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7

EXHIBIT VOL. 7

CULTURAL/SURVIVAL MATERIALS

BUCHAN, DERRICK & RING

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April 30, 1990

The Honourable Gregory T. Evans
Commissioner
Royal Commission of Inquiry into
Compensation for Donald Marshall, Jr.
c/o Mr. W. Wylie Spicer
McInnes, Cooper & Robertson
1601 Lr. Water St.
Cornwallis Place
Halifax, NS
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Dear Mr. Commissioner:

RE: Materials Concerning Cultural Distinctiveness and
Cultural Survival - Exhibit Vol. 7

It will be submitted in argument on behalf of Donald Marshall, Jr. that the fact that he is a Micmac, which was central to the issue of his conviction, is of pivotal importance in the matter of compensating him. Mr. Marshall is a member of a distinct cultural and political community. His unique cultural identity and the relationship to family and community arising out of this identity will be addressed in the context of compensation.

A variety of materials are included in this Exhibit to assist in providing further background relative to aboriginal cultural issues generally, and Micmac cultural, linguistic and political issues specifically. These materials are found at Tabs 3 to 7.

At Tab 8 through 16 are found materials specifically relevant to the issue of cultural survival and cultural survival camps. In argument on behalf of Donald Marshall, Jr., reference will be made to the relevance of a cultural survival camp concept to the issue of compensation for Donald Marshall, Jr.

Aboriginal Experience of Prison

It will be submitted that aboriginal prisoners have special problems and needs, stemming from their unique social, cultural and spiritual backgrounds. Special attention has been given to the differences inherent to the aboriginal prisoner by the Government of Canada.

- Tab 1: Correctional Issues Affecting Native Peoples, Correctional Law Review, Working Paper No. 7, Solicitor General, February 1988, pp.(iii), 5, 34-35.
- Tab 2: Final Report: Task Force on Aboriginal Peoples in Federal Corrections, Solicitor General of Canada, 1988.

These materials are being filed to demonstrate that issues of aboriginal cultural distinctiveness have been documented extensively by the government of Canada (Solicitor General's Department in the context of the aboriginal offender).

The Government has recognized that the aboriginal offender experiences prison from a unique cultural perspective.

Micmac Culture

The structure and values of contemporary Micmac Society were observed and recorded by early settlers who made contact with the tribal communities.

- Tab 3: Selections from Micmac Indians of Eastern Canada by Wallis and Wallis, University of Minnesota, 1955.

Traditional values and kinship structures have survived amongst the Micmac notwithstanding contact with contemporary urban society.

- Tab 4: The Tribal Community in Industrial Society, Chapter 11, Urban Renegades, The Cultural Strategy of American Indians by Jeanne Guillemin, 1975. Columbia University Press.

Micmac women and the Micmac family occupy a special place in the Micmac Community.

- Tab 5: Battiste, Dr. Marie, Mikmaq Women, Their Special Dialogue. (Summer 1989) 10 Canadian Woman Studies, p.61.

The Micmac language is a rich and ancient one. Its significance in the transmission of Micmac Culture is pivotal.

- Tab 6: Battiste, Dr. Marie, Micmac Literacy and Cognitive Assimilation, Promoting Native Writing Systems in Canada, e.d. Barbara Burnaby, 1985.

The political structure of the Micmac nation dates back many hundreds of years.

- Tab 7: The Covenant Chain, Drumbeat: Anger and Renewal in Indian Country (1989), Summerhill Press, e.d. B. Richardson, pp.75 to 76.

Materials re: Cultural Survival and Cultural Survival Camps

- Tab 8. Elders gathering - May 14 - 17, 1985 (excerpt) Ontario Federation of Indian Friendship Centre Day 1: L'il Beavers
- Tab 9. Native People in Urban Settings, Problems Needs and Services, by Frank Maidman, Ph.D. A Report of the Ontario Task Force on Native People in the Urban Setting, 1981. See the following excerpts:
- From Chapter 2, Social Conditions,
pp.24-25 on cultural awareness
From Chapter 4, Resources:
Availability, Use and Effectiveness,
pp.57-59.
Appendix II, Native Ideas on Self-
Help Changes
- Tab 10. Roles and Responsibilities of those Teaching or Interacting with Children. Ontario Federation of Indian Friendship Centres.
- Tab 11. Values, Customs and Traditions of the Mi'kmaq Nation, by Murdena Marshall, B.Ed., Ed.M., unpublished manuscript.
- Tab 12. Native Children in Treatment: Clinical, Social and Cultural Issues, by Terrence Sullivan, (1983) 1 Journal of Child Care, p.75. See pp. 83-87.
- Tab 13. Suicide in the North American Indian: Causes and Prevention, from Proceedings of 1985 Meeting of the Canadian Psychiatric Association, Native Mental Health Section, October 4 - 6, 1985.
- Tab 14. Micmacs Probe Need for a Survival School, from Micmac News, February 1990, p.41.

- Tab 15. Saskatoon Native Survival School, by Robert Regnier
from Our Schools, Our Selves, A Magazine for Canadian
Educational Activists, October 1988, p.24.
- Tab 16. Submission Concerning the 1985-86 Chapel
Island Cultural Survival Camp, by Murdena Marshall

All of which is respectfully submitted,

Yours sincerely,

BUCHAN, DERRICK, & RING

A handwritten signature in black ink, appearing to read 'Anne S. Derrick', written in a cursive style.

Anne S. Derrick

ASD/har
Evans/Cultural
Marshall Comp. #2



**Solicitor General
Canada**

**Ministry
Secretariat**

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Canada**

**Secrétariat
du Ministère**

**CORRECTIONAL ISSUES
AFFECTING
NATIVE PEOPLES**

**Correctional Law Review
Working Paper No. 7
February, 1988**

Canada

**CORRECTIONAL ISSUES
AFFECTING
NATIVE PEOPLES**

Correctional Law Review
Working Paper No. 7
February, 1988

(reprinted with minor revisions June, 1988)

This paper represents the tentative views of the Working Group of the Correctional Law Review. It is prepared for discussion purposes only and does not represent the views of the Solicitor General, or the Government of Canada.

(ii)

Since the completion of the first consultation, a special round of provincial consultations has been carried out. This was deemed necessary to ensure adequate treatment could be given to federal-provincial issues. Therefore, whenever appropriate, the results of both the first round of consultations and the provincial consultations have been reflected in this Working Paper.

The second round of consultations is being conducted on the basis of a series of Working Papers. A list of the proposed Working Papers is attached as Appendix A. The Working Group of the Correctional Law Review, which is composed of representatives of the Correctional Service of Canada (CSC), the National Parole Board (NPB), the Secretariat of the Ministry of the Solicitor General, and the federal Department of Justice, seeks written responses from all interested groups and individuals.

The Working Group invites written submissions on the Correctional Issues Affecting Native Peoples working paper. Every effort will be made to follow up with in-person consultations with interested groups and individuals if at all possible. This will lead to the preparation of a report to the government. The responses received by the Working Group will be taken into account in formulating its final conclusions on the matters raised in the Working Papers.

Please send all comments to:

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CORRECTIONAL LAW REVIEW: CORRECTIONAL ISSUES AFFECTING NATIVE PEOPLE

EXECUTIVE SUMMARY

INTRODUCTION

Identifies the main focus of this paper, which is to highlight the serious problems faced by Native offenders in the correctional system, and to suggest legislative and policy approaches in correctional law reform that could ameliorate these problems. The issues and approaches to solutions are discussed within the context of the Correctional Law Review, and in view of the unique legal status that native people have in Canada.

PART I: THE NATIVE OFFENDER

Native offenders are an especially disadvantaged group in Canada. They are over-represented in the correctional system, and their proportion seems to be increasing. They have special problems and needs, stemming from their unique social, cultural and spiritual backgrounds. Native offenders are reluctant to participate in programs run by non-Natives, but there is increased participation in programs that have Native orientation and are run by Natives. Natives also do not benefit from release programs to the same extent as non-Natives. Problems are also created by low Native representation in the correctional service staff, despite efforts at affirmative action, and low representation on the National Parole Board.

PART II. THE LEGAL FRAMEWORK

Aboriginal people have a special and unique legal status in Canada. It is a product of aboriginal and treaty rights, and various constitutional and legislative provisions. Insofar as aboriginal persons are members of ethnic, religious or linguistic minorities, Canada also has international legal obligations to respect specified rights. The legal definition of the rights of aboriginal peoples is imprecise. However, the development of

aboriginal self-government is the major issue now facing aboriginal peoples and the government of Canada, as new institutions run by aboriginal peoples begin to assume greater control over critical areas of community life, including justice, law enforcement and correctional matters.

PART III. THE AMELIORATION OF CONDITIONS FOR NATIVE OFFENDERS

During the consultations on the Correctional Law Review the major questions for consideration will be whether legislative change would be helpful in ameliorating the conditions for Native offenders. Would either or both of the following two approaches be appropriate?

1. Through the development of special legislative provisions for Native people to assume greater control over the provision of certain correctional services to Native people.

In enabling legislation, a significant degree of jurisdiction could be transferred to aboriginal communities or other organizations under a clearly stated legal relationship with the Solicitor General. Correctional services, parole and aftercare services could be provided in facilities operated by Aboriginal correctional authorities. Services provided would still have to meet the basic requirements of the law, and provide adequate containment of offenders.

2. The second approach would be to ameliorate the situation of Natives in correctional institutions through amendments to existing correctional legislation governing all offenders. This is a more limited approach, and entails no fundamentally new arrangements. Control would remain with the existing correctional system.

Under this scheme there would be:

- significant consultation with aboriginal authorities, through regional and national Aboriginal advisory committees.

(v)

- guarantees for native spirituality, culture and rehabilitation.
- greater aboriginal community involvement in release planning for Native offenders.
- increased efforts at affirmative action in hiring and promotion of Native staff, together with increased awareness training for correctional staff.

PART IV: CONCLUSION

The two approaches outlined in the paper are complementary, and could operate to improve the situation of incarcerated native offenders, while facilitating efforts of native communities and other native organizations to assume greater control of correctional services to Native offenders.

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NATIVE OFFENDERS

INTRODUCTION

The Correctional Law Review is an examination of federal correctional legislation through an in-depth analysis of the purposes of corrections and a determination of how the law should be cast to best reflect these purposes. The ultimate aim of the review is to develop legislation that accomplishes the following goals: i) establishes the correctional agencies in law and provides clear and specific authority for their functions and activities; ii) reflects the philosophy of Canadian corrections; and iii) facilitates the attainment of correctional goals and objectives. Such a legislative scheme is intended to promote fair and effective decision-making, be clear and unambiguous, facilitate operations, give guidance to corrections staff, be internally consistent, promote the dignity and fair treatment of inmates and reflect the interests of staff and of all others affected by the correctional system. The interest of the public and correctional administration and staff, as well as offenders, must therefore be taken into account in developing a legislative scheme.¹

Native offenders constitute a group warranting specific attention both because of the special legal status of Aboriginal peoples and because of the serious ongoing problem of their substantial overrepresentation in the correctional system and other manifestations of their situation as a traditionally disadvantaged group. This latter issue was recognized by the 1984 Carson Report.

Natives constitute up to 30 percent of the inmate population in at least one region of the Service. Since 1960, the growth rate of the Native population in federal institutions has doubled that of the non-Native population. Moreover, relative to non-Natives, only a small proportion of Natives are approved for conditional release programs (eg. temporary absences or parole), and most are released on Mandatory Supervision. The recidivism rate for Natives also is higher than for non-Natives.²

This paper begins with an examination of the continuing problem facing Native people in corrections by reviewing correctional processes as they relate to the Native offender and the larger

Native community. Part II discusses the legal context which must be considered in developing correctional legislation pertaining to Native people. This discussion includes possible implications for corrections of aboriginal rights and Native self-government, the Canadian Charter of Rights and Freedoms, The Constitution Act, 1982, and international law. Part III discusses the advantages and disadvantages of codifying provisions affecting Natives, and examines a number of specific issues, including Native spirituality, Native culture, correctional programming, transfers, parole and aftercare, as well as staff recruitment and training.

PART I: THE NATIVE OFFENDER

In this part, the problems associated with Native offenders in the correctional system will be reviewed. Some of these are problems inherited by corrections from other parts of the criminal justice system or the larger socio-economic system. Others are problems inherent in corrections itself, and concerning which corrections may be able to effect some meaningful change.

The most obvious problem is the large number of Natives in the system, in proportion to the number of Natives in Canadian society as a whole. Ironically, although it is distressing to see such high proportions of Natives in the correctional system, their small numbers, taken in absolute terms, in turn inhibit the mounting of a serious effort to provide programming within the existing correctional systems which will be responsive to Natives' needs. Compounding this is the fact that Native Canadians are not a homogeneous group, with a single language and culture. They therefore do not have a single set of problems for the correctional system to address. Not only are there several distinct aboriginal languages in Canada (there are 16 aboriginal languages that are in widespread use out of a total of 53 distinct aboriginal languages in Canada³), but the problems are different for status and non-status Indian, on and off reserves, and between rural and urban areas.

In the latest reported census figures, Native peoples made up only 2% of the population of Canada.⁴ However, according to official statistics - which reflect varying definitions of "Native" and are thought by many to underestimate the numbers of offenders who consider themselves Native - about 9.5% of the penitentiary population is Native including about 13% of the federal female inmate population.⁵

In the West and North, the proportional representation is more dramatic, and indeed, is increasing. In the Prairie region, for example, Natives make up about 5% of the total population. However, in 1980, the Native population was 27.6% of the total Prairie federal inmate population; in 1987, it was 32.2%. In 1980, the Pacific Region showed a Native inmate population of 9.4%; in 1987, it increased to 12.2%.

