sacred.

9 Very sacred and very close to the way the Creator would  
10 have wanted us to be as people.

11                              This is the understanding.

12 This is our belief and for those who truly believe and  
13 follow these ways, these spiritual ways, his  
14 understanding, they are given a small reward as they're  
15 going through life and they have good health and happiness.

16 And if you can help people as you're going along in this  
17 world, I think the rewards will be waiting for us when  
18 our time is done here. But while we are here we have to  
19 be careful in what we do and what we say.

20                              So when we do these  
21 ceremonies we ask people that if they are on alcohol or

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1 abusing alcohol or drugs that they don't take part in the  
2 ceremony. It's only for the respect of the ancient  
3 ceremonies. It's not to say that you're not allowed to  
4 pray. Everyone has a right to pray, but the fact is these  
5 ceremonies, they were conducted in a certain manner and  
6 we would like to carry on that tradition and those respects  
7 in the proper way.

8                               So as the sweetgrass is  
9 going around you keep in mind that this is what you're  
10 doing, you're cleansing yourself, you're cleansing your  
11 spirit, so that what you do here today, what you talk about  
12 is in good nature with good intent because in a forum like  
13 this here when there's leaders here taking control of  
14 direction for the people there is a lot at stake and the  
15 words of the leaders is very well chosen, I'm sure, because  
16 the people fall under that.

17                              So with this ceremony we  
18 are asking for everybody to keep in mind the positive  
19 direction that should be taken. Thank you.

20                              Okay, the other portion,  
21 the other part of this opening ceremony is we are going

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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 passed down to us from oral tradition. It's been in the  
2 families for generations and generations and it explains  
3 how the MicMac people came into existence in the eastern  
4 regions. And the word itself "MicMac" is a term that is  
5 used by those people who are all related by blood.

6

7 The term "MicMac" when the  
8 Europeans first arrived they must have asked the Indian  
9 people who were on the shore, "Who are all those people?"

10 And I can imagine the young person who turned around and  
11 said, "[nogomaq]." "Those are all my relatives, all those  
12 people." And since in the MicMac language there are  
13 all--everything must belong to something, there is  
14 no--there are very little usage of nouns. Something  
15 cannot just sit there by itself.

16 So when the individual was  
17 asked, "Who are those people?", he would say, "Those are  
18 my relatives, nogomaq." And if they said, "Those are  
19 your relatives?" He would say, "[gogomaq]." It means,  
20 "Those people that were on the boat." And if I was asked,  
21 "Who are his relatives?" I would say, "[wogomaq]." So

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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 among the MicMac people. It explains the seven entities  
2 of creation which was the Great Spirit creator which they  
3 called 'Geezoolgh', who created the sun, 'Nisgam', and  
4 then they created the earth, which was in the center of  
5 the path of the sun. And on the surface of the earth they  
6 caused a bolt of lightning to hit the ground and created  
7 and made the shape of a man out of sand, his head in the  
8 direction of the rising sun. His feet were in the  
9 direction of the setting sun and his arms were  
10 outstretched, one in the north and one in the south."

11 So when Glooskap was given  
12 freedom by another bolt of lightning he stood up and he  
13 gave thanks. First to the four directions, for the sun,  
14 for the direction of the rising sun, [Mother tongue  
15 spoken], we call it in our language, and the direction  
16 of the setting sun, [Wetasinook] or [Ooatnook] and  
17 [Upquedaesinook], the north and the south.

18 He gave thanks to those  
19 directions and then he looked up in the sky and he said,  
20 "Thank you, Geezoolgh, for giving me my creation, my  
21 existence." And then he touched the earth. He said,

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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 sitting in a low valley and then a cold morning dew formed  
2 over the rock and with the power of the sun, the Spirit  
3 Helper, Nisgam, caused my creation. I came into existence  
4 as an old woman already wise and knowledgeable." And she  
5 told Glooskap, "If you listen to me, you will gain wisdom.  
6 You will gain knowledge. Because of my wisdom and my  
7 experience in life you will gain an understanding of your  
8 place on earth."

9 And soon enough Glooskap  
10 was so happy that his grandmother came into the world he  
11 called upon an animal that was swimming in the river.  
12 This animal was [Abistanoodj], it's the martin in our  
13 language, in the English language. And he asked the martin  
14 to come ashore and offer his life so that he and Grandmother  
15 can continue to exist and, sure enough, the animal lowered  
16 its head and Grandmother snapped its head and laid it on  
17 the ground. Glooskap felt so bad about taking the life  
18 of another animal that he asked the Great Spirit to give  
19 back his life to his brothers and sisters so that they  
20 would be around. So that he, and the rest of the MicMac  
21 nations, could rely on the animals for their existence.

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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 [Neeganaganimgooseesq]." 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 to leave you. We have to go to the Spirit World up in  
2 the north. And I'm leaving the fire for you, do not let  
3 it go out, because out of this fire seven sparks will fly  
4 one way, seven sparks will fly another way. Seven of these  
5 sparks are going to be seven women, the other seven will  
6 be seven men and together they will form seven families.  
7 And they will disperse from this area of the Great Fire  
8 and they will go into their different areas and once they  
9 reach their different areas they will further divide into  
10 seven more groups and the MicMac people are one of those  
11 groups that have divided themselves into seven big  
12 families", which encompass today the coast of Gaspé, New  
13 Brunswick, Nova Scotia, Prince Edward Island.  
14 These areas are divided  
15 into seven districts. [Gespegeoag], the Gaspé region.  
16 This area here which covers from the Miramichi to the Nova  
17 Scotia, around the Nova Scotia border is called  
18 [Sigenigteoag]. It is said that when the island of Prince  
19 Edward Island kind of floated away from the mainland,  
20 [Mother tongue spoken]. It kind of drifted away from the  
21 mainland and this area they call this [Sigenigteoag?].

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1 Prince Edward Island is called [Epegogitg]. And together  
2 with Pictou, [Pigtogeog] they call it, forms another--the  
3 third of the seven districts. [Gespogogitg] is an area  
4 that encompasses Yarmouth, the southern part of Nova  
5 Scotia. [Segepenegatig], or today they call  
6 Shubenacadie, the central region of Nova Scotia.  
7 [Esgigeoag] is that area they call around the Canso Strait  
8 on the Nova Scotia mainland side. If you go to the Canso  
9 Strait you will look at the side of the cliff and those  
10 pieces of land that are falling into the ground, into the  
11 water, Esgigeoag. It means "its pieces are falling into  
12 the ocean". And [Onamagi] is the Cape Breton. So there  
13 are seven districts of the MicMac Grand Council.