The Native inmate population in Quebec has remained relatively stable, increasing from .2% in 1980 to .5% in 1987. In the same period, however, the percentage of Native inmates in the Atlantic Region dropped from 4.3% in 1980 to 2.6% in 1987. Similarly, Ontario dropped from 5.0% in 1980 to 4.0% in 1987.⁶

These figures are cited not to suggest a racist bias of individual criminal justice decision-makers or even of the system as a whole, but in order to illustrate that Natives represent a sizable minority in corrections, and to suggest that the root causes of their overrepresentation may be deeply buried in a breakdown in social structures outside the criminal justice system. Whatever the causes, however, it is clear that the numbers raise very real questions within corrections about how best to handle the needs and problems presented by Native offenders.

The social and economic situation of Native Canadians as compared to non-Native Canadians is discouraging. Generally, Native Canadians have a lower average level of education, have fewer marketable skills and have a higher rate of unemployment. The infant mortality rate for Indian children is twice the national rate, while life expectancy for those children who live past one year is more than ten years less than for non-Indian Canadians.

The rate of violent death among Indian people is more than 3 times the national average. The rate of suicide is nearly 3 times that of the total population of Canada, but in the 15-25 age range, the suicide rate is more than six times that of the total population in that age group.⁷

Studies also suggest that Native offenders, perhaps to an even greater extent than non-Native offenders, come from backgrounds characterized by a high degree of family instability and considerable contact with various types of institutions operated by social service and criminal justice agencies.⁸ Native offenders show a high incidence of single-parent homes, family problems and foster home placements. The majority of Native offenders have long criminal records both as juveniles and as adults. Native offenders are also more likely to be admitted to correctional institutions for a violent offence than are non-Natives, although the reasons for this finding are difficult to trace clearly.⁹ Alcohol abuse tends to be a serious problem for the majority of native offenders. Both the rate of alcohol abuse and the extent of individuals' abuse of alcohol are a greater problem for Native offenders than for non-Native offenders.

About half of the Native federal inmate population are status Indians, and of this group, about a third come from reserves. Generally speaking, most Native inmates now appear to come from urban areas, although still in considerably smaller proportions than do non-Native offenders. Where only some 15 years ago, 40% of the Native inmates in Stony Mountain Penitentiary were listed as having come from urban areas, the figure is now closer to 70%. Native offenders' rate of urban residence appears to be higher than for the Native population in Manitoba as a whole.¹⁰

Once the Native offender arrives in prison or penitentiary, further differences are observed. A substantial portion of Native inmates perceive themselves and are perceived by others as significantly different from their non-Native counterparts in terms of their attitudes, values, interests, identities and backgrounds.

Native inmates tend not to participate to any meaningful extent in general rehabilitation programs within penitentiaries. This seems to be true despite the significant enhancements made over the last few years in available programs and the expansion of services by Native organizations interested in providing corrections-related services and counselling. The Native offender participation rate is, however, higher for Native-specific programs involving private sector representatives such as Native Brotherhoods and Sisterhoods, and educational and cultural programs such as the Sacred Circle. Perhaps because of the increased openness of the correctional system to Native spiritual and cultural representatives, which is at least in part due to representations from Native organizations, and perhaps also because of the cultural revitalization taking place within certain Native communities, there seems to be an increase in Native culture and spiritual awareness among Native inmates.

Many Native offenders have special social, cultural and spiritual needs. These include the observation of such traditional group ceremonies and rituals as pipe ceremonies and the sweat lodge. For Native offenders who have not had much prior contact with traditional culture and spirituality, the opportunity for instruction and participation in these areas can become an important part of their incarceration experience. It can also provide a link to free Native communities.

A significant number of Natives serve their sentence in correctional institutions which are a considerable distance from their home communities. The problem is aggravated for female offenders, both Native and non-Native, because there is only one federal penitentiary in Canada for female offenders. The Correctional Service of Canada (CSC) attempts to alleviate these distance problems by using Exchange of Service Agreements, by which federal inmates may be placed in provincial prisons closer to home, and vice versa. However, distances remain a problem, particularly for offenders from northern and isolated areas, since the majority of provincial institutions are also in central locations. This has obvious effects on the maintenance of family and community ties.

Before CSC's transfer policy was changed to reflect the principle of keeping inmates as much as possible in their home regions, transfers exacerbated the problem of distance from an offender's home community. This in turn disrupted plans for the re-integration of offenders back into their families and peer communities. It was partly in order to respond to these types of re-integrative problems that the Carson Report recommended the establishment of more work camps and community correctional centres for Natives, and even the consideration of "separate medium-level security institutions designed for Native inmates, operated and managed by Native staff".¹¹ On this subject, Carson remarked that "we believe that staff-inmate relations will always remain somewhat strained in institutions run by non-Natives and populated by large numbers of Native inmates".

Consistent with these recommendations, 1988 should see the establishment of Native-run Community Correctional Centres in Alberta (Edmonton) and British Columbia (the lower mainland). These centres, to be run by Native community organizations, will offer life-skills programs, substance-abuse treatment, and culturally appropriate programs for native offenders.¹² The Pacific and Prairie regions are also seeking additional space in provincial work camps for natives.¹³

Differences between Natives and non-Natives are also observed in the release system. Native offenders tend to waive their rights to a parole hearing more often than do non-Natives, choosing not to be considered for parole. Native inmates are more unfamiliar with parole regulations than their non-Native counterparts. Even where Native offenders come from reserves, the Native community

often does not form part of the parole or other release plan, sometimes because the offender is unwelcome on the reserve or because there are more extensive supervision and rehabilitative resources located in urban areas, as compared to rural Native communities, or because the offender no longer feels linked to the reserve. Often the situation is caused by a complex set of interrelated factors.

In a six year study covering the period January 1, 1979 to December 31, 1985, in the Prairie Region of CSC, Native federal offenders had a slightly higher grant rate for unescorted temporary absences than did non-native offenders, but significantly fewer full paroles were granted to Natives (25.5% of Native applicants granted as opposed to 39.2% of non-Natives).¹⁴ In Saskatchewan, however, these parole rate differences for federal offenders do not appear to hold true, and in fact Native federal offenders appear to receive parole more frequently than non-Natives. Following release, Natives have a higher rate of return to penitentiary, and are more likely to be revoked for "technical violations" than for new criminal convictions.¹⁵

Many people who work with Native offenders complain that the small numbers of Natives among National Parole Board members and staff contribute to a lack of understanding of Native offenders and a lack of parole plans which are suitable for Natives. Some Native representatives claim that parole criteria or the assessments made about individuals in preparation for parole hearings are inappropriate to Natives. It is also claimed that there is little input from Native communities into the parole preparation process and the development of an aftercare plan for Native offenders.

In response to these concerns, a Working Group was established by the Solicitor General in March 1987 to examine the process that Native offenders go through from the time of admission to a federal penitentiary until warrant expiry. The Working Group On The Re-Integration of Aboriginal Offenders as Law-Abiding Citizens is looking at ways of improving the opportunities for Native offenders to re-integrate into society through appropriate penitentiary placement, relevant institutional programs, improved preparation for temporary absences, day parole and full parole, and through improved and innovative supervision. The Working Group is consulting provincial and territorial governments, aboriginal communities and other organizations actively involved in the re-integration of Native offenders into society.¹⁶

Attempts to recruit and retain significant numbers of Native staff into the Correctional Service have had modest results. CSC has what amounts to an affirmative action program for the hiring of Native staff, but there is still a much lower proportion of Native staff than offenders at the local levels. Native staff who do work in the correctional setting often find themselves under pressure from both Native offenders on the one hand (who may put unrealistic demands on them because they are Native) and other staff. This pressure on Native staff often causes frustration and early departure from the Service.

Observations

Several common themes appear in key writings and reports about Natives in the correctional system.

First, it is very difficult for non-Native correctional workers to understand the social, cultural, spiritual and religious backgrounds of Native offenders and thus to understand the forces which affect many of them most strongly. The greater the lack of mutual understanding, the more compounded become the difficulties of running a correctional program.

Second, even where Native offenders make "model prisoners" in the sense that they cause little or no trouble in the institution, there has been a marked lack of success in persuading Native offenders to participate actively in programs of education and counselling provided for the general population. There appears to be a consensus among correctional authorities and aboriginal groups that a significant problem is that Native offenders appear to be largely unfamiliar with the workings of the correctional system. However, it does appear that Native offenders are most likely to participate in programs if they are run by Native organizations which are not identified as being a part of the system.

Third, there has been modest success at best in recruiting Natives to work in correctional settings, which is especially regrettable since Native offenders appear most likely to participate in regular CSC programs staffed by Natives and having a Native cultural orientation.

Fourth, the problem of Native criminality - like crime in the mainstream - is closely tied to the general socio-economic conditions experienced by Natives on and off reserves, and any solution to Native criminality must address these socio-economic conditions, which include unemployment, poverty, alcoholism and family breakdown. Nonetheless, the factors of violence, lengthy criminal record, alcohol abuse and lack of community ties are strongly associated with risk, and cannot be ignored when individual case management and release decisions are made.

All these themes lead many Native and non-Native observers to conclude that Native offenders are an especially disadvantaged group, that Native people should be more closely involved in the planning and delivery of correctional services, and that in some cases special services and programs should be established by and for Native offenders, either on or off Native land bases.

At the same time it must always be born in mind that Native offenders are not a homogenous group and that the large numbers of Native offenders who come from urban areas and who do not have strong links to Bands or reserves require approaches which involve urban native organizations as well as Bands or Tribal Councils.

PART II: THE LEGAL CONTEXT

Natives in Canada have a unique legal status. This status is the product of their treaty and/or aboriginal rights, and provisions of various constitutional documents. These rights, together with certain provisions in international law, have important implications for Natives and their relations with the justice system. In this chapter we will describe these elements in the legal framework relating to Natives.

Aboriginal Rights and Indian Self-Government

Constitutional jurisdiction to make laws concerning "Indians, and lands reserved for Indians" was given to the Parliament of Canada by section 91(24) of the Constitution Act, 1867. Many Native groups entered into treaties with representatives of the Crown in which they surrendered their claims to the land in return for reserves and other treaty rights.

More recently, certain rights of the aboriginal peoples of Canada were specifically included in the Constitution. The provisions related to these rights are contained in sections 25 and 35 of the Constitution Act, 1982. Section 25 states:

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including:
 - a) any rights or freedoms that may have been recognized by the Royal Proclamation of October 7, 1763; and
 - b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

This section is important for any correctional legislation pertaining to Native people because it is probable that the "equality rights" section of the Charter (section 15), cannot be used to strike down any existing or other rights of Native people on the grounds that they discriminate against non-Natives. Thus, distinctions are likely not discriminatory if they flow from the rights of aboriginal peoples. In addition, as we discuss below at p.20, s.15(2) of the Charter permits ameliorative programs to

remedy disadvantages faced by individuals or groups quite apart from matters related to the rights of aboriginal peoples.

An even more important development for Native people was the constitutional entrenchment of existing aboriginal and treaty rights through the inclusion of section 35 in the Constitution Act, 1982¹⁷:

35(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

There continues to be a variety of interpretations as to what these "aboriginal rights" mean in practice. Native leaders argue that a wide range of specific rights are implied in the meaning of aboriginal rights. Precise legal definitions await future constitutional conferences and court decisions. However, in dealing with issues of land claim settlements and self-government, a revised Comprehensive Land Claims Policy was adopted by the Government of Canada in December 1986. Within the framework of the policy, the Government of Canada is prepared to address a range of issues, including the key issue of self-government.

The federal government's policy approach to self-government is to acknowledge the desire expressed by communities to exercise greater control and authority over the management of their affairs.... The objectives of the Government's policy on community self-government are based on the principles that local control and decision making must be substantially increased.... In the context of the comprehensive claims policy, self-government is an issue that is tied

closely to the expressed need of aboriginal peoples for continuing involvement in the management of land and resources as well as in the development of self-governing institutions that recognize their place in Canadian society.¹⁸

For many native political leaders, self-government is undoubtedly the most pressing issue facing Native people today. At its most fundamental level it concerns the survival of Native peoples as distinct groups in Canadian society. However, just as there is no agreement as to the exact nature of aboriginal rights, there is also no consensus as to what, in a specific sense, is entailed in Native self-government. At the same time there is no doubt that it is seen as a desirable goal by government and Native people alike. Much has been accomplished toward implementing this goal, including: four constitutional conferences involving the Prime Minister, the provincial Premiers and Native leaders; a study by a special parliamentary committee (the Penner Report);¹⁹ a major land claims settlement which includes self-government - the James Bay and Northern Quebec Agreement²⁰ and the North Eastern Quebec Agreement;²¹ amendments to the Indian Act²² to grant increased powers to local Native communities; federal self-government legislation - the Cree Naskapi Act²³ and the Sechelt Indian Band Self-Government Act;²⁴ and provincial legislation which allows Native people to provide certain social services in a manner that recognizes their culture, heritage and traditions.²⁵

The movement towards Native self-government will have major implications for the Correctional Law Review because it can be anticipated that the criminal justice system, including corrections, will be a component of many comprehensive self-government negotiations.

Of course, there is immense variety among Native communities as to the priority they attach to criminal justice matters in their self-government negotiations, to say nothing of the differences in various Native groups' economic and other readiness to take over various functions. Criminal justice has been to date a much lower priority with Native organizations than issues such as education and health care. Within the criminal justice area itself, corrections has been a far lower priority than matters

such as policing and court operations. The Federal Government is conscious of the differing perspectives and needs that aboriginal communities bring to the process of defining self-government.

At the 1987 First Ministers Conference on Aboriginal Constitutional Matters, the Federal Government stated that it recognized the right of aboriginal peoples to self-government, and was prepared to support proposals for self-government that:

- provide explicitly for a process of negotiation amongst aboriginal peoples and governments to define and implement that right; ...
- permit aboriginal control over matters that directly affect them, this right to be applicable to all aboriginal peoples.²⁶

Implied as part of the self-governing arrangements would be the authority to deliver services and programs.

The approach taken by the Federal Government in the Sechelt Indian Band Self Government Act²⁷ was to allow that Native community to determine the details of specific powers it wishes to assume. The Act is essentially enabling legislation which establishes the Sechelt community as a legal entity with responsibility for writing its own Constitution. Its Constitution can, within the limits specified in the legislation, define the powers and procedures of the community government, which would in turn allow the community to make laws in relation to a variety of areas.

While not going as far as the development of parallel institutions, the landmark James Bay and Northern Quebec Agreement between the federal government, the province of Quebec, and the Cree and Inuit of Northern Quebec, which was signed in 1975, provided for specialized correctional institutions, programs and services appropriately modified to meet the needs of Cree and Inuit offenders.²⁸ Sections 18 (Cree) and 20 (Inuit) set forth wide-ranging provisions related to the justice and correctional systems. With regard to corrections, section 18 provides for the following:

- detention facilities in the James Bay Territory;
- Cree staff where possible, and special training for Crees to

- permit them to be employed in correctional institutions and in probation, parole, rehabilitation and aftercare services;
- language rights upon arrest or detention;
 - Crees sentenced to imprisonment could be detained in northern institutions, after consultation with the Cree local authority;
 - care in northern facilities of incarcerated Crees who are or become mentally ill or seriously physically ill during their incarceration;
 - special facilities for young Crees under the ages of 21 and 16;
 - programs and services appropriate for Crees, in the Cree language, where possible; and
 - the undertaking of studies for the revision of the sentencing and detention of Crees, taking into account their culture and way of life.

Section 12 of the North Eastern Quebec Agreement contains similar provisions governing services to the Naskapis. These Agreements thus recognize not only that specialized programs and services have to be developed, but also that Native staff are vital to the provision of appropriate services to Native offenders and that Native communities can also play a critical role.

Although few steps have as yet been taken to implement the kinds of facilities and services described in the Agreement (in large part because of the higher priority given to other aspects of the Agreement), there appears to be some impetus now to look at how the corrections part of the Agreement could be implemented. The James Bay and Northern Quebec Agreement Implementation Negotiation, (established June, 1986), under the auspices of DIAND, is trying to resolve outstanding issues and focus action on implementation by various federal departments.

Legislative recognition of Native peoples' special situation is not confined to federal initiatives. In the area of child welfare, several provincial governments have enacted legislation which gives recognition to the principle that Native people should provide services to their own people in a way that reflects their culture, heritage and traditions. For example, in Ontario the Child and Family Services Act, 1984 ²⁹ contains

several special provisions regarding Native people. The underlying approach is reflected in the Declaration of Principles, for example:

- f) to recognize that Indian and Native people should be entitled to provide, wherever possible, their own child and family services, and that all services to Indian and Native children and families should be provided in a manner that recognizes their culture, heritage and traditions and the concepts of the extended family...

The Act then details the ways in which native organizations can participate in or take over decisions affecting the provision of services to Indian and Native children. Some provisions of the Child and Family Services Act, 1984 relevant to Native people are included in Appendix B of this paper as an example of the kind of approach which has been tried in this area. The provinces of Alberta, Manitoba, New Brunswick and Nova Scotia have similar provisions with regard to Native child welfare.

Several provincial governments have also developed policies relating to education and health care that more accurately reflect the needs and aspirations of aboriginal people.

The various legislative initiatives outlined above recognize the need to ameliorate the situation of Natives through the provision of programs and services which reflect Native culture, heritage and traditions, and take the approach that such programs and services ideally should be provided by Natives, or at least with the involvement and advice of Native organizations.

While a great deal of attention has been directed toward status Indians living on reserves, much of the legislation pertains to Native people generally. Section 35 of the Constitution Act, 1982 states that the aboriginal peoples of Canada include the "... Indian, Inuit and Métis people of Canada". Similarly, the Ontario Child and Family Services Act, 1984 is clear in stipulating that "... band and Native communities" is to be interpreted as including status, non-status and Métis people.

Clearly corrections initiatives designed to promote the re-integration of Native offenders must include all those of Native heritage, whether or not they are status Indian, Inuit or Métis, on or off reserves, from urban or rural areas.

As the previous discussion has demonstrated, there has been a growing recognition of the shortcomings of a system which uses the institutions of the dominant society with an expectation that Natives will benefit from them in the same ways as non-Natives. Both governments and Native people have agreed upon the need to work toward a new relationship, even if most of the specifics of this relationship have yet to be worked out. New institutional arrangements and programs that are based on Native values, culture and traditions may all be appropriate and important.

For some Native groups the assumption of power under some form of self-government based on traditional culture could simply be a continuation of what has been occurring all along. Others will develop new forms of government.

The Community Negotiations Branch of DIAND has funded many Native groups to carry out research to help them determine the most appropriate means of blending traditional institutional forms and customs with the contemporary situation. For some this will entail legislative schemes leading to the development of new institutions and programs. For example, a reserve in Manitoba is currently working on a plan to change its form of government from the band council system to a system based on traditional Native clans. Others will be content to make changes to the existing band council system.

The Canadian Charter of Rights and Freedoms

The Canadian Charter of Rights and Freedoms has special significance in any discussion of a legal framework for correctional legislation. As a constitutional document, the Charter binds both the federal and provincial governments by guaranteeing fundamental rights to everyone. The Charter protects these rights from the powers of the state.

With the advent of the Charter, the courts have been given expanded power to decide on the constitutionality of legislation and the actions of state officials that may affect constitutionally protected rights and freedoms.

In section 15, the Charter offers new constitutional equality rights protections for minorities, including Native persons.

- 15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
- (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex or mental or physical disability.

The adoption of this equality rights provision creates a new situation whereby policy issues related to equality rights which were formerly resolved through political processes have taken on a new constitutional dimension and are now potentially subject to judicial scrutiny. The previous part of this paper discussed some of the implications of Natives' unique legal status and the drive towards self-government. It remains to examine the legal implications for Native offenders of section 15.

Under section 15, an individual may challenge a policy or program (or absence of a policy or program) as violating the right to equality before and under the law, or to equal benefit and protection of the law. Most government programs are of course authorized by some form of law whether a statute or regulation, if only through the general authority of a department or agency. How section 15 will in fact be interpreted by the Supreme Court of Canada is as yet largely unknown, but arguments that unequal application of a program for which the law provides constitutes a denial of "equal benefit of the law" can be expected.

Even where a law or program is apparently neutral on its face, it may have a different impact on some minority groups than on the mainstream.³⁰ For example, it could be argued that the National

Parole Board, carrying out its responsibilities "... to grant release, and determine release terms and conditions" under the Parole Act, would be in violation of the Charter if decisions, procedures and conditions of parole could be demonstrated to de facto discriminate against Native inmates. In such a case the inmate would likely have to demonstrate that there is a differential treatment, not justified by valid government objectives (such as protection of the public) between Native parole applicants and non-Native parole applicants and that the distinction has the effect of denying the "protection" or "benefit" afforded to non-Natives or that there is a lack of sameness (equality) between what is afforded Native applicants and non-Native applicants. It would be argued that although the legislation does not single out Natives, the effect of the procedures is discriminatory.

This kind of discrimination is "systemic discrimination", or the adverse impact of an apparently neutral law or program. As a 1985 federal Department of Justice discussion paper states, "it is discrimination when neutral administration and law have the effect of disadvantaging people already in need of protection under section 15." ... [T]his form of discrimination is often not readily identified; it commonly takes statistical analysis to detect it."³¹

The parole release power is a good example of an obvious "benefit" created specifically in law to which no discrimination should attach. Perhaps a more complex question is posed by programs like inmate employment. Can it be argued by a Native inmate that the training and work offered to inmates is designed for and more beneficial to non-Natives than to Natives, and thus constitutes "systemic discrimination"? And should correctional legislation be developed which includes provision for special programs, plans, criteria or even institutions for Native offenders to prevent future discrimination?

The issue of "systemic discrimination" raises the question whether, under the Charter, the courts can impose obligations not just to redress imbalances or inequalities in legislative provisions and programs, but also to legislate in a positive way. Can a challenge under the Charter result in a court's finding that the government must pass legislation or provide programs to redress these imbalances?

It is still unclear how far the courts might go. Several forms of positive remedies (mandatory orders) are available to the courts which pertain to minority groups: orders to provide employment or a denied service to a victim of discrimination, to provide educational or government services to members of a minority group, or to carry out an affirmative action program for the benefit of a disadvantaged group.³² Section 24 of the Charter is expansive in the extensive remedial powers it bestows on the courts. It states that "anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances."

In order to preclude, or at least minimize, litigation alleging "systemic discrimination" against particular groups, governments may institute affirmative action programs in the form of special treatment or consideration for members of disadvantaged minorities. It is such legislation and programs that are referred to in section 15(2) of the Charter: "... Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups". The purpose of an affirmative action program is the achievement of a more proportional representation, or more equal treatment, of groups than currently exists, in the workplace and elsewhere.

Since equality of results - not just equality of opportunity - is the main concern of affirmative action programs, such programs must include both "equal opportunity" and "remedial" measures. Equality of opportunity alone is not enough because the differences and disadvantages of certain groups would lead to a continuance of discrimination against those groups. Equality of opportunity alone can perpetuate the effects of past injustice. A remedial program, therefore, is required to make affirmative action effective. In the workplace, this usually entails the establishment of numerical goals or targets and timetables for achieving them.

Affirmative action programs have become a common vehicle for redressing past discrimination and are usually voluntary. In certain circumstances, however, the establishment of such a

program can be imposed by federal or provincial Human Rights Commissions. For example, section 41 of the Canadian Human Rights Act, 1983 states:

- a) that such persons cease such discriminatory practice and, in order to prevent the same or a similar practice from occurring in the future, take measures including:
 - i) adoption of a special program, plan or arrangement referred to in subsection 15(1) (i.e. an affirmative action program).

In the recent decision of the Supreme Court of Canada in Action Travail des Femmes and the Human Rights Commission v. Canadian National Railway Company, it was held that a tribunal under s. 41(2)(a) of the Canadian Human Rights Act can impose a prescribed employment equity program with specified quotas on an employer.³³

Affirmative action programs for the hiring of Native people in the justice and correctional system are anticipated in sections 18 and 20 of the James Bay Agreement. For example, Cree and Inuit are to be employed in a variety of capacities:

18.0.34

After consultation with the Cree local authorities or Cree Regional Authority, and when it will be appropriate to do so, Crees will be recruited, trained and hired in order to assume the greatest possible number of positions in connection with the administration of justice in the "judicial district of Abitibi".³⁴

Similar programs have been instituted through policy in many federal and provincial correctional agencies. It can be anticipated that there will be increased demand for affirmative action programs as a means to ensure the adequate participation of Native people in the criminal justice system under both the Charter and human rights legislation. However a recent unreported case of the Manitoba Court of Queen's Bench suggests that in order to be protected by s.15(2), an affirmative action program must be rationally related to the cause of the disadvantaged state of the target group, and must be reasonable required in order to ameliorate the conditions of hardship of the group.³⁵ Not all programs, therefore, may be Charter protected.

International Law

The final aspect of the legal context which requires consideration in developing correctional legislation is the variety of international obligations Canada has undertaken. These include the UN Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its Optional Protocol, the International Covenant on the Elimination of All Forms of Racial Discrimination, and the International Covenant on Economic, Social and Cultural Rights. Canada has also endorsed the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Article 27 of the International Covenant on Civil and Political Rights specifically addresses the rights of members of minorities within states where they exist:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.³⁶

The Covenants are international treaties which are binding in international law, although they are not enforceable in domestic courts unless they are incorporated in domestic law. The UN Human Rights Committee receives information by way of regular reports from state parties under both Covenants, and by complaints from individuals under the International Covenant on Civil and Political Rights. A finding that a state has failed to observe the Covenants can result in censure by the Committee. The observation of covenants thus depends in large measure on the impact of international and domestic public opinion.

The provisions of the Covenants have not been directly incorporated into Canadian domestic legislation, and thus Canadians cannot resort to domestic courts to enforce compliance. However, the Canadian Charter of Rights and Freedoms specifically protects many of the human rights recognized in these documents. Furthermore, there is judicial authority to the effect that where legislation is ambiguous, it should not be given an interpretation that is inconsistent with Canada's international obligations.

In addition, the existence of international obligations such as those in the UN Covenants may often provide political support for arguments on behalf of minority groups.

An increasing number of Native groups are utilizing international law to support their efforts to gain control over their affairs through the formation of several international Native groups including the World Council of Indigenous People, the International Indian Treaty Council and the Inuit Circumpolar Conference.

PART III: AMELIORATION OF CONDITIONS OF NATIVE OFFENDERS

We have suggested that the high number of Native people coming into conflict with the law remains a serious problem for the correctional system and that programs designed to ameliorate the problem have, to a large extent, failed to achieve the desired results. As we noted earlier, Native offenders are not a homogeneous group linguistically, culturally or tribally. Native offenders thus have unique and various needs that require special measures to meet them.

In addition, the discussion has indicated that Native people in Canada are entering a new era in the history of their relations with the larger society. This is manifest in the development of two related legal and political issues: the movement toward Native people assuming more control over their own affairs through self-government, and their increased demands for their aboriginal and treaty rights, as well as any rights under the Charter and human rights legislation. These issues are, in turn, closely tied to the major cultural revitalization that is presently occurring in many Native communities across Canada. It can be anticipated that these movements will continue to gain momentum in the future.