There are also seven entities of the creation story which is Geezoolgh, the Spirit Creator; Nisgam, the sun; Oositgamoo, the earth; Glooskap, his grandmother, Noogami; his nephew, Nedawansum; and his mother, Neeganaganimqooseesq. There are also seven medicines in the MicMac. These medicines are said to have healing powers for everything, any kind of ailment.

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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                               They will tell the young  
2 people. "Because the moon is full or it is seven days  
3 or ten days after the full moon you will go here, the moose  
4 will be plentiful. Or you will go here, there'll be lots  
5 of eel in the river. Or you will go there, the birds will  
6 be moving or they will be flying." And it is our elders  
7 who have knowledge about our whole environment for hundreds  
8 of miles around. And it is their, I guess, duty as--and  
9 their role as elders, to transfer this knowledge to further  
10 generations which has kept our language, our culture, our  
11 traditions and our whole world view alive for thousands  
12 of years.

13                              Just a quick look at our  
14 history according to European perspective. Back about  
15 1535 was the landing of the first Europeans to our shores.  
16 Initially they came to catch fish off the Grand Banks.  
17 There was lots of fish and when they came to our shores  
18 they met First Nations' people, the MicMac people. And  
19 when they came to our shores it was the furs on our backs,  
20 the hides in our clothing that they liked. So we offered  
21 them fish. We offered them fur. We welcomed them with

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1 open arms. And after a while there were British people  
2 that landed on our shores further south. And it is the  
3 demand for the fish and the furs that caused rifts between  
4 European people and it was the transference of European  
5 conflicts that came to our New World.

6 And later on, after some  
7 conflicts erupted in our--over our lands, our people were  
8 forced back into other people's territories and this caused  
9 conflict among our people.

10 And there was another  
11 demand which was lumber. Fish, fur, trees. And after  
12 the lumber was gone, our land.

13 We see it from our  
14 perspective. We see the oncoming of European peoples,  
15 their demand for fish, their demand for our furs. Their  
16 demand for the trees. The demand for the land.

17 And today it's the water.  
18 And the Innu in the North, it's the air for them.

19 So when you take into  
20 account our historical development through our traditional  
21 knowledge, when Noogami arrived to live with Glooskap it

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

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



20 What is different from  
21 other commissions is the fact that our mandate is very,

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1 very wide. It's certainly an advantage but also a  
2 responsibility for us because the advantages that for the  
3 first time we are given an opportunity to link established  
4 links between the various questions. We have to deal with  
5 the social policies - education, health, justice, social  
6 services. Problems like high level of suicide,  
7 alcoholism, family violence, child care and so forth.

8 But we also have our  
9 mandate and can pass all the economy. Economic  
10 development, the governance question, the Indian Act's  
11 [amendment?], the Department of Indian Affairs and the  
12 whole notion of self-government that is being discussed  
13 at the constitutional level in terms of a general  
14 recognition clause.

15 We also have to look at the  
16 women perspective, the youth perspective, the situation  
17 of aboriginal people living in cities, in urban situations,  
18 on comparison with people living in the north, people  
19 living on reserves.

20 We are concerned with not  
21 only registered Indians, status Indians, but off-reserve

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1 Indians, non-status. With the Metis, with the Innuit,  
2 eastern Arctic, western Arctic. So there is a huge variety  
3 of situations and peoples involved and it's quite obvious  
4 that though there will be common denominators, and they  
5 are common denominators, there won't be across the board  
6 solutions.

7 The old question of  
8 self-government, for example, would have to be flexible  
9 and adaptable to the need and the readiness of the various  
10 groups in the country.

11 We hope to complete our  
12 task within three years of our creation. That means that  
13 we would like to complete it before summer '94. We have  
14 essentially two major components to our task. They are  
15 two major components. One is public education because  
16 it's--as we all know, it's much easier change structures,  
17 even to change legislation, than changing mentality and  
18 attitudes. We know there are a lot of stereotypes around.  
19 There is a lot of misunderstanding between aboriginal  
20 and non-aboriginal people as to what they are really.  
21 We know that there is still racism that should be erased

The demographic situation shows that the reality will only increase in terms of numbers and some hope and genuine future has to be given to the young people. They have to be given a choice - a choice to get their education, to get involved in mainstream society while retaining their self, retaining their own identity. There is no reason why this should

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1 not be possible and should not happen. The whole of Canada  
2 would be only richer. So that's the reason why we also  
3 have in our mandate to look at languages, to look at the  
4 cultural aspect, the spiritual aspect, because it has been  
5 a loss for the country.

6 When there is a loss of  
7 language we're all less attuned to face the future. It's  
8 a loss for everybody, for all the community. So we hope  
9 that starting those public hearings, this public phase  
10 of our hearings, we have had private consultations with--we  
11 came to New Brunswick last fall. We've met with most of  
12 the premiers in the ten provinces, with the head of the  
13 Territories, the territorial governments. We've met with  
14 over 100 native provincial organizations and non-native  
15 also, to try to plan the format, the timing of our public  
16 hearings.

17 At this point we have in  
18 mind to have four rounds of public hearings because we  
19 do not want to come to visit the people where they are  
20 and go back to our office to write a report. We would  
21 like to establish as good a dialogue as possible and as

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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 the wards. To go to visit the people where they were,  
2 those who can't come to us. We want to be available to  
3 as many people as possible.

4 So that's a demanding task  
5 because we will have this first round of hearings we're  
6 going to criss-cross the whole country until the end of  
7 June. We started altogether, the seven commissioners,  
8 in Winnipeg, for the lunch. We broke into three panels.

9 There is a panel today sitting in British Columbia and  
10 another one sitting in Manitoba. We're going to resume  
11 together late June with a round table on urban issues in  
12 Edmonton and the closing session will be in Toronto.

13 We plan to publish a  
14 document this summer that will sum up what we've heard  
15 and ask some questions in order to start the second round  
16 of our hearings in the fall on a more precise search of  
17 solutions to questions that seem to be most important to  
18 those involved and concerned.

19 We're going to have this  
20 second round of hearings during the fall. We plan to have  
21 the third one in the winter in '93 and the fourth one in

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1 the spring '93 and maybe early fall '93 and the fourth  
2 one obviously will be more a kind of more precise  
3 consultations on some key principles and ideas around which  
4 solutions could be devised.

5 We know a commission as  
6 ours can give only what people put in it and that's the  
7 reason why we feel so important that everybody participate  
8 in it, contribute to it, think about it. We do not want  
9 only to hear from--to hear about the problems. We know  
10 that it is important, but we hope that people will direct  
11 their mind to solutions. Some of them are bigger  
12 solutions.

13 The Constitution is a good  
14 example and we hope that we will be given a framework under  
15 which to build a house with those discussions at the  
16 Constitutional level where the inherent right to  
17 self-government is discussed in terms of general  
18 recognition that will be completed by specific agreements.

19 But, again, we feel that  
20 the level of delivery of services at the level of what  
21 triggers family, children to pride education. That



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1 solutions are grassroot solutions, many of them, and you  
2 don't tend to find them in books. You don't find them  
3 in academic research. You find them from the community.  
4 You know what has been a failure. You know what could  
5 work and what will fail from experience and that's the  
6 reason why everything that you tell us, that you put into  
7 the Commission, is very important.

8 We will have to merge the  
9 stream of information coming into our public hearings with  
10 the stream of information coming to more academic research  
11 and to a single discourse at the end and we would like  
12 very much, if we could, avoid using the usual way to have  
13 the best quotes out of the public hearing. These are  
14 important and interesting tools but I can't help thinking  
15 that they're a bit outside the language of the organization  
16 that is writing a report.

17 We would much prefer to  
18 have the feeling of what is told to us into our discourse  
19 and to our--the flesh and blood of the Commission itself.  
20 The discourse of the Commission. So that's the reason  
21 why we feel a day like this one's so important. We plan

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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 a local community coordinator simply because we're in  
2 Ottawa, we're very far from the communities, we don't know  
3 the communities and we felt that having someone at the  
4 community level would ensure that people showed up to our  
5 public hearings. And for the community--for the Reserve  
6 of Big Cove we asked Stephen Augustine to be our coordinator  
7 and he's done an excellent job and I'd like to acknowledge  
8 the work that he has done.

9 With respect to the Royal  
10 Commission, two things I've heard most often and I know  
11 that Mr. Dussault has touched upon it but I'd like to expand  
12 on it. Now we've heard many comments about the Royal  
13 Commission. What is this Commission? This Commission  
14 is the Royal Commission on Aboriginal People. Well why  
15 is it different?

16 First of all, we have never  
17 in history, in Canadian history, has a commission had so  
18 much to do. We're expected to address every single issue  
19 facing aboriginal people today.

20 As well, there are seven  
21 commissioners but there are four who are aboriginal. We

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1 are the majority on this Commission and I think that is  
2 significant.

3 We've broken down into  
4 three teams in order to talk to as many people as possible.

5 Georges Erasmus, who's well known, who's the other  
6 co-chair; Viola Robinson who is a former president of the  
7 Native Council of Canada and Madame Justice Bertha Wilson,  
8 who's the first woman ever in Canada to be appointed to  
9 the Supreme Court, they're in B.C.

10 Mr. Allan Blakeney, who is  
11 a former premier of Saskatchewan, and Paul Chartrand, who  
12 is a Metis from Manitoba, are in Manitoba.

13 We're committed to  
14 traveling to as many aboriginal communities in Canada as  
15 possible, and although we're ambitious, we plan to travel  
16 to more aboriginal communities than any other commission.

17 We don't plan only to meet  
18 with people on reserves and people in meeting rooms like  
19 this, but we have gone and we will go to penitentiaries.

20 We're going to go to schools. We're going to go to  
21 transition houses and we're going to hear from people who

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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 Innuk, I'm from Labrador and my ways are different

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1 and my culture is different, but it's the first time that  
2 I've ever heard the teachings or the philosophies behind  
3 the Sweetgrass Ceremony.

4 But, you know, it was  
5 really strange to me that even though the ceremonies are  
6 different the teachings behind that ceremony are the kind  
7 of teachings that I've gotten from my grandparents. And  
8 very simply, I have been taught to speak from my heart  
9 always because that's the way of the human being. I've  
10 been taught to treat others well and with true respect  
11 and never, ever, no matter what you ever do in your life,  
12 ever place yourself above others. And if God has given  
13 you gifts, use those gifts to benefit others and to benefit  
14 your community and to use prayer as a way to gain strength.

15 Thank you very much and I  
16 welcome hearing from you today and tomorrow.

17 [COFFEE BREAK - 10:51 - 11:05 a.m.]

18 **STEPHEN AUGUSTINE:** Shall  
19 we continue the sessions? May we have the honourary  
20 commissioners?

21 Our next speaker is our



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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.

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 Commons under a new Canada and the report of the New  
2 Brunswick commission on the Canadian federalism.

3 On May 5, 1992, our New  
4 Brunswick chiefs met with the representatives of the  
5 province, provincial government, in Saint John, New  
6 Brunswick, to discuss the Indian issues and the  
7 Constitution of Canada. That meeting convinced me that  
8 some governments are already in the process to ignore the  
9 reports made by their own constitutional commissions.

10 It seems that issue of  
11 Indian self-government has been studied to death. It was  
12 studied in the reports that I mentioned before and it was  
13 studied in many meetings held on the issue of  
14 self-government during the 1982 to 1987 Indian  
15 Constitutional process.

16 And the issue of Indian  
17 rights over the land and resources had also been studied.

18 So why has there been no action all these years? Why  
19 do non-Indian governments still come to the constitutional  
20 negotiation table and say "What is the self-government  
21 or what are your Indian rights?"

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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



The non-Indians in New Brunswick wanted to know if the first nations wants to remove them from their land and their homes. The answer, of course, is no. But it is a conditional no. First we must tell the non-Indians that despite of the appearance of things it is not their land. The Micmac share some land with the early French settlers but for nearly 300 years after the European contact the Micmacs were the undisputed owners of Eastern New Brunswick, Gaspe, PEI, Nova Scotia and part of Newfoundland. In 1713 the English came to our country and took the French fort at Annapolis.

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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 purchase.

2 In 1749 the English built  
3 the Town of Halifax, out of fear of the French. They did  
4 not build that town after a fair and honest purchase.  
5 They said that the building of Halifax was a military  
6 necessity. Some of the first Micmac leaders to meet the  
7 English at Halifax in September of 1752 demanded that the  
8 Indians should be paid for the land the English had settled  
9 upon in this country. The English replied that the best  
10 thing to do was renew the treaties that were made over  
11 the past 36 years. The Micmacs liked this approach.