Each of these developments has important implications for the future administration of the correctional system. The Correctional Law Review provides an opportunity to address at least some of the problems related to Native offenders and the correctional system. The CLR is of course concerned with correctional legislation and regulation, and not with operations. It is therefore limited in the types of solutions it can offer. The key question is: how much of the body of correctional rules, procedure, criteria and authority should be set out in law as opposed to a strategy of policy and operational improvements in programs and services?

A Note about Codification and the CLR

One of the fundamental premises of the CLR, and indeed the Criminal Law Review as a whole, is that the present correctional legislation is in need of revision because it "... is outdated, confusing, and often inadequately related to current realities".³⁷ Our second Working Paper, A Framework for the

Correctional Law Review, suggests that it is important for correctional legislation to take into account recent developments in the law and the wider justice system, particularly the Charter, which have an impact on corrections. The impact of the Charter " ... may require fundamental restructuring of the legislative scheme and a reorientation of its substance to be consistent with Charter demands".³⁸

In addition, we suggested in the first Working Paper on Correctional Philosophy that a clear statement of correctional purpose and principles is necessary to form the basis of any revised correctional legislation (see Appendix C). In carrying out the task of revising the legislation, the interests of the correctional staff, inmates and the public must be considered and the resulting legislative scheme must be seen as fair by all people affected.

Appendix C contains the full statement of purpose and principles proposed by the Review. Of particular relevance are strategies c), d) and e), which emphasize the rehabilitation of the offender "... through the provision of a wide range of program opportunities responsive to their individual needs", and principle 1 which suggests that "... Individuals under sentence retain all the rights and privileges of a member of society except those that are necessarily removed or restricted by the fact of incarceration. These rights and privileges and any limitations on them should be clearly and accessibly set forth in law." In addition, principle 7 speaks to the need to involve the larger Native community in the correctional system. "Lay participation in corrections and the determination of community interests with regard to correctional matters is integral to the maintenance and restoration of membership in the community of incarcerated persons and should at all times be fostered and facilitated by the correctional services."

In the Framework Paper, it was suggested that correctional legislation should be sufficiently detailed to provide clear guidance with respect to correctional goals and objectives, and a structured framework for decision-making, while permitting sufficient flexibility for appropriate decisions by correctional staff.

The approach recommended in the Framework paper entails legislating the purpose and principles of corrections, the objectives of all major agency functions and activities and essential requirements but leaving the details to the initiative of those who must account for the functioning of the system. In this approach all elements of the legislation, including regulations, must be framed to be consistent with the stated purposes and principles. Specific policies will be developed by the correctional agencies themselves to reflect the philosophy.³⁹

Given the Correctional Law Review's approach, a number of questions arise with regard to the situation of Native offenders and the Native community: Is the development of special legislative provisions for Native people an effective approach to the amelioration of the serious problems of the Native offender? With regard to such legislation, what specific approaches should be considered? What matters affecting the Native offender, as a special offender group, should be included in legislation and which should be set out in policy? What are the legislative implications for the Native offender of the purpose and principles of corrections?

It would appear that two broad issues must be addressed by the Correctional Law Review in its attempts to respond to the unique situation of the Native offender: (1) the extent to which legislative provisions can facilitate the assumption by Native communities of control over correctional services to Native offenders, and (2) the recognition of the unique needs of those Natives who do find themselves in the correctional system.

These approaches are not intended to be mutually exclusive but rather could co-exist and, in the case of initiatives giving Native communities or organizations more control over corrections, would be viewed as options for the Correctional Service and Native organizations and communities to discuss. In these negotiations, it is important to be cognizant of the immense variety of circumstances among Native communities in terms of their readiness and willingness to assume control of their affairs. Any changes should be compatible with the enhancement of aboriginal community decision-making, and involve appropriate consultations with aboriginal people. Recognizing that increasing numbers of Native offenders come from urban

areas, it is particularly important that urban aboriginal organizations be included in the process of consultations. This implies that different legislative approaches will be appropriate to meet the diverse interests of Native offenders. In addition, any change in programs, policy and law affecting aboriginal people must not diminish treaty and aboriginal rights.

The CLR takes a two track approach to the problem. One is to encourage the creation of a new approach, in law and in policy, that incorporates aboriginal participation in and possibly control over correctional issues affecting aboriginal people, and to systematically involve aboriginal organizations in this process from the outset. The other is to improve the current system by putting specific protection in law with respect to important aspects of correctional programming vis-a-vis aboriginal inmates.

Enabling Legislation

This approach is the most far reaching in the sense that it entails a fundamental shift in the correctional system's legislative position. It would involve the inclusion in correctional or other legislation of measures to enable Native people to assume control of certain correctional processes that affect them.

Consistent with Federal Government policy discussed above at pp. 12-14, which supports approaches which permit greater aboriginal control over matters which directly affect them, it would be possible to transfer jurisdiction for providing at least some correctional services to Native groups under a stated legal relationship with the Solicitor General. One of the major issues for consultation is whether this type of legislation would be appropriate, and if so, what form it should take.

This paper has discussed the large number of different Native communities, and noted that many incarcerated Native offenders do not have strong connections with a particular Native community. If enabling legislation is developed, it will be important to frame it in sufficiently flexible terms to allow a wide variety of Native organizations or communities to participate in the provision of correctional services. An important question is how best to recognize the diversity of Native communities and communities and groups.

The services provided could range from the establishment of correctional institutions to the running of parole and aftercare facilities or other culturally appropriate services. The legislation will presumably need to be open-ended enough to take into account a wide variety of correctional arrangements which might result from the negotiations. In an effort to develop a culturally-based system or systems, Native groups may propose correctional facilities or services which are very different from existing structures.

It is true that most, if not all, of the correctional services and programs authorized under the proposed legislation could be implemented under the present legislative scheme through contracts with native organizations. However, while such enabling legislation may not be strictly necessary, it would nonetheless demonstrate a clear Government endorsement of the role of aboriginal organizations in the delivery of correctional services in the context of a new legislative framework for federal corrections. They would then be in a position to enter into negotiations with correctional authorities within an explicit legislative framework, and continuation of funding arrangements will not depend on government policies on privatization, or general voluntary sector involvement. This would have the effect of putting aboriginal groups in a stronger position to negotiate programs if they can point to specific supporting legislation.

Clearly there would have to be provision for adequate compensation to be paid to the Aboriginal correctional authority. However issues for consultation include whether agreements to transfer an aboriginal offender to an Aboriginal correctional authority should contain the consent of; a) the offender; b) the Aboriginal correctional authority; and c) the CSC. Should agreements also make reference to the conditions upon which the federal government would accept an aboriginal offender back into the federal correctional system, if such offender wishes to transfer from the custody of the Aboriginal correctional authority?

To some extent, of course, the Correctional Service of Canada already enters into arrangements of the sort contemplated by this kind of legislation. CSC contracts with various Native groups for the provision of halfway houses, parole supervision, and

other services required by Native offenders, although to date most of these arrangements have occurred in urban areas. A good example of a native organization currently engaged in providing correctional services for Native offenders is the Native Counselling Services of Alberta. Formed in 1970, and with 130 employees, NCSA offers programs in Family, Criminal and Young Offender Courtwork. As well, NCSA operates a minimum security camp, a young offenders group home, a community residential centre, parole and probation supervision (for adult and young offenders), Native Awareness Program, a family living skills program, a training department, a legal education-media department, and a research department. The NCSA also operates a fine options program and a community service order program. Funding is provided by the provincial and federal governments.⁴⁰ Of note is the fact that NCSA is an urban-based Native organization which provides corrections services to Native offenders from a variety of backgrounds.

The principal difference flowing from enabling legislation would be that while the current arrangements are created as a matter of policy through contracts, the new arrangements discussed here would be recognized in law and formalized through the designation of certain organizations and correctional authorities as providers of Native correctional services. This would give Native communities a clear legal basis from which to negotiate changes in the way services are delivered to Native offenders, and would give a greater measure of security to the Native organizations providing the services.

A key issue for consultation is the extent to which agreements made between the Aboriginal correctional authorities and the CSC for transferring offenders should contain detailed specification of the programs and services to be delivered, as well as the appropriate standard of services. Flowing from this, to what extent should the government assure itself on a regular basis that the services provided in this way meet certain basic requirements, such as the protection of the rights of the offenders involved, and other minimum standards, as well as the provision of adequate containment for offenders who are being cared for off reserves, in the larger community.

Due to the large number of issues of this type, it might be alsohelpful to include provision for regular consultation between the Government and Native communities on the subject of these services.

As we noted earlier, placing these sorts of provisions in correctional legislation would not preclude the negotiation of broader self-government initiatives by Natives groups and the federal government. What this approach would allow is the transfer of suitable correctional authorities to Native communities in the absence of a more comprehensive agreement.

It is also worth mentioning that such arrangements could in many cases involve federal, provincial and Aboriginal authorities in a given area.

Should federal correctional or other legislation include enabling provisions which would provide explicit authority for Native communities or organizations to assume control of certain correctional processes that affect them? What should these provisions contain?

Reform of Existing Correctional Legislation

This approach represents a more limited attempt to ameliorate the problems of the Native offender than the previous proposals in that no fundamentally new arrangements are envisioned and the focus of control remains with the existing correctional system. It entails the development of a legislative scheme which recognizes the unique status of Natives as well as Native offenders as a particularly disadvantaged offender group and therefore deserving of particular consideration for the reasons discussed earlier in this paper. The intent of this approach is twofold: (1) the codification of selected aspects of the operation of the correctional system as they pertain to Native offenders, that is, to specifically protect such things as native spirituality, and (2) the formal encouragement of greater involvement of the Native community and Native institutions in the correctional system. Details as to the components of corrections which might be included in the legislation are discussed below.

Codification of certain Native offenders' concerns accomplishes two central goals of the Correctional Law Review. First, the legislative scheme suggested would be consistent with the purpose and principles of corrections as set forth in Part I, and would permit Native offenders to enforce the provision in the courts if necessary, something they are not able to do if the protection remains only in policy. Second, the proposed approach to codification would ensure that correctional legislation is in line with Charter requirements as well as Canada's obligations under international law.

Value of Specific Provisions in Correctional Legislation with Respect to Aboriginal Offenders

The unique status of Canada's aboriginal peoples, and their acute problems once they arrive in correctional care suggests that there is merit in statutory entrenchment of appropriate protections.

Legislation in this area would clearly demonstrate the government's concern to improve the situation of aboriginal people in corrections. Parliamentary approval in the form of legislation will be a solid guarantee of the implementation and survival of what is a significant policy development. Grounding aboriginal corrections policy in legislation gives such policy greater authority, and provides explicit protection for specific entitlements such as religious freedom.

a) Consultation with Native Authorities

Several provincial precedents for this approach to legislation affecting Native people currently exist, as we have seen, in the areas of child welfare, family services, social welfare, health care and education. These initiatives have been implemented largely because the generalized policy and program approach has failed to adequately address Native people's needs in these areas. They are intended to give Native people a greater role in providing services to their own people. There has been a recognition that, despite numerous attempts to develop special programs and involve Native people in their delivery, the situation has not improved significantly and a new approach is

required. The enactment of provisions in law which required agencies to provide specific services and to involve native people in the process has been determined by many provincial governments to be the most appropriate approach.

Even where Indian and Native communities do not take over correctional services entirely, they, together with aboriginal advisory bodies with experience and expertise on aboriginal customs and/or offenders can and should advise governments as to the kinds of programs and services which are appropriate for aboriginal offenders, and how these might best be delivered. In the correctional context, both CSC and NPB have, as a matter of policy, established National Native advisory committees, and CSC Prairie Region has established a regional committee. These committees advise on Native correctional policy and programs. This approach could be expanded to all regions, and even to the local institutional level.

The question for the Correctional Law Review is whether or not this approach should be mandated in legislation. Although the composition of the Committee would not be detailed in legislation, it will be important to comment on the appropriate membership for such committees, for example, service providers, political organizations and community organizations.

Should correctional law provide for a requirement like the following?

1. The Correctional Service of Canada shall regularly consult with Aboriginal communities and with recognized aboriginal advisory bodies with experience and expertise on aboriginal customs and offenders, about the provision of programs and services to aboriginal offenders, by

(a) establishing an Aboriginal advisory committee to provide advice on national policy issues relating to Aboriginal offenders;

(b) where requested by an Aboriginal community or recognized aboriginal advisory body, establishing a Regional Aboriginal Advisory Committee to provide advice on regional policy issues relating to aboriginal offenders. Regional Aboriginal Advisory Committees will form part of an overall National Aboriginal Advisory Committee;

(c) where requested by an Aboriginal community or recognized Aboriginal advisory body, and where practical, establishing an Aboriginal Advisory Committee to provide advice to a particular institution or parole office about programs and services for Aboriginal offenders; and

(d) the Aboriginal Advisory Committee would provide advice, upon request, to other jurisdictions.

At the local level, this provision would entitle bands, Native communities and urban-based experts on Aboriginal matters to play a strong advisory role in respect of institutions located nearby. For a variety of reasons, however, including the isolated location of many penitentiaries, and the fact that many federal inmates are incarcerated far from their home communities, it is important also to have a national advisory committee which can provide policy advice on Native programming generally.

An alternative to, or possibly in addition to, the national committee would be regional committees. Such committees would be able to respond more directly to regional differences among native communities, although some coordination at the national level might still be desirable. Should legislation provide for regional committees as well as a national committee?

b) Programs of Native Spirituality, Culture and Rehabilitation

The Correctional Law Review's statement of purpose and principles covers, in a general way, the need for "encouraging offenders to prepare for eventual release and successful re-integration in society through the provision of a wide range of program opportunities responsive to their individual needs" (see Appendix C). To the extent that this principle will ensure the provision of programs to meet the needs of all offenders, therefore, Native-related programming will be assured.