12 The treaties called the  
13 Micmacs "nation" and respected their right to  
14 self-government. The treaties reserved their land to them  
15 and recognized their free liberty and privilege to hunting,  
16 fishing and fowling, as formerly. The treaties promised  
17 them the annual presents, an honest trade and the freedom  
18 of religion.

19 So for the next 30 years  
20 many more treaty documents were signed by the Micmac and  
21 Maliseet tribes. These documents said that the Micmacs

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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

What does this mean? It means that Indians and non-Indians must balance the chequebook in this country. It is time to settle things up. We don't want all the land back. We want our fair share of the land. This is a generous proposal considering that we own all of the land. But the reality is that we cannot use all of the land. Hundreds of thousands of

16 Now I ask you, is that a  
17 fair deal? Of course not. First nations must be provided  
18 with a generous resource base in terms of land, and a  
19 generous financial base in terms of compensation for the  
20 non-Indian use of our land. These things can be done  
21 through the new treaties, or even amendments to our old

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1 treaties. And once these things are done our  
2 self-government can be fully implemented.

3                               We must create an Indian  
4 territory over which our Indian government has superior  
5 jurisdiction. We must start with the reserve as a land  
6 base and then build on that land base throughout the land  
7 claims process. There are now non-Indians who are  
8 unlawfully settled on Indian reserve land in this province,  
9 and I am sure that there are non-Indians who live on or  
10 claim land that must be added to the Indian territory.  
11 Will these people lose their land? Yes. Will most  
12 non-Indian people in New Brunswick lose their land? No.

13                              Self-government will not  
14 come without pain. Your pain and our pain. The land  
15 claims will not come without pain. But like the man who  
16 must suffer pain in order to go through the serious  
17 operation that could save his life, Canada must suffer  
18 the pain if it truly wanted to make the first nations  
19 partners in Canada.

20                              Canada must recognize that  
21 the first nations will not write a list of their powers

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1 of government in the Canadian Constitution. We have  
2 always made government-to-government arrangements through  
3 treaties in the past and that is what we want to do even  
4 today, once our inherent right to self-government is put  
5 into the Constitution.

6 Canada also must recognize  
7 that the words "inherent self-government" already define  
8 our jurisdiction. Indians accept that these words mean  
9 less than total international sovereignty and we accept  
10 that we will not be raising armies or making a free trade  
11 deals with China or having our justice system deal with  
12 murders. But we will be sovereign and beyond the reach  
13 of other governments in the areas that are important to  
14 our survival, for example, tribal membership, the use of  
15 property, policing and the administration of justice,  
16 family law, civil law, and protection of the environment  
17 and other areas.

18 Indians too must open their  
19 eyes to the fact that the best way to protect our rights  
20 is within Canada. And if we are to be within Canada we  
21 must start talking about the limits. We are prepared to



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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 who can use the land and other benefits of a settlement  
2 to the best advantage of Indian people.

3 Self-government supports  
4 the land claims and the land claims support  
5 self-government. Both of these things flow from our old  
6 treaties and can be better explained in new treaties.

7 The concepts are simple,  
8 but the details will be hard. The recent Ministers' talks  
9 in Vancouver found this to be the case. Joe Clark says  
10 they are making progress. I am not convinced. If I had  
11 a nickle for every time a non-Indian politician said  
12 Indians are making progress I would be a rich man.

13 If this Royal Commission  
14 can come to accept and appreciate the concepts, and I  
15 believe that you have already done these things, then your  
16 job will be to use your influence to make the concepts  
17 better known in the non-Indian society. You must cut out  
18 the trail and prepare the way for our first nations.

19 Thank you very much.

20 **CO-CHAIR RENE DUSSAULT:**

21 Thank you very much, Chief Levi, for your excellent

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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 same kind of a government but limit-- since it is within  
2 Canada we'll have limits. We realize now that we must  
3 have limits. History force us into the limits. We cannot  
4 come out now with the limits. And that's why I'm saying  
5 that's the best way for us to preserve our nation is within  
6 Canada.

7                                   If you're within Canada  
8 then you would be looked at as a province and then you'll  
9 receive the fair share of the land and resources that are  
10 coming out from Canada. Then what it would eliminate is  
11 the sort of a watchdog polices that our government give  
12 to the Indian community today. It would eliminate the  
13 monies that are spent, tremendously pile of money spent  
14 in Amherst in this case, and that place carrying I don't  
15 know how many employees, that could come direct to the  
16 Indian community, direct to Indian government and run their  
17 own affairs.

18                                   I look at this government,  
19 Indian government is a must. I can't seem to see it  
20 otherwise. It's got to be third order of government.  
21 And I'll tell you the reason why is because when, as I

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1   stated a little while ago, when Canada started to develop  
2   Indian was beat, they never got beat in war. That's why  
3   the treaties are there. So there was a three governments  
4   as it developed. But somehow or other the excitement of  
5   the French and the excitement of the English for such a  
6   rich country they forgot the Indian as they developed.  
7   Indian still a partner of Canada. So somehow another  
8   that--everything is hidden as Canada developed.

9                               Treaties was hidden. Very  
10   few Indians know--the elders knows about the treaties but  
11   they didn't know--some of them didn't know where they was  
12   made and what year and so on and it wasn't put in practise.  
13   You couldn't hire the lawyer to do the research for you  
14   and defend you in the courts because it's against th  
15   Canadian law.

16                           Now since '53 it sort  
17   of--Canada cannot live no longer in this sort of lie, then  
18   since '53 that things are open up for the people that can  
19   do the research and come up with the facts. Young Indian  
20   nations--Indian kids are going to the universities and  
21   they're coming out and they do the research. And if 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 hear 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 taught by our mothers and our grandmothers' teachings.  
2 Teachings in respect to ourselves and to marry and to have  
3 families of their own if they choose to and to carry on  
4 our nations.

5 But a lot of disrespect  
6 between our aboriginal men and women was eroded away over  
7 the years by the oppression. Eroded away by struggling  
8 and gaining to fit into the existing system developed by  
9 the oppressed nation. Our men and women had suffered  
10 alcoholism and drug abuse which they had no tolerance and  
11 they became more depressed, more violent, and they lost  
12 their self-respect and lost their identity who they were.

13

14 Our native aboriginal  
15 women too suffered from this oppression. They suffered  
16 from the mental, physical and psychological and rape  
17 abuses. Most of all men and women did suffer from the  
18 loss of their pride and proudness to be aboriginal men  
19 and women. All in all we have been violated for centuries  
20 by this invasion. Suffered from the victimization of  
21 conquered nation as genocide and suffered from the

8                                 With that I'll have  
9 Elizabeth talk about our Native Women's Council and what  
10 we've doing and what our aims and objectives are.