Two questions are raised by this issue, however: first, should there be a special guarantee in law respecting Native-related programs; and second, how clearly can Natives' unique needs be defined, in law or in fact?

It is clear that many Natives have special needs surrounding Native spirituality and the observance of ceremonies, and many Native offenders give positive reports of the Native Elder programs in CSC and other institutions. Beyond spiritual and related cultural needs, however, the unique program needs of Natives are not well understood or documented by correctional systems. It appears that across the country, Native and non-Native offenders could benefit from educational, vocational and alcohol programs, as well as programs designed to improve social skills. Whether Native inmates should be receiving more of the same type of programming given to non-Native inmates - but perhaps with Native staff running the programs - or require a different type of correctional program or experience, is not well understood, at least by traditional correctional systems.

Since the federal correctional system is already committed to providing suitable programming for Natives, there would appear to be no conflict in principle with a statutory guarantee of Native programming. One practical question which arises, however, is in what circumstances the guarantee would operate. Should the sole Native inmate in a penitentiary receive the full range of Native-related programs which would be offered in, for example, a Prairie institution like Stony Mountain Penitentiary?

One approach to this question would be to rely on the general guarantees for all inmates which have been proposed in the Correctional Philosophy and Correctional Authority and Inmate Rights papers.⁴¹

This approach could be criticized as not providing sufficient guidance as to Native offender program needs. The general objective, for example, of providing "programs responsive to individual needs" may not necessarily lead to programs which take into account the various Native attitudes, traditions and orientation. It has been suggested that, to be effective, correctional programs for Natives must in fact adopt such an orientation, even if their ultimate practical aims are to teach job skills, reduce alcoholism, or achieve any of the other objectives which are pertinent to the inmate population as a whole. Similarly, since complaints continue to arise about the recognition of Native spirituality as a religion, and about the particulars of Native spiritual observance, some critics would support special guarantees.

Should correctional law supplement general guarantees with particular references to Native program needs, such as the following?

2. The correctional system shall make available programs which are particularly suited to serving the spiritual and cultural needs of Aboriginal offenders and, where numbers warrant, programs for the treatment, training and reintegration of Aboriginal offenders which take into account their culture and way of life.
3. Aboriginal spirituality shall be accorded the same status, protection and privileges as other religions. Native Elders, spiritual advisors and ceremonial leaders shall be recognized as having the same status, protection and privileges as religious officials of other religions, for the purposes of providing religious counselling, performing spiritual ceremonies and other related duties.
4. Where numbers warrant, correctional institutions shall provide an Aboriginal Elder with the same status, protection and privileges as an institutional Chaplain.
5. The correctional service shall recognize the spiritual rights of individual Aboriginal offenders, such as group spiritual and cultural ceremonies and rituals, including pipe ceremonies, religious fasting, sweat lodge ceremonies, potlaches, and the burning of sweetgrass, sage and cedar.

This wording would acknowledge both that the freedom to practice one's religion is protected in the Canadian constitution, and the special place of spiritual and cultural values in native traditions. The proposed wording would require that Natives be given access to spiritual and cultural programs, regardless of their numbers in the population. This is in conformity with existing Correctional Service of Canada policy. The Service established a Commissioner's Directive on Native Offender Programs and prepared a "Native Spirituality Information Kit" to acquaint correctional staff with elements of Native spiritual practice. The CSC policy "... accords Native religion status and protection equal to that of other religions. It extends to Native individuals under its supervision, those opportunities necessary to practice religious freedom which are consistent with

the prudent requirements of facility security. This shall include access to appropriate space and materials, Elders, spiritual advisors, publications and religious objects or symbols".⁴² Natives in institutions occasionally report, however, that there are still problems with the recognition of Native spirituality as a religion. Placing the existing policy in law would enshrine these more specific guarantees, although not all of the detail proposed above need necessarily be included in legislation.

The wording of this draft provision also mandates other special Native programming, where numbers warrant. This might include such things as special halfway houses exclusively for Natives, as recommended by the Carson Report. It might also include the creation of alcohol treatment programs which draw on Native spiritual concepts as part of the treatment approach, as suggested by the Native Sisterhood at the Prison for Women. The provision acknowledges without precisely defining these other unique needs or how to respond to them. The breadth of this language allows for analysis and negotiation of the needs and appropriate programs for Natives at the local level, where discussion of real needs is most likely to be informed and practical.

The draft wording would allow for these programs to be delivered by private Native groups and individuals (as spiritual ceremonies and teaching are now delivered in CSC institutions). The provision would not require correctional authorities to offer programs directly, but only to make them available. This would apply equally to all Natives.

c) Transfers

It was seen earlier that another area of concern among Native offenders is transfers and the long distances from home often involved in serving a sentence of incarceration. We have seen that the Carson Report recommended a general policy of retaining inmates in their home region. This is now formal CSC policy.

Some Native experts have recommended that the institutional placement of Native offenders be specifically guaranteed in legislation in order to ensure their incarceration in the region in which they were sentenced, thereby facilitating the participation of the larger Native community in the correctional process.

The proposals made in Correctional Authority and Inmate Rights appear to encompass this concern, at least in part by circumscribing the criteria which may justify a transfer of any inmate and prescribing a procedure for involuntary transfers. A question for consultation is whether there are unique considerations in respect of transfer of Native offenders which need to be the subject of a special guarantee.

d) Release

For Native offenders who come from reserves, a particular concern has been expressed about release planning and the degree to which releasing authorities are willing to consider paroling or releasing on mandatory supervision a status Indian offender to the reserve, perhaps under the supervision of status Indian community members. Some Native representatives claim that correctional and releasing authorities do not sufficiently consider the Native community's need for the offender's return to the community as a worker and family member, or the community's willingness to supervise the offender or otherwise play a vital part of the re-integration plan. Correctional authorities, by contrast, suggest that bands often do not really wish to accept an offender back, or that when they do, the community does not play the active role in his supervision or re-integration which is necessary to protect society and fulfill other criteria for parole.

It would appear that these arrangements can only be addressed on a local, specific level. However, it has been suggested that perhaps correctional law should require that bands and Native communities receive notice of a Native band member's parole application or mandatory supervision plan, with his or her consent and providing he or she has expressed an interest in returning to the reserve.

Perhaps such a provision might read as follows:

6. With the offender's consent, and where he or she has expressed an interest in being released to his or her reserve, the correctional authority shall give adequate notice to the Aboriginal community of a band member's parole application or approaching date of release on mandatory supervision, and shall give the band the opportunity to present a plan for the return of the offender to the reserve, and his or her re-integration into the community.

This provision would permit, without requiring, individuals or organizations within a Native community to act as direct or indirect supervisors of a given offender's release. (Existing correctional law gives authorities the power to designate community groups or individuals to act as release supervisors.) Arrangements for indigenous supervision on reserves, of a formal or informal nature, would be worked out at a local level. There are examples of such an approach: the Dakota-Ojibway Tribal Council, for example, has an arrangement with the provincial government whereby the band provides probation supervision for Native offenders on the reserve. The province contributed funds for the initial training of community members to act as probation officers.

e) Native Correctional Workers and Native Awareness Training

The Carson Report suggested, and many Native experts believe, that in order to be effective, correctional programs for Native offenders would have to be delivered by predominantly Native staff. The draft provisions set out earlier in this Part do not require Native staffing for Native programs, but do require that the programs offered be "suited to serving" Native needs or "take into account" their culture and way of life. If, as many believe, only a program delivered by Natives can be truly suited to Natives, then this wording may achieve that result indirectly.

This raises, however, another issue important in itself, which is the hiring of Native correctional staff by traditional correctional systems. It will be recalled that the James Bay Agreement contemplates both special programs for Native inmates and hiring programs for Native staff. CSC has in place an affirmative action program for the hiring of new staff members of Native origin. Known as the Action Plan, it was designed to increase the hiring of Native staff in the CSC, and has been in operation since 1985. Natives have been hired as correctional officers and parole officers, if they meet the basic requirements for the position. They are trained in the normal fashion, and must complete a two year probationary employment period, which is the entry level required of everyone. Competition for higher positions requires 3 - 4 years of experience in the entry level positions. As the Action Plan has only been in operation for 3 years, no Natives have yet advanced to higher positions.

However, it appears that they will be considered for higher positions as a result of their experience, and promoted in the usual way, as any qualified staff of CSC.

There still exist barriers to acceptance of aboriginal correctional workers due to cultural differences. In the past, the stigma of being aboriginal often led to a lack of acceptance on the part of other correctional staff. However, as their numbers grow, and through sensitization of other staff, there is a greater acceptance of aboriginal people. More Natives are staying, and this too adds to a greater acceptance of Natives in the service.

Education has proven to be a barrier to Native staff in competition for some positions. For parole officers, for example, CSC requires a B.A. in criminology. There are no programs offered to assist Natives in CSC to get such a degree, and they must therefore do it on their own. For some positions, however, (e.g. correctional officers), experience in the field of corrections or with juveniles could replace any specific educational requirements.⁴³

While the Action Plan has had some success, it is still widely felt that more Native staff would be desirable for CSC, especially at local (penitentiary and district office) levels. Many Native leaders also feel the program should involve affirmative action in promotion as well as hiring, and in management positions.

The hiring and effective management of staff to meet the relevant needs of various offender groups (women, francophones, and Natives) runs through many aspects of corrections. For Natives, the arguments for Native offenders working primarily with Native staff are particularly compelling; they include not just spiritual and cultural bonds, but an understanding which it is claimed can be achieved only after long study by people from the cultural mainstream. Practically, as we saw earlier, Native inmates participate in correctional programs less actively than do non-Natives. Perhaps the participation rate in the same programs, run by Native staff, would be no better. There are good reasons for hiring Native staff to work with Native inmates,

reasons which extend into the security and release areas. It should be made clear, however, that Native staff need not work exclusively with Native offenders. Employment mobility for trained Native staff is also important.

Provisions requiring affirmative action programs need not necessarily be included in legislation. The question for the CLR is whether, in light of the particular situation of Native offenders, a legislated requirement is appropriate, for example:

7. There shall be an affirmative action program for the hiring and promoting of aboriginal professional staff to work with aboriginal offenders.

Recognizing, however, that there is difficulty in attracting Natives to correctional work, the correctional authority should give specific Native awareness training to all staff coming into contact with Native offenders.

It is recognized that such awareness training is not a panacea, but is essential so long as the number of Native staff at the penitentiary and district office level is insufficient, considering the numbers of Native offenders. CSC already holds, as a tenet of its corporate mission, that staff members recognize special needs of offenders. A special Commissioner's Directive was developed: "To ensure that the needs and constructive interests of native offenders are identified and that programs (including native spiritual practices) and services are developed and maintained to satisfy them."⁴⁴ Each region in CSC in fact now provides, proportional to the number of Native offenders in the region, Native awareness training on a regular basis for selected staff.

PART IV: CONCLUSION

This paper has identified the major problems faced by Native offenders in the correctional system. Over-representation in the system and the lack of Native-oriented programming run by Native creates problems for both Native offenders and the corrections system.

The approaches outlined in this paper are made within the context of the Correctional Law Review, and in view of the unique legal status that aboriginal peoples have in Canada. These approaches are consistent with developments in aboriginal self-government, whereby aboriginal people will be able to assume control of essential elements in community life, which might include certain justice, law enforcement and correctional matters.

A two-pronged approach has been suggested as possible for the amelioration of the problems faced by Native offenders and the correctional system. At the base of each approach is that aboriginal people should be more closely involved in the planning and delivery of correctional services, and that any direction for change should include the development of special services oriented to the unique needs of Native offenders. The two approaches are compatible with each other and indeed are complementary. They could be pursued either separately or together.

The first approach is that special legislative provisions could turn over a significant degree of jurisdiction to aboriginal-run correctional organizations. Correctional services, parole and after-care services could be provided by Aboriginal correctional authorities within a clearly defined legal relationship with the Solicitor General.

The second approach would be to incorporate in existing correctional legislation proposals that specifically deal with Native needs in corrections. Under this scheme there would be increased native consultation through regional and national Aboriginal Advisory Committees. Programs specifically geared to Native cultural and spiritual needs would be guaranteed, and rehabilitation and release programs would be specially designed for Native people. Affirmative action in hiring and promotion of Native staff is essential to this approach, as is increased Native awareness training for all correctional staff.