18 The New Brunswick Native  
19 Indian Women's Council is a provincial organization  
20 founded in the early seventies. It represents native  
21 women across New Brunswick and addresses the concern and



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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 In 1981 during the general  
10 assembly over 200 native women across from New Brunswick  
11 came together. The organization was reconstituted and  
12 became the New Brunswick Native Indian Women's Council.  
13 It incorporated in July of '83. Since those formative  
14 years the New Brunswick Native Indian Women's Council has  
15 been involved in political and social action on behalf  
16 of Micmac, Maliseet and aboriginal women in New Brunswick.  
17 It continues to evolve as an organization whose priority  
18 is the needs of native women at a local level.

19 The objectives of New  
20 Brunswick Native Indian Women's Council are as follows:  
21 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 New Brunswick Native Indian Women's Council have addressed  
2 the concerns and interest of both on and off reserve native  
3 women in New Brunswick. The issue of family violence and  
4 the need to develop services to address violence among  
5 the native families and communities had always been a major  
6 concern to this organization since its incorporation.

7 The Family Violence and  
8 Child Care Committee of New Brunswick Native Indian Women's  
9 Council is comprised of several native women from across  
10 the province. Each of these women are very much aware  
11 of the severity of the abuse and violence that occurs within  
12 the native communities as they are either survivors and/or  
13 work with the victims of family violence. The Committee  
14 has been given the task within our organization to  
15 undertake activities around this issue and to set a  
16 direction for the work to follow.

17 The following is a brief  
18 summary of what is our main priority of the Family Violence  
19 and Child Care Committee.

20 Our goal is to establish  
21 a transition house off reserve within the greater

The transition house for  
the native women needs--why New Brunswick needs a  
transition House for native women to be run and operated  
by trained native women using the model of services based  
on native cultural values and teachings.

9 The transition house is  
10 envisioned as a 20 bed facility with 6 or 10 staff people  
11 to provide culturally appropriate services and programming  
12 to native women and their children from across the  
13 province. We have approached the Canada Mortgage and  
14 Housing Corporation for capital dollars under "Project  
15 Haven" for purchase and rehabilitation of an existing  
16 building. They have indicated to us that our chances of  
17 accessing these dollars looks favourable providing that  
18 we meet the initial challenges. A firm letter of  
19 commitment for operational dollars for 1992-1993 has to  
20 be part of the application package.

21 We've made a request for

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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

3 But I would like maybe just  
4 to start in asking you thinking about the causes of family  
5 violence. What should be--of course it has to do with  
6 the minds, the attitude more than the structure. But what  
7 do you feel could be done within the system that would  
8 improve or lessen the occurrence of events like these.  
9 What is it? If we got the root of the problem what could  
10 be done to make a situation where it will not require as  
11 many facilities to cope with because it would not exist  
12 as much. From your point of view where does it start?  
13 Is it individual, is it collective, is it mixed? What  
14 is the root of the basic reason for the occurrence of family  
15 violence?

16                               **EVANGELINE FRANCIS:** I can  
17 say like individual and collective because I am involved  
18 with the New Brunswick Native Women's Council where there  
19 it would be collective. For individual I have been a  
20 victim of family violence in the past. So I know both  
21 sides. If there is a woman and a child that I can help

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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 honourary 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 believe, you know, that a human being would think that  
2 way in Canada. But evidentially, you know, the outline  
3 that our Chief made this morning, you know, I think those  
4 people really didn't care too much about what happens to  
5 the Indian people.

6                               So I've come along--when  
7 I was a Chief conditions were quite bad here and I've been  
8 fighting ever since to try and improve the conditions of  
9 the Indian people mainly to recognize some of the special  
10 rights they have under treaties. It's only in the last,  
11 oh, I would say six years, you know, that we've gained  
12 more recognition of our rights than through history about  
13 our hunting rights, our fishing rights, the recognition  
14 of our treaties.

15                              The 1752 Treaty that the  
16 Chief mentioned this morning was only recognized by the  
17 Canadian Supreme Court of Canada as a true document that  
18 has never been terminated, that still exists today. But  
19 an awful lot of people don't quite agree with that. You  
20 try and fish out here when the season is closed and see  
21 if people recognize that you have that certain right 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 President Roosevelt's secretary here mentioned about  
2 assimilation.

3 So I hope that this  
4 inherent right to self-government that the Indian people  
5 are asking to be put into the Constitution I hope that  
6 that does not acquire this kind of assimilation.

7 There are certain  
8 developments that are taking place right now. For  
9 example, in Nova Scotia there is a special arrangement  
10 they have between the province and some bands there about  
11 their native court systems. But the authority is with  
12 the provincial government. They cannot charge anybody  
13 unless it's agreeable by the provincial government. I  
14 don't call that really the native self-government. It's  
15 just an extension of a system that is here. But I think  
16 a system where Indian people can sit down and write out  
17 exactly how they want to adjudicate certain phases in their  
18 community with the Federal government then I think that  
19 would be more in line with a self-government authority.

20 An old Indian politician  
21 told me once when the government offers you something and

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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

6                         What he said there, and I  
7 was there, when the Indians were having issues of their  
8 treaties, recognition of their treaties, and he said to  
9 them, "why should we be making treaties amongst ourselves."

12 "Why should we be making treaties amongst ourselves?"

17 We have border-crossing  
18 problems that should be looked at. When I go across to  
19 the States, I'm going across there as an Indian person,  
20 as a native with 50 percent Indian blood, when I go across  
21 to the United States. When I come back I'm a Canadian

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

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                               When bilingualism was  
2 introduced so was native languages introduced in the  
3 provincial schools. I was the person that was hired to  
4 teach the Micmac language in our Indian community. When  
5 I was hired I was told that I would be paid \$5.00 an hour  
6 and not to exceed eight hours per week.

7                               Now any person with any  
8 common sense would realize that to teach--I can't  
9 remember--maybe it would be about 300 students at that  
10 time, to give eight hours of their culture, couldn't have  
11 too much effect on for their education.

12                              But prior to that time  
13 there was no--our students were being taught the English  
14 language. And when I first entered the school, my first  
15 day of school, I saw the principal and asked him what he  
16 wanted me to teach. I myself came from my--I had nine  
17 children at the time and I had no teaching experience.  
18 The only experience I had probably would be from my nine  
19 children, that would be the child psychology, I suppose,  
20 and that I could speak and read and write my language.

21                              So that when I began--when

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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

19 many native language teachers. And today our young people  
20 are talking English, they mix English and Micmac together.  
21 And pretty soon we won't even have the Micmac language

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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                                   **ANTHONY FRANCIS:** We  
2 ourselves, I was with the Union of New Brunswick Indians,  
3 you know, when these cultural programs came about, this  
4 bilingual--bilingualism policy, or bi-culturalism policy.  
5 You know, we were lumped into with other ethnic origins  
6 in Canada. And because of the stand the government took  
7 at that time, they did not want to really recognize either  
8 the special relationship with the French, or any special  
9 relationship with the native people in Canada.

10                                   The only reason why we ever  
11 got any kinds of monies at all was for cultural recognition,  
12 cultural development. And in the area of language, they  
13 had a policy. In fact they wanted to do away with federal  
14 schools. And their policy that was outlined in the  
15 Hawthorne Report, if anybody has read the Hawthorne Report,  
16 they mention there, you know, that the quicker the Indian  
17 people forget about their Indian language, the better they  
18 will accept this assimilation process. So what they were  
19 recommending were more integration--integrated schools  
20 to go to and they were going to do away with federal schools.  
21 Well, we had to really fight like hell to maintain the

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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.

10 CO-CHAIR RENE DUSSAULT:

20 MILDRED MILLIEA: Thank  
21 you.

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1 **CO-CHAIR RENE DUSSAULT:**

2 We've listened to what you've told us and we're going to  
3 certainly think about it in terms of what could be done  
4 practically. Thank you very much.

5 **MILDRED MILLIEA:** Thank  
6 you.

7 **STEPHEN AUGUSTINE:** I want  
8 to take my hat off and I'll change it to another hat.  
9 If the Commission will allow me, I'd like to make a formal  
10 presentation. It's concerning self-government. It's  
11 concerning education, culture and language, economic  
12 development, traditional healing and justice.

13 I find First Nations  
14 peoples across Canada, or everywhere you will go, you will  
15 notice it is very difficult and very hard for our people  
16 to start to dissect aspects of their lives. And their  
17 lives are their language. Their lives are their culture,  
18 economic development, education, self-government, or  
19 governments, traditional healing, and justice.

20 As I had mentioned earlier  
21 this morning about the creation story, there contained

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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 education along in its separate entity, or social  
2 development within the community as a separate entity  
3 without taking into consideration the church or the  
4 traditional modes of spiritualism. So when we start to  
5 talk about self-government, or governments, we start  
6 talking about our education, our government, our economy,  
7 our justice, and so on.

8 If we as First Nations want  
9 to control some aspects of our lives, we must take control  
10 of setting up our forums of education. We must educate  
11 our young people and we must educate our old people in  
12 relation to our traditional means of having that respect.

13

14 I know we cannot turn back  
15 the pages of history, we can't go back into the woods,  
16 but the basic tenets of those relationships, the spiritual  
17 relationships with our environment, the animals, the  
18 plants, the fish and so on, as well as with our own people,  
19 we can bring those principles of relationship of dealing  
20 with each other to today within our educating systems.

21 So when we set up our own

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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



Our people have been taught in the English language, as Mildred has pointed out, from Grade One right up to Grade Twelve, into university. And there has been never a curriculum developed which teaches our children about the history of Micmac people, about the historic development of our relationship between us and other First Nations, us and the Acadian people who are living along our coast here, us and the English, Scottish, Irish settlers that have settled up along this river. Our children do not know that past and when they leave our community they have been totally educated in the English language. They have been totally educated about the rest of the world, about Europe and about Canada, but nothing has been developed to teach them about people from the Richibucto River, Micmac people from Richibucto

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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 that's already been developed in the English language and  
2 to teach children to become model Canadians.

3                               So when they come back to  
4 the community and they are given the task to develop native  
5 language curriculums, or to try to come up with these tasks,  
6 like Mildred was saying, I was just given an empty  
7 scribbler, these are the problems that native communities,  
8 not only in Big Cove, but across Canada, are facing in  
9 terms of trying to keep their culture alive and trying  
10 to keep our language alive.

11                              And so there needs to be  
12 development for our people in the area of curriculum in  
13 language and culture. And we have to train our teachers  
14 to deliver those kinds of things, and to develop those  
15 kinds of things, to accept, to enhance, to promote these  
16 in all directions.

17                              And we have to do this  
18 through education, through our administration, through  
19 our economic development because we have the arts and  
20 crafts that are very, very lucrative across Canada and  
21 in Europe. Our dancing, our drumming, our drama. It's

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1 a very different way of looking at the native people in  
2 Canada because they come out with the colours that the  
3 Spirit Creator had given them, the colours of the sky,  
4 the sun, the sunset, the plants, the blues of the waters  
5 and the skys, and the greens of the grass and the forest.

6 And it is these colours that are very descriptive of  
7 aboriginal cultures in their arts, in their crafts, in  
8 their dancing, in their music.

9                               So this has to go through  
10 a developmental aspect as well. And in our social, our  
11 health, our justice, more recently native people have  
12 relied on their own traditional forms of healing. They  
13 have relied on the spiritual means of healing. They start  
14 to come to accept the fact that they are First Nations'  
15 peoples, they have their roots here in North America.  
16 They can't go to Europe for their solutions to their  
17 problems because their problems are embedded with their  
18 languages, with their culture, with their environment.

19                               So in the area of economic  
20 development, native people, First Nations' people are  
21 going through a lot of barriers in order to succeed. And

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1 the biggest barrier, which is a statistical fact, that  
2 15 percent of all economic endeavours, entrepreneurial  
3 initiatives in North America are successful. Only 15  
4 percent. And combine that with the barriers of government  
5 policies, in terms of the turn-round time involved in  
6 developing a business plan, to go through economic  
7 development, to go through industrial science and  
8 technology, to come through with the grants, they say that  
9 it takes up to 400 days to process an application for a  
10 loan for economic development on an Indian reserve. So  
11 these--the policies are not aimed at promoting development  
12 in native communities.

13 And so by year end, by the  
14 time the person receives an answer saying, well, yes, your  
15 grant is approved, or your loan is approved, but your  
16 figures are a year out of date and the person is required  
17 to go around and inquire about estimates about today's  
18 prices for an application, which they submitted a year  
19 ago.

20 Some of the more successful  
21 local business entrepreneurs are individuals who have gone

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1 to the local bank and have done their business right there  
2 and then on that same day and come back with their money  
3 and they started a business.