END-NOTES

1. A Framework for the Correctional Law Review (Ottawa: Solicitor General, 1986).
2. Report of the Advisory Committee to the Solicitor General on the Management of Correctional Institutions (Carson Report) (Ottawa: Solicitor General, 1984) pp. 50-51.
3. Anastasia Shkilnyk, Progress Report: Aboriginal Language Policy Development (Ottawa, Secretary of State, 1986) p. 4.
4. Canada's Native Peoples (Ottawa: Statistics Canada, 1984) chart I.
5. CSC, Population Profile Report (Ottawa: CSC, 1987).
6. CSC, Population Profile Report (Ottawa: CSC, 1980).
7. CSC, Population Profile Report (Ottawa: CSC, 1987).
7. DIAND, An Overview of Registered Indian Conditions in Canada, (Ottawa: DIAND, 1986)
8. D. McCaskill, Patterns of Criminality and Correction among Native Offenders in Manitoba: A Longitudinal Analysis (Saskatoon: Correctional Service of Canada, 1985) pp. 9,10.
9. L. Newby, Native People of Canada and the Federal Corrections System: Development of a National Policy - A Preliminary Issues Report (Ottawa: Correctional Services of Canada, 1981), pp. Appendix A, pp. 13 - 18.
9. See L. Newby, *supra*, note 8, p. 32.
10. See D. McCaskill, *supra*, note 8
11. See Carson Report, *supra*, note 2, p. 51.
12. Discussion with Millard Beane, Native Corrections Branch, CSC (Ottawa, December 23, 1987).
13. CSC, Correctional Service Response and Report on Implimentation of the Report of the Advisory Committee on the Management of Correctional Institutions (Ottawa: CSC, 1986) p. 15.
14. L.F. Meier, Grants and Denials of Release by Race, By Type of Release and y Program for the Prairie Region, From January 1, 1979 to December 31, 1985 For All Federal Offenders (Ottawa: National Parole Board, May, 1986).
15. *Ibid.*

16. CSC, Working Group on the Re-Integration of Aboriginal Offenders, Progress Report to September 3, 1987 (Ottawa: CSC, September 1987) p. 1.
17. As amended by the Constitution Amendment Proclamation, 1983.
18. Department of Indian and Northern Affairs, Comprehensive Claims Policy (Ottawa, 1986) pp. 17,18.
19. Parliament of Canada, Indian Self-Government in Canada: Report of the Special Committee (Prenner Report) (Ottawa, 1983).
20. The James Bay and Northern Quebec Agreement (Ottawa: Signed November 11, 1975) Agreement between the Grand Council of the Crees of Quebec, The Northern Quebec Inuit Association, The Government of Canada, The Government of Quebec, The société d'énergie de la Baie James, The Société de développement de la Baie James, The Commission hydro-électrique de Québec.
21. North Eastern Quebec Agreement (Ottawa: Signed January 31, 1978) Agreement between Naskapi Schefferville Band, The Government of Quebec, The government of Canada, James Bay Energy Corporation, The James Bay Development Corporation, Hydro-Quebec, The Grand Council of the Crees of Quebec and the Northern Quebec Inuit Association.
22. Indian Act, R.S.C. c. I-6 (as amended).
23. The Cree and Naskapis (Of Quebec) Act, S.C. 1983-84, c. 18.
24. Sechelt Indian Band Self-Government Act, S.C. 1986, c. 27.
25. Child and Family Services Act, 1984, Statutes of Ontario, 1984, c. 55.
26. The Federal Approach to Aboriginal Constitutional Reform (Ottawa: First Ministers Conference on Aboriginal Constitutional Matters, 1987) pp. 6,7.
27. See Sechelt Act, supra, note 24.
28. See James Bay and Northern Quebec Agreement, supra note 20.
29. Child and Family Services Act, supra note 25.
30. A. Nevitte and A. Kornberg, Minorities and the Canadian State (Oakville: Mosaic Press, 1985) p. 42.
31. Canada, Department of Justice, Equality Laws in Federal Law: A Discussion Paper (Ottawa: 1986) p. 9.
32. See Nevitt and Kornberg, supra, note 31, at p. 39.

33. Action Travail de Femmes adn the Canadian Human Rights Commission v. Canadian National Railways (Supreme Court of Canada, June 25, 1987).
34. See James Bay Agreement, *supra*, note 20.
35. Apsit v. The Manitoba Human Rights Commission (Nov 16, 1987, an unreported decision of the Manitoba Court of Queen's Bench.)
36. International Covenant on Civil and Politican Rights (1966), Article 27.
37. A Framework for the Correctional Law Review, *supra*, note 1, p. 19.
38. *Ibid.*, p. 22.
39. *Ibid.*, p. 48.
40. Native Counselling Services of Alberta, Alternatives to Imprisonment for Natives, A Submission To the Correctional Law review (Edmonton: April 22, 1987) pp. 1,2.
41. Correctional Philosophy, Working Paper Number 1 (Ottawa: Solicitor General, June, 1986).
Correctional Authority and Inmate Rights, Working Paper Number 5 (Ottawa: Solicitor General, October, 1987).
42. CSC, Native Spirituality Information Kit (Ottawa: CSC, 1985) p. 12.
43. Discussion with France-Marie Trepanier, Chief, Affirmative Action, Correctional Services of Canada (Ottawa, December 23, 1987).
44. CSC, Commissioner's Directive, Native Offender Programs (Ottawa: CSC, January 1, 1987) Number 702.

APPENDIX A

LIST OF PROPOSED WORKING PAPERS OF THE CORRECTIONAL LAW REVIEW

Correctional Philosophy

A Framework for the Correctional Law Review

Conditional Release

Victims and Corrections

Correctional Authority and Inmate Rights

Powers and Responsibilities of Correctional Staff

Correctional Issues Affecting Native Peoples

Federal-Provincial Issues in Corrections

Mental Health Services for Penitentiary Inmates

International Transfer of Offenders

APPENDIX B

CHILD AND FAMILY SERVICES ACT, 1984, Statutes of Ontario 1984,
c. 55

Approvals and Funding

- 13 (3) An approved agency that provides services to Indian or Native children and families shall have the prescribed number of band or Native community representatives on its board of directors in the prescribed manner and for the prescribed terms...

Part X: Indian and Native Child and Family Services

192. The Minister may designate a community, with the consent of its representatives, as a Native community for the purposes of this Act.
193. The Minister may make agreements with bands and Native communities, and any other parties whom the bands or Native communities choose to involve, for the provision of services.
194. 1) A band or Native community may designate a body as an Indian or Native child and family service authority.
2) Where a band or Native community has designated an Indian or Native child and family service authority, the Minister,
a) shall, at the band's or Native community's request, enter into negotiations for the provision of services by the child and family service authority; ...
195. Where a band or Native community declares that an Indian or Native child is being cared for under customary care, a society or agency may grant a subsidy to the person caring for the child.
196. A society that provides services or exercises power under this Act with respect to Indian or Native children shall regularly consult with their bands or Native communities about the provision of the services or the exercise of the powers and about matters affecting the children, including:
a) the apprehension of children and the placement of children in residential care...

APPENDIX C

STATEMENT OF PURPOSE AND
PRINCIPLES OF CORRECTIONS

The purpose of corrections is to contribute to the maintenance of a just, peaceful and safe society by:

- a) carrying out the sentence of the court having regard to the stated reasons of the sentencing judge, as well as all relevant material presented during the trial and sentencing of offenders, and by providing the judiciary with clear information about correctional operations and resources;
- b) providing the degree of custody or control necessary to contain the risk presented by the offender;
- c) encouraging offenders to adopt acceptable behaviour patterns and to participate in education, training, social development and work experiences designed to assist them to become law-abiding citizens;
- d) encouraging offenders to prepare for eventual release and successful re-integration in society through the provision of the wide range of program opportunities responsive to their individual needs;
- e) providing a safe and healthful environment to incarcerated offenders which is conducive to their personal reformation, and by assisting offenders in the community to obtain or provide for themselves the basic services available to all members of society;

The purpose is to be achieved in a manner consistent with the following principles:

1. Individuals under sentence retain all the rights and privileges of a member of society, except those that are necessarily removed or restricted by the fact of incarceration. These rights and privileges and any limitations on them should be clearly and accessibly set forth in law.
2. The punishment consists only of the loss of liberty, restriction of mobility, or any other legal disposition of the court. No other punishment should be imposed by the correctional authorities with regard to an individual's crime.
3. Any punishment or loss of liberty that results from an offender's violation of institutional rules and/or supervision conditions must be imposed in accordance with law.

4. In administering the sentence, the least restrictive course of action should be adopted that meets the legal requirements of the disposition, consistent with public protection and institutional safety and order.
5. Discretionary decisions affecting the carrying out of the sentence should be made openly, and subject to appropriate controls.
6. All individuals under correctional supervision or control should have ready access to fair grievance mechanisms and remedial procedures.
7. Lay participation in corrections and the determination of community interests with regard to correctional matters is integral to the maintenance and restoration of membership in the community of incarcerated persons and should at all times be fostered and facilitated by the correctional services.
8. The correctional system must develop and support correctional staff in recognition of the critical role they play in the attainment of the system's overall purpose and objectives.

APPENDIX D

SUMMARY OF QUESTIONS AND RECOMMENDATIONS

Should federal correctional or other legislation include enabling provisions which would provide explicit authority for Native communities or organizations to assume control of certain correctional processes that affect them? What should these provisions contain?

1. The Correctional Service of Canada shall regularly consult with Aboriginal communities and with recognized aboriginal advisory bodies with experience and expertise on aboriginal customs and offenders, about the provision of programs and services to aboriginal offenders, by

(a) establishing an Aboriginal advisory committee to provide advice on national policy issues relating to Aboriginal offenders;

(b) where requested by an Aboriginal community or recognized aboriginal advisory body, establishing a Regional Aboriginal Advisory Committee to provide advice on regional policy issues relating to aboriginal offenders. Regional Aboriginal Advisory Committees will form part of an overall National Aboriginal Advisory Committee;

(c) where requested by an Aboriginal community or recognized Aboriginal advisory body, and where practical, establishing an Aboriginal Advisory Committee to provide advice to a particular institution or parole office about programs and services for Aboriginal offenders; and

(d) the Aboriginal Advisory Committee would provide advice, upon request, to other jurisdictions.

2. The correctional system shall make available programs which are particularly suited to serving the spiritual and cultural needs of Aboriginal offenders and, where numbers warrant, programs for the treatment, training and reintegration of Aboriginal offenders which take into account their culture and way of life.

3. Aboriginal spirituality shall be accorded the same status, protection and privileges as other religions. Native Elders, spiritual advisors and ceremonial leaders shall be recognized as having the same status, protection and privileges as religious officials of other religions, for the purposes of providing religious counselling, performing spiritual ceremonies and other related duties.

4. Where numbers warrant, correctional institutions shall provide an Aboriginal Elder with the same status, protection and privileges as an institutional Chaplain.
5. The correctional service shall recognize the spiritual rights of individual Aboriginal offenders, such as group spiritual and cultural ceremonies and rituals, including pipe ceremonies, religious fasting, sweat lodge ceremonies, potlaches, and the burning of sweetgrass, sage and cedar.
6. With the offender's consent, and where he or she has expressed an interest in being released to his or her reserve, the correctional authority shall give adequate notice to the Aboriginal community of a band member's parole application or approaching date of release on mandatory supervision, and shall give the band the opportunity to present a plan for the return of the offender to the reserve, and his or her re-integration into the community.
7. There shall be an affirmative action program for the hiring and promoting of aboriginal professional staff to work with aboriginal offenders.

FINAL REPORT
TASK FORCE ON ABORIGINAL
PEOPLES IN FEDERAL
CORRECTIONS



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INTRODUCTION

Aboriginal people have been a concern of the Ministry of the Solicitor General of Canada since the early 1970s. Although they comprise 2.5 per cent of Canada's population, approximately nine per cent of federally incarcerated inmates are Aboriginal people.

The full extent of the problem is not known because statistics under-estimate the extent of Aboriginal representation in the federal correctional system. Conversely, Aboriginal people are under-represented as employees within the correctional system.

We do know that fewer Aboriginal offenders are granted full parole by the National Parole Board; when granted some form of release, it is later in their sentence; and they are more likely to have their parole revoked.

Responses to these problems are complicated by the fact that Aboriginal offenders are not a homogeneous group. They differ in terms of their constitutional and legal status, and the cultural differences of their Aboriginal nations of origin.

A. Mandate and Activities

Prompted by the Solicitor General of Canada, the Task Force on the Reintegration of Aboriginal Offenders as Law-Abiding Citizens was established in March 1987 to:

Examine the process which Aboriginal offenders (status and non-status Indians, Metis, and Inuit) go through, from the time of admission to a federal penitentiary until warrant expiry, in order to identify the needs of Aboriginal offenders and to identify ways of improving their opportunities for social reintegration as law-abiding citizens, through improved penitentiary placement, through improved institutional programs, through improved preparation for temporary absences, day parole and full parole, as well as through improved and innovative supervision.

Partly because of the difficulty of obtaining reliable statistical data, which will be demonstrated in Chapter IV, and partly because of the urgency to put into place practical and efficient mechanisms to respond to the specific needs of Aboriginal offenders, the Task Force opted for an approach based on exhaustive consultation rather than one of empirical research. The Task Force consulted with federal institutional staff and Aboriginal inmate groups, Parole Board staff and members, and CSC staff Aboriginal communities, and many other groups and organizations actively pursuing the goal of successful social reintegration of Aboriginal offenders.

In responding to its mandate, the Task Force first reviewed reports published over the past ten years and used a synthesis of their recommendations as a basis for extensive consultations across Canada (see Appendix I for detailed list).

B. Organization

The Task Force was organized into Steering and Working Committees. The Steering Committee comprised the Chairman and the Senior Board Member, Pacific Region, National Parole Board (NPB); the Assistant Deputy Solicitor General, Corrections Branch, Solicitor General Secretariat; the Director, Offender Management, Correctional Service of Canada (CSC); the Assistant Deputy Minister, Indian Services, Department of Indian Affairs and Northern Development; the Assistant Under Secretary of State, Citizenship Branch, Secretary of State of Canada; and one member of the Native Advisory Committee to CSC. The Working Committee comprised officials of the same departments and agencies.

The agencies and departments involved in the Task Force offer a wide range of programs either specifically for Aboriginal offenders, or having the potential to support the successful reintegration of Aboriginal offenders. The participants in this Task Force are:

Ministry of the Solicitor General

The Ministry of the Solicitor General has responsibility for the Royal Canadian Mounted Police (RCMP), the Correctional Service of Canada (CSC), the National Parole Board (NPB) and the Canadian Security Intelligence Service (CSIS). As well, the Solicitor General plays a lead role in national policing and corrections.

- **Secretariat**

The Solicitor General maintains a Secretariat to provide advice, support and direction with respect to legislation, policy and programs relating to his mandate, as well as to provide a coordinating role for initiatives involving more than one agency of the Ministry.

Aboriginal issues are a priority within the Secretariat's Corrections Branch, which conducts research on Aboriginal corrections issues, supports demonstration or experimental projects that test innovative approaches to community corrections, and provides assistance for information development and technology transfer. In addition, the Secretariat coordinates many interdepartmental and federal-provincial corrections activities and consultation with non-governmental organizations.

- **Royal Canadian Mounted Police**

The RCMP has a mandate to enforce Canadian laws, prevent crime, and maintain peace, order and security. The RCMP provides cost-shared policing services under federal-provincial agreements with all provinces

and territories except Ontario and Quebec. In addition, the RCMP provides contracted policing services to 191 municipalities in those same provinces and territories.

- **Correctional Service of Canada (CSC)**

CSC contributes to the protection of society by exercising safe, secure and humane control of offenders while helping them to reintegrate into society.

The Correctional Service of Canada is responsible for over 19,000 inmates sentenced to federal institutions. In 1987, CSC's program was delivered through 44 institutions, 16 community correctional centres (CCC) and 70 parole offices. In addition, CSC provides services through contracts, including contracts with Aboriginal organizations.

- **National Parole Board (NPB)**

The National Parole Board's mandate is:

- i) to exercise exclusive authority for the conditional release of all federal inmates;
- ii) to make conditional release decisions on cases of those inmates in provincial custody where the province does not have a provincial parole board; and
- iii) to make investigation and recommendation for pardons and for the exercise of the Royal Prerogative of Mercy.

The Mission of the National Parole Board expresses its major concerns as follows:

"The National Parole Board as part of the criminal justice system makes independent, quality conditional release decisions and clemency recommendations. The Board, by facilitating the timely reintegration of offenders as law-abiding citizens, contributes to the protection of society."

Department of Indian Affairs and Northern Development (INAC).

The Department of Indian Affairs and Northern Development (INAC) has responsibility to:

- fulfill the obligations of the federal government arising from treaties, the Indian Act and other legislation;
- provide for the delivery of basic services to status Indian and Inuit communities;
- assist Indians and Inuit to acquire employment skills and develop businesses;

-
- negotiate the settlement of Indian and Inuit claims;
 - support constitutional discussions regarding the definition of the rights of Aboriginal peoples and related matters;
 - provide transfer payments to the governments of Yukon and Northwest Territories;
 - support the economic development of the North and protect the Northern environment including Arctic seas; and
 - foster the political development of the Northern territories and coordinate federal policies and programs in the North.

Department of Secretary of State

The mandate of the Secretary of State of Canada for citizenship development and multiculturalism has led to a series of initiatives specifically designed to assist Aboriginal peoples to define their socio-cultural needs in an Aboriginal-specific context as well as within the framework of Canada's overall population.

C. Principles

The Task Force recognized the Solicitor General's corporate objective of creating a just, equitable, and humane correctional system, and the principles contained in the mission statements of the National Parole Board and Correctional Service of Canada (see Appendix II).

In attempting to synthesize the recognized need to establish enhanced Aboriginal programs and services within the existing Ministry mandate, policies, and objectives, the Task Force established the following set of principles to guide the development of recommendations and strategies:

Principle 1

That the focus of the Task Force be restricted to matters within the Solicitor General's responsibilities while recognizing that many of the problems leading to the over-representation of Aboriginal people in federal prisons are unrelated to the role of the Solicitor General;

Principle 2

That Aboriginal inmates must have access to all services and programs offered to the general population;

Principle 3

That Aboriginal offenders, like other offenders, must be given the opportunity to derive maximum benefit from the correctional process even where this means making specific provisions for Aboriginal offenders;

Principle 4

That where Aboriginal-specific services are to be provided under contract, their development and delivery should normally be by recognized Aboriginal organizations, agencies and communities;

Principle 5

That where existing policies and programs already advocate a distinct approach to meet the special needs of Aboriginal offenders, the intent is to clarify and reinforce those existing policies and procedures, in addition to establishing mechanisms for implementing the recommendations contained in this report and monitoring the progress of their implementation;

Principle 6

That awareness and sensitivity with respect to Aboriginal cultures and peoples is required in order to respond to the aforementioned principles;

Principle 7

That the report of the Task Force must offer practical recommendations and viable options which will have an impact on increasing the chances for the Aboriginal offender's successful reintegration into society.

THE REQUIREMENT FOR ABORIGINAL-SPECIFIC APPROACHES

The Task Force confirmed that Aboriginal offenders face unique difficulties in obtaining and completing parole, and that, even when they face the same problems as non-Aboriginal inmates, unique solutions are required because of their cultural and socio-economic backgrounds.

The Task Force concluded that, to provide for equitable decision-making and equivalent opportunities for successful reintegration, policies, structures, and programs of the Ministry must serve to enhance Aboriginal participation within the corrections system. The Ministry must also increase Aboriginal control over programs and services as much as possible under existing law. This conclusion results from consideration of three contexts that delimit appropriate treatment of Aboriginal offenders. These contexts, described in the next sections, are legal, socio-economic, and spiritual. The following discussion describes some of the essential aspects of these factors but is in no way exhaustive.

The Legal Context ¹

The special legal status of Aboriginal peoples is a product of Aboriginal and treaty rights, and various constitutional and legislative provisions. Insofar as Aboriginal persons are members of ethnic, religious or linguistic minorities, Canada also has an international legal obligation to respect specified rights.

Constitutional jurisdiction to make laws concerning "Indians, and lands reserved for Indians" was given to the Parliament of Canada by virtue of Section 91(24) of the **Constitution Act, 1867**. Many Aboriginal groups signed treaties with the Crown in which they surrendered their claims to a portion of the land in return for reserves and other treaty rights.

More recently, certain rights of Aboriginal peoples were specifically affirmed in the Constitution. The provisions related to these rights are contained in Sections 25 and 35 of the **Constitution Act, 1982**. Section 25 states:

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any Aboriginal, treaty, or other rights or freedoms that pertain to the Aboriginal peoples of Canada including:
 - a) any rights or freedoms that may have been recognized by the Royal Proclamation of October 7, 1763, and
 - b) any rights or freedoms that now exist by way of land claims, agreements or may be so acquired.

This section is important for any correctional legislation pertaining to Aboriginal people because it is probable that the "equality rights" section of the Charter (Section 15) cannot be used to strike down any existing or other rights of Aboriginal people on the grounds that they discriminate against all other Canadians. Thus, distinctions in programs or services are likely not discriminatory if they flow from the rights of Aboriginal peoples.

This section is specially significant, given 5.15(2) of the Charter, which permits ameliorative programs to remedy disadvantages faced by individuals or groups. This section provides that:

- 15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.
- (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups, including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

Even when a law or program is apparently neutral at face value, it may have a different impact on some minority groups than on mainstream Canadians. For example, it could be argued that the National Parole Board, carrying out its responsibility " ... to grant release, and determine release terms and conditions" under the **Parole Act**, would be in violation of the Charter if decisions, procedures and conditions of parole could be demonstrated to *de facto* discriminate against Aboriginal inmates.

This kind of discrimination may be termed "systemic discrimination." It occurs when an apparently neutral law or program has an adverse effect. As a 1985 federal Department of Justice discussion paper states, "It is discrimination when neutral administration and law have the effect of disadvantaging people already in need of protection under Section 15. This form of discrimination is often not readily identified; it commonly takes statistical analysis to detect it."

In order to preclude, or at least minimize, litigation alleging "systemic discrimination" against particular groups, governments may institute affirmative action programs in the form of special treatment or consideration for members of disadvantaged minorities. "It is such legislation and programs that are referred to in Section 15(2) of the Charter when it states: "...Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups."

Since equality of results - not just equality of opportunity - is the main concern of affirmative action programs, such programs must include both "equal opportunity" and "remedial" measures. Equality of opportunity alone is not enough because the deficit situation of certain groups is such that they would continue to be seriously disadvantaged. Equality of opportunity alone will not remove the effects of past injustice. A remedial program, is therefore, required to make affirmative action meaningful.

It is significant that not only does the Charter make legitimate such considerations, but it also opens the door to legal challenges by individuals if such programs are not provided. How Section 15 will, in fact, be interpreted by the Supreme Court of Canada is, as yet, unknown.

The Socio-Economic Context ²

Crime committed by Aboriginal people - like crime in general - is related to the socio-economic conditions experienced by Aboriginal people on and off reserves. Any reduction in crime must address these socio-economic conditions.

The socio-economic conditions of Aboriginal peoples, as compared to other Canadians, are discouraging. Generally, Aboriginal Canadians have a lower average level of education, fewer marketable skills, and a higher rate of unemployment. The infant mortality rate for Indian children is twice the national rate, while life expectancy for those children who live past one year is more than ten years less than for children of the Canadian population as a whole.

The rate of violent death among Indian people is more than three times the national average. The overall suicide rate is nearly three times that of the total population. In the 15-25 age range, the suicide rate is more than six times that of the total population.

Studies also suggest that Aboriginal offenders, perhaps to an even greater extent than non-Aboriginal offenders, come from backgrounds characterized by a high degree of family instability. Usually they have had a great deal of contact with various types of social services and criminal justice agencies. Aboriginal offenders show a high incidence of single-parent homes, family problems and foster home placements. The majority of Aboriginal offenders have long criminal records both as juveniles and as adults.

The individual and socio-economic characteristics of Aboriginal offenders will be discussed in detail in Chapter 3. It is evident that the greater socio-economic disadvantage of Aboriginal offenders points to the need for special remedial treatment.

The Health Context

The traditional Indian view of health, which is still maintained to this day, is that the term "health" means a state of complete physical, mental, social and spiritual well-being. This concept is more encompassing and holistic than the European-Canadian model of health which focuses on disease and infirmity.

The current federal policy for the provision of Indian and Inuit health services and quality of care should be comparable to standards enjoyed by other Canadians. The goal of the policy is to increase the level of health in Native communities by a program of health care which is generated and maintained by the communities themselves.

Attainment of this goal is based on three "pillars":

- socio-economic and cultural development
- Native-controlled planning, budgeting and delivery of health programs;
- adaptation of federal, provincial and municipal health services to meet the specific needs of Native communities.

The federal health policy for Indian and Inuit people recognizes the special relationship that both are committed to preserve. The policy recognizes and flows in part from the traditional Indian view of health and commitment of Indian people to preserve and enhance their culture and traditions. The movement to return to the practice of traditional medicine by both Indian and Inuit people is one that is slowly gaining momentum.

The socio-economic circumstances demanding special treatment for Aboriginal offenders include their cultural and spiritual background. Programs that are appropriate for non-Aboriginal offenders may not work for Aboriginal people because of those social characteristics. This point will be given detailed attention in Chapter 5.

A Spiritual Context

While significant differences exist among cultural and spiritual practices of Aboriginal nations, such as those between Indian and Inuit peoples, the importance attached to the teachings of the Circle is evident in many Aboriginal societies and in most, if not all, Sisterhoods and Brotherhoods. Many call it the Sacred Circle because of the deep and abiding lessons intrinsic to it.

The Sacred Circle represents a cycle with no beginning or end. Because of its symmetry, the Sacred Circle represents balance and harmony which is the ideal state for human life and for the world.

The Creator gives people constant reminders of the Circle's importance. The sun, moon and stars are circles. Many other creations, such as trees and medicine plants, are also round.

Among many Aboriginal nations, the number four has profound spiritual significance. When placed with the Sacred Circle, the number four gives many additional lessons. There are the four stages of human growth: child, youth, adult and elder. Each has its own place in the cycle of life, and each follows the others in a natural progression. At the completion of life's fourth stage, the cycle of life begins again.

The Creator made the four directions and the four winds to demonstrate the relationship of the Sacred Circle and the number four. The Creator made the four seasons, which follow each other around the Circle of the yearly cycle. Each has its own place and time. Because they are part of a Circle, each season is considered equal, although different, to ensure the balance and harmony of the Circle. If any season were removed from the Circle, the Circle would lose its

balance and harmony; the Circle would be broken and the Creator's design for the world would be dishonoured.

Many Aboriginal nations recognize four sacred colours: black, red, white and yellow. These colours may be seen as representing the four primary peoples of mankind. As with all other creations, the four peoples have their own place in the Sacred Circle.

To maintain the Creator's design of balance and harmony within the Creation, each people must recognize their own place in the Circle and recognize that, while different, they must treat each other equally. If one people were to try to become the same as another, the result would be imbalance and disharmony. Disservice is done to the Creator if the differences of the four peoples are not recognized and honoured. The Sacred Circle would lose its harmony if the four peoples were not treated equally. Because of many Aboriginal peoples' deep roots in their own culture, the delivery of service to those individuals must take their spiritual and cultural background into account, including such values as art, language, family and community. Aboriginal-specific programs and services are thus warranted whenever they are required to ensure the same opportunity and equality of results.

Chapter 3

CORRECTIONAL CONTEXT

A. Correctional Process

The Task Force recognized that the requirement for Aboriginal-specific approaches must take place within the existing corrections and parole processes until such time as existing constitutional or legislative frameworks may be changed to enable different approaches.

The case management process is the basic means by which all sentences are managed. The process is designed to ensure that all relevant information about individual offenders is coordinated and focussed to produce a clear understanding of a case at any given time during a sentence. Such an understanding is required to assist offenders in making adjustments required for their successful reintegration with society as law-abiding citizens. From another perspective, the information is critical to the protection of society in that it identifies the institutional control measures required for each offender. The case management process identifies those individuals who may be safely released and specifies the conditions of their release.

The case management process represents a logical flow of events in the administration of a sentence. It includes initial and periodically updated assessments of the needs and problems of offenders. Based on the assessments, the offender's security requirements can be determined and their problems and needs professionally addressed. The needs include treatment or training within the institution, and extend to plans for accommodation, employment, training, and treatment on release. Before any major decision is made concerning security level or any form of conditional release, a summary of the offender's record, assessment, treatment plan and progress is presented to the decision-makers.

To be effective, the case management process requires reliable information about the offender. Some of that information, such as convictions and work history, is objective and easily obtainable. Other information is sometimes dependent on human interpretation. While necessary, this subjective information can lead to erroneous conclusions about an offender. Experienced practitioners avoid such pitfalls to the extent possible, and the team approach to case management favoured by the Correctional Service is designed to further reduce the danger that an offender or a situation will be misrepresented to the decision makers.

B. The Forms of Conditional Release

All offenders are, at some point in their sentence, eligible for one or more of the various types of conditional release.

There are four types of conditional release.

A temporary absence is often the first release an inmate will be granted. Temporary absences are occasional leaves granted for medical, rehabilitation or humanitarian reasons. They may be with or without escort.

Inmates serving a definite sentence (i.e., one that has an end, unlike a life or an indeterminate sentence) are normally eligible to be considered for an unescorted temporary absence after having served one-sixth of their sentence.

Day parole is a bridging program which facilitates the management of the critical transition between total incarceration and full conditional release on parole or mandatory supervision. It provides selected offenders an opportunity to participate in approved community-based activities while returning, as required, to a correctional facility. Inmates serving a definite sentence are normally eligible to be considered for day parole after having served one-sixth of their sentence.

Under full parole, offenders are entitled to spend the remainder of their sentence in the community under supervision, subject to conditions set by the NPB. Inmates serving a definite sentence are generally eligible for review for full parole after serving one-third of their sentence or seven years, whichever is less.

Offenders sentenced to life imprisonment for murder are subject to clearly defined eligibility requirements. Persons convicted of first degree murder (planned and deliberate murder, the murder of a police officer, or a prison employee) are not eligible for full parole consideration for 25 years. Eligibility for full parole consideration for persons convicted of second degree murder (any murder that is not first degree) is determined by the sentencing judge, on recommendation of the jury, at between 10 and 25 years. In both cases, inmates become eligible for unescorted temporary absences and day parole three years before their full parole eligibility date. Of the 12,674 inmates currently incarcerated in federal institutions (March 31, 1987), 351 are serving sentences for first degree murder and 991 for second degree.

Anyone convicted of murder and serving more than 15 years before full parole eligibility may apply after 15 years for a judicial review by a Superior Court judge and a jury to either reduce the remaining period before eligibility, or to be declared eligible for parole consideration immediately. To date, one case has been heard by the court and reviewed by the National Parole Board.

Persons who are paroled while serving life sentences remain on parole for life.

C. The Parole Process

The National Parole Board contributes to the protection of society by providing offenders with opportunities to establish themselves in the community as law-abiding citizens through the timely transition from the institution to the community in the safest possible manner.

Section 10 of the **Parole Act** sets forth three criteria which must be met in order for the National Parole Board to grant parole to an offender:

1. in the case of full parole, the inmate has derived the maximum benefit from imprisonment;
2. the reform and rehabilitation of the inmate will be aided by the grant of parole; and
3. the release of an inmate on parole would not constitute an undue risk to society.

The wording of Section 10 lends itself to an interpretation focussed on risk and the protection of society. The National Parole Board considers criterion 3 as the single most important criterion and criteria 1 and 2 as supportive of criterion 3. In other words, risk is the overriding factor.

Eligibility requirements are such that all offenders must serve a certain portion of their sentence under institutional conditions. Conditional release programs recognize both an offender's potential to change and the difficulty of transition from the institution to the community.

The **Parole Act** and Regulations require that a review for full parole be carried out for all federal inmates on or before their full parole eligibility date. Where full parole is not granted, a date is normally set for a subsequent review within two years, and every two years thereafter.

Offenders who are denied release or whose release is revoked may apply for a review of the decision to the Appeal Division of the National Parole Board. The Appeal Division may affirm or modify the decision or request that a new review be conducted at the regional level.

The **Parole Act** was amended in 1986 to authorize the National Parole Board, according to established criteria and procedures, to retain in custody until warrant expiry, or place under strict residential conditions, certain inmates who committed certain specified offences, who caused harm to their victims and who are considered likely to commit an offence causing death or serious harm to another person before the end of their sentence. Some inmates who have committed one of the specified offences, causing serious harm, may be judged by the National Parole Board as unlikely to cause serious harm prior to the end of their sentence. In such cases, they may be released on mandatory supervision. However, they will not be entitled to remission if that release is revoked. Because they no longer qualify for time off for good behaviour, they are, in effect, allowed only one chance in the community under mandatory supervision.

When the National Parole Board has granted conditional release, the inmate must sign a certificate that sets out the conditions of release. Many of the conditions are mandatory and are imposed on any inmate released on parole or subject to mandatory supervision. In addition, the inmate may be given some special conditions related to a particular behavioural pattern that is linked with an increasing probability of committing a crime (e.g. abstain from intoxicants).

Suspension of parole or mandatory supervision may occur because of a violation of the release conditions or because there are reasonable grounds to believe that a continuation of the release will endanger the public.

When conditional release is suspended, the offender is returned to custody and an investigation is started immediately. At any time during the following 14 days, the suspension may be cancelled if it is determined that the reasons for the suspension are not of continuing concern. When a case is referred to the National Parole Board, the Board may return the offender to prison.

D. Aboriginal-Specific Correctional Programs

The Native Liaison Support System began in the early 1970s as a result of a demonstrated need for community support and advice to Aboriginal offenders. The concept quickly grew from that original need to an extensive network of organizations and agencies across Canada that aid and assist the Aboriginal offender.

A number of Aboriginal organizations are currently engaged in Aboriginal inmate liaison duties. Many also offer other programs and services, such as halfway houses, spirituality, job placement, education, substance abuse and a variety of other services for Aboriginal offenders and their families. Some Aboriginal organizations providing a range of these services under contract to CSC are:

B.C.	Allied Indian and Metis Society
Alberta	Native Counselling Services of Alberta
Saskatchewan	Gabriel Dumont Institute
Manitoba	Native Clan Organization Inc.
Ontario	Owe Taninkega Mani
Quebec	Para-Judicial Native Counselling Services of Quebec

In addition to the above, the Correctional Services of Canada contracts at the regional level with colleges and universities for specialized programs to meet other needs of Aboriginal offenders, such as education, carving and heritage programs.

In 1985, a policy on Aboriginal spirituality was set out by the Correctional Service of Canada. This policy appears as Appendix III. Until that time, individual staff in institutions recognized the need for Aboriginal programs, and sought to address it. It was through their efforts and the evolution of Aboriginal corrections organizations that CSC is in a much better situation than twenty years ago. The policy on "Native Offender Programs," established in January 1987, contributes to the further development of Aboriginal offender programs across the country.

The combined efforts of both Aboriginal organizations and institutional staff assist Aboriginal offenders to successfully reintegrate with society as law-abiding citizens.

- *Ministry of the Solicitor General*

The Ministry of the Solicitor General has an active role in the development of Aboriginal corrections policies and programs. Specific projects and program initiatives of the Secretariat, the National Parole Board, the Correctional Service of Canada and the RCMP include:

Secretariat

The Secretariat Corrections Branch chairs the Correctional Law Review Project of the government's general Criminal Law Review. The Correctional Law Review Working Paper No. 7, "Correctional Issues Affecting Native Peoples", describes a number of legislative options relating to the correctional issues facing Aboriginal offenders and Aboriginal communities. The development of specific policies is left to the correctional agencies themselves.

The Branch provides for demonstration projects and the development of research in the field of Aboriginal corrections.

The Women in Conflict with the Law program, initiated in 1983, has funded 44 projects and activities targeted towards women who are involved with crime or who are at risk of coming into conflict with the law. The priorities for this are northern and Aboriginal women. Among the eight projects administered by Aboriginal people are the following:

- Opportunity for Advancement and Elizabeth Fry Society of Toronto have developed a group work model for women in corrections and will test it with an Aboriginal group;
- the Skokum Jim Friendship Centre in Whitehorse has developed a self-help group model to help women access existing community resources;
- The Montreal Native Friendship Centre has completed a needs assessment for those aboriginal women who are prostituting; and
- Family Life Skills Program (FLIP), sponsored by the Native Counselling Services of Alberta, has developed a group and individual counselling model to teach social and life skills.

National Parole Board

The National Parole Board is a decision-making agency, and as such, is not responsible for the delivery of programs to offenders. However, its interest in rendering appropriate decisions about Aboriginal offenders is reflected in a number of projects and initiatives designed to enhance decision-making in the case of Aboriginal offenders.

Mission Statement

In the principles contained in its Mission document, the National Parole Board recognizes the need to address specific issues relating to the social and cultural differences of offenders.

National Parole Board Member Selection Criteria

These were approved by the Solicitor General and provided to the Privy Council Office. At present, there are a few Aboriginal persons serving as either full time, temporary or community members.

Advisory Committee on Aboriginal Issues

This committee is chaired by an Aboriginal member from the Pacific Division of the National Parole Board, and comprises two additional members of the National Parole Board and two staff persons. They report directly to the Chairman of the National Parole Board.

Pre-Release Decision Policies

The National Parole Board has begun applying its pre-release decision policies. These policies are intended to make National Parole Board decisions more understandable. They specify how offenders can reduce their risk of re-offending and gain parole. The criteria make specific mention of Native spirituality, Elder counselling and other culturally oriented programs.

RCMP

Special Constable Program

Begun in 1974 in conjunction with the Department of Indian Affairs, it is designed to place Native Special Constables on reserves and adjacent areas, with a particular emphasis on crime prevention and community relations. In 1986-87, the RCMP employed 129 Native Special Constables in all provinces except Quebec, Ontario, and New Brunswick.

Cross-Cultural Training Program

A course given to RCMP recruits during their six-month training program. The course is intended to improve relationships between the police and the groups they are policing and to ensure that the services provided reflect the needs of the community.

Correctional Service of Canada

Native Advisory Committee

This committee advises the Correctional Service of Canada on Native programs and initiatives and meets twice yearly.

Native Spirituality Program

A program providing opportunities for spiritual development and guidance for Aboriginal offenders in federal facilities.

Native Liaison Worker Services

These services are for liaison with Aboriginal inmates to provide advice, assistance, counselling and community resource development. Although these services are funded by the Correctional Service of Canada, they are administered by Native organizations.

Native Brotherhoods/Sisterhoods

These associations, run by Aboriginal inmates, act as self-help groups and are the focus of cultural and spiritual activities in the institutions. Such groups exist in most federal institutions.

Employment Affirmation Action Program

This program is designed to encourage the employment of Aboriginal people at all levels within the Correctional Service of Canada.

Important programs offered in some regions include:

Native Alcohol and Drug Counselling Program

Provides group and individual counselling to Aboriginal offenders. It also provides for community resource development, referrals and follow-up.

Native Academic Upgrade Program

Improves learning skills of Aboriginal offenders. It also teaches living skills and upgrades the level of education of Aboriginal offenders.

Community Residential Services

These halfway houses for Aboriginal offenders are located in British Columbia, Alberta, Manitoba and Ontario. They are run by Aboriginal service-delivery agencies and are funded by CSC.

Supervision of Aboriginal Inmates

Native organizations provide supervision for inmates on parole and mandatory supervision in the Prairies region.

Sensitivity to Aboriginal Culture.

A program aimed at non-Native staff so that difficulties and problems encountered by Aboriginal offenders can be better understood and dealt with, e.g., in Prairies, training is offered to all staff who deal with Aboriginal inmates.

• *Indian and Northern Affairs Canada (INAC)*

Indian Affairs and Northern Development funds a variety of programs and services that assist in the reintegration of offenders into their communities through the release and post-release processes. These include social services, post-secondary and cultural education, economic development and employment training programs, and policing and housing programs.

INAC supports band and tribal councils and a variety of Indian organizations which respond to the needs of offenders. It works with other federal departments in support of their programs for Indians.

INAC also sponsors new initiatives to encourage the design and control of programs by Indians through alternative funding arrangements, claims negotiations and self-government initiatives.

- *Department of Secretary of State*

The Department of Secretary of State, through its Citizenship Branch, assists Aboriginal people in defining and participating in the social, cultural, political and economic issues affecting their lives in Canadian society. Specifically, six programs are administered by the Native Citizens Directorate which serves status and non-status Indians, Metis and Inuit organizations and Native-initiated and managed projects.

- *Department of Justice*

The mandate of the Department of Justice for criminal law, access to justice for criminal law, access to justice programs, such as legal aid, justice policy development, constitutional and related issues has led to the establishment of policy and program activities directed specifically to the concerns of Aboriginal peoples including:

- Support of criminal courtworker services to Native accused under cost shared financing arrangements with provinces and the territories. The courtworker program seeks to promote the fair and equitable treatment of Native people involved in criminal proceedings particularly an understanding of their rights and of court procedures.
- A program to encourage non-status and Metis students to enter the legal profession by defraying costs associated with obtaining a degree in law.
- Ongoing participation in the self-government negotiations process, with a particular concern for issues touching upon justice administration.

Chapter 4

A STATISTICAL PROFILE OF FEDERAL ABORIGINAL OFFENDERS AND THEIR CONDITIONAL RELEASE

A. Size of the Aboriginal Inmate Population

As indicated in Chapter 1, Aboriginal people represent a greater proportion of federal inmates than of the Canadian population as a whole. Moreover, the numbers are growing. The rate of growth of the Aboriginal offender population has exceeded that of the general inmate population every year since 1982-83 (see Table 1). This is probably due, in part, to the different rates of growth that have been noted for the Aboriginal and non-Aboriginal populations in Canada generally. It may also reflect the fact that Aboriginal people are now more likely to identify their cultural origins