4 So those are some of the  
5 aspects and some of the considerations that I hope this  
6 Commission will take into consideration. I want to say  
7 again, it's hard for First Nations' peoples to start to  
8 separate things that are--once were sort of like in a  
9 complete circle. And today we are trying to rebuild our  
10 circle, I guess, through the recognition of the fact that  
11 we are here today. Thank you.

12 **CO-CHAIR RENE DUSSAULT:**

13 Thank you very much, Mr. Augustine, for your presentation  
14 on the last point, how to steer entrepreneurship and small  
15 businesses to come is certainly a big issue. And a large  
16 part of the future lies there. And we are going to  
17 concentrate on ways and means to be more successful in  
18 doing it with various aboriginal communities. Thank you  
19 very much for your contribution.

20 **STEPHEN AUGUSTINE:** An

21 elder in Alberta, he gave us an example. He said, "Today,"

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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 on what is proposed to us by the band councils we do what  
2 we want anyway. It's--but we don't hurt nobody. We have  
3 never hurt nobody. Even when we put a barricade up here.  
4 It was handled very peacefully because it was--the way  
5 it was approached was very peaceful. Of course, if they  
6 approached it with violence, they would get violence in  
7 return. But that's something different.

8 The Constitution Act of  
9 1867--I'm not familiar with that, the future scope. It  
10 will hurt our native people if we don't do something right  
11 now. Our birthrate is declining. Our mortality rate is  
12 growing. There's something wrong here.

13 All of our governing is  
14 done right here on this circle, but there must be some  
15 improvement somewhere, somebody to help this government  
16 grow, improve because questions--questions as to the  
17 matter of why they do things only help self-government.

18 It only makes for better government, questions. If we  
19 were all to remain silent, nothing would happen. We'll  
20 be headed for disaster, which is something that's on its  
21 way.

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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 We have what little is left, which is a very little land  
2 base and we need more land in order for our children to  
3 grow. This is--but where will we get it? The land that  
4 we currently own, a lot of it has swamps, is very hard  
5 to build on.

6 There is environmental  
7 problems on this reserve that is hurting--it's hurting  
8 our reserve and I will not try and take this personal,  
9 but it's hurting.

10 The economic issues of  
11 concern to aboriginal peoples. My colleague is right,  
12 it takes a long time to get any money from the Department  
13 of Indian Affairs. I operate a business called  
14 Traditional Printing and if it wasn't for the help, or  
15 the interjection of my Chief, it would not have gotten  
16 off the ground. And it's still is going. It's still  
17 operating, although it's on the verge of collapsing, but  
18 it won't. I owe that to my Chief. But that's the  
19 initiatives that he has--he took upon himself. And it  
20 was with very little money that he gave me to operate that  
21 business.

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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

8 Our aboriginal youth, it  
9 seems a shame. We have talented people, very talented  
10 youth, but there's no place for them to work. There's  
11 no place for them to apply their talent except artists.  
12 Artists can find their talent. But to live on the  
13 reserve--I've been wanting to live on the reserve a long  
14 time in my life and always no place to live until I came  
15 back and I said I'm going to stay, no matter what. No  
16 one is going to push me off this reserve ever again. But  
17 because of the poor economic conditions, there is no  
18 businesses to ply their trades. Something has to be done  
19 for them.

# StenoTran

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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                                   **CLIFTON SIMON:** Thank you  
2 very much.

3                                   **CO-CHAIR RENE DUSSAULT:**  
4 Thank you very much. I think it is important that you've  
5 come to meet with us and other people like you do so.  
6 You made a very good round-up of our--most of the 16 points  
7 of our mandate that is wide and large in scope and breadth.  
8 I think you made a convincing demonstration of the need  
9 for a hard look of all those items. What is at stake is  
10 the future of the young generation, in particular, and  
11 what is needed, a Commission like ours, I told that this  
12 morning, but can only give what people put in it. And  
13 we need to turn the pain toward a positive action. An  
14 action plan. And that can't be built only by the  
15 Commission. There are a majority of aboriginal people  
16 sitting on this Commission, four out of seven. A large,  
17 very large proportion of our staff is composed of  
18 aboriginal peoples and--but having said that, we need the  
19 people who live in each region in each community, we need  
20 their thoughts in terms of giving us ideas of solutions.  
21 They are not all the time big solutions. Of course money

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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   guess, look at specific problem areas emanating from the  
2   band level and the government level.

3                               Most business failures are  
4   due to management weaknesses.   Indian exposure to training  
5   has been limited to a narrow range of courses and subjects,  
6   i.e., upgrading, job readiness, short-term vocational,  
7   social services, carpentry teaching, stuff like that, and  
8   underrepresented in courses directly related to management  
9   and financing.

10                           One of the major obstacles  
11   to Indian economic development is access to resources of  
12   capital by Indian individuals, businesses and bands.   When  
13   funds are required, the funding agencies impose a complex  
14   framework of regulatory controls over resource decision  
15   making and resource use.

16                           The aboriginal environment  
17   is regulated and managed by the Federal Government and  
18   this heavy degree of government involvement in business  
19   activities creates an environment hostile to private  
20   sector development.

21                           Both the band and the





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.

12 We have introduced and  
13 successfully, I guess, promoted--maintained a native  
14 entrepreneur training program to the Big Cove Reserve.  
15 And this program was done by aboriginal people in our own  
16 language and it turned out to be a really good success.  
17 We will focus our community service, Big Cove Community  
18 Service Incorporated, towards its original mandate in  
19 terms of having that entity provide more advisory service  
20 to new and existing businesses. We want to build the  
21 corporation into a true small business resource centre.

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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.

And in--I guess that's what we intend to do. And in closing, I'd like to--just to quote the Chief. You'll find this interesting. This is the package that we did last year for our economic development organization and the Chief presented it to the Department of Indian Affairs. It says,  
The Government of Canada and New Brunswick espouse philosophies which encourage Indian self-government and self-reliance. The Big Cove First

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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 on a desk for about a year or so and then finally goes  
2 to the guy who is supposed to sign it. And then he dishes  
3 out the contracts and contracts come here, says we have  
4 a contract.

5 Okay, what does it say?  
6 It says, well, you've got to purchase the stuff first before  
7 we can give you any money. The guy says, how can I purchase  
8 this stuff, I don't have any money. So we approach the  
9 banks. The banks say, okay. They did two of them from  
10 here and it was maybe almost a year and a half from the  
11 time that the projects were approved until the time they  
12 released that money. And these people had to pay interest  
13 on that bridge finance. So after that the bank said, whoa,  
14 we're not going to bridge finance anymore.

15 So we approached another  
16 bank. So they found out from the other bank that this  
17 happened. Okay, we need a security. We need you to  
18 co-sign and it doesn't matter if the project doesn't go,  
19 or anything, you've got to pay for it. So the banks refused  
20 that.

21 So we had to find another

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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

The equity position. A guy goes in for \$25,000, a small project. He's required to put in \$2500 cash plus \$7500 of his own money. Somewhere a loan, or whatever, he has to look for. And in a community where, you know, social assistance is--there's a lot of people on social assistance. I mean this is a little bit not geared towards them. And this was supposed to help these guys. So we figured, you know, the equity position could be waived in any--in certain circumstances like that.

14 And their letters of offer,  
15 their contracts, I don't know, they must be about 17 pages  
16 and they're legal-length contracts. For the fisherman  
17 who ends up, you know, what does this mean, you know.  
18 And he's bound for two years to hold on to his motor and  
19 his boat, or three years, or four years, they put in this  
20 little clause in there. So they could modify it, just  
21 one page, simple.

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1                               In the time we spent, like,  
2   developing these business plans, I guess what Indian  
3   Affairs used to do there, correct me if I'm wrong, Mark,  
4   they allotted 30 hours to do a business plan. 30 hours  
5   [times?] 36 that I did last year, quite a few hours. So  
6   the business plans should be a little bit more simpler  
7   for the type of projects that we're doing. Either that  
8   or give us the money, we'll assess it from here.

9                               The process of payment is  
10  another big issue. After your project has been approved  
11  and everything, you have to jump through a lot higher hoops,  
12  different hoops, ring a lot of bells before you get your  
13  money.

14                              So the time factor in  
15  business development, I guess, where ISTC comes in, or  
16  supposed to come in, is very bad. It kills the business  
17  opportunity for the individual. So that's very bad.

18                              I could go on and on and  
19  on and on, but I won't bore you with any more.

20                              **CO-CHAIR RENE DUSSAULT:**

21  Are there other questions?

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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.

9                         So--but I guess the CMHC  
10 housing is not the answer for the reserve itself simply  
11 because I guess to get CMHC houses the band has to take  
12 out a mortgage, basically, on the land itself and what  
13 have you. It puts--in other words, the Minister of Indian  
14 Affairs, I guess, approves the--or guarantees the loan,  
15 but should the band default on it, what happens? What  
16 happens is the Minister puts a lien on whatever future  
17 entitlements that the band will come into, be it through  
18 land claim settlements, or what have you. So it is hard.

20 And the other thing is the,  
21 I guess, the social problems itself. We have a program

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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

There again, I guess, in 1989 the Assembly of First Nations had done a study on child care and their study had found that--and they had come up with a lot of recommendations, mind you, but they found that the Indian people, in general, were suffering from what sociologists called as "ethnostress." "Ethnostress" being that you value somebody else's culture more than you value your own, thereby you end up in a, I guess, a dilemma of, you know, your self-esteem is played on and what have you. There, again, what Steve was referring to earlier in regards to the history teachings in the schools. You know, there's nothing there that makes an Indian person proud. And there needs to be a lot of work in that area.

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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 was saying, why couldn't they be modified to suit whatever  
2 needs that the Indian people are wanting today.

3                               The fact is that Indian  
4 people do want to determine their own destiny. At the  
5 same time, they want to do it with enough resourcing.  
6 The fact that there was a hold on the comprehensive  
7 land-claim policy, in other words, they said that they  
8 were not going to entertain more comprehensive land claims  
9 way back I don't know how many years ago, I guess that  
10 had led to what happened in Oka a couple of years ago simply  
11 because they were not entertaining land claims,  
12 comprehensive land claims.

13                              The fact is that if the  
14 Indian people wish to have changes made to the Indian Act  
15 to reflect whatever their needs are, even to a point that,  
16 okay, if Big Cove needs more land base, then so be it that,  
17 you know, there should be a vehicle within the Indian Act  
18 to increase the land base on the reserve. Right now  
19 they're saying that you could only increase the land base  
20 if it's a--if you need additional land because of your  
21 population size, or if you're able to negotiate within



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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 sign these, but only as a temporary measure. We will wait  
2 for the federal government to pass a federal Indian act  
3 itself, a federal--under federal legislation, I guess.

4 And, similarly, I guess the  
5 group in Manitoba, who signed in 1982, went on that basis  
6 only to learn that years later the Federal Government was  
7 not interested to entertain a Federal Child Welfare Act,  
8 as such. And, but although the--I think it's the  
9 [Spilecheen?] band in British Columbia has a child welfare  
10 by-law and simply because that they found that it was within  
11 their authority, as laid out in the Indian Act, to have,  
12 you know, to be able to pass a by-law of that nature.  
13 And simply because the Federal Minister of Indian Affairs  
14 did not disallow that particular by-law, whether it be  
15 a technical error, or whatever, they nevertheless--their  
16 law superseded the provincial law in that particular Indian  
17 community.

18 Now when other Indian bands  
19 tried to do the same thing, the Minister of Indian Affairs  
20 said, no, I'm not signing anymore child welfare by-laws  
21 simply because we have a policy that's in the works right

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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 for example, like the Justice Inquiry, the Manitoba  
2 Inquiry, the inquiry in Ontario, the one in Nova Scotia,  
3 they all came out with definite recommendations. But is  
4 the Federal Government, or the powers that be, are they  
5 willing to go with what is recommended?

6                               Simply, right now, I don't  
7 know the problems that are still existent in Nova Scotia,  
8 how much movement there has been, if any. And, you know,  
9 we're still waiting type of thing. And I guess this is  
10 where that--when Albert was saying that, you know, when  
11 he talked about the special committee on aboriginal affairs  
12 back in, what was it, '85, or something like that. You  
13 know, and I don't know if it's--want to view it as a  
14 stalling tactic, or I don't know what.

15                               **CO-CHAIR RENE DUSSAULT:**

16 Well, I'll give you--let's take justice as an example,  
17 it will be the first time that a commission will look at  
18 the question of self-government alongside with justice.  
19 And I think what has been lacking so far is the fact that  
20 there have been task force commissions addressing to  
21 health, education, justice, but in a kind of tunnel vision

21 **HARRY SOCK:** Yeah, I



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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

20 But basically there needs  
21 to be changes made, but what type of changes, what type

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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.

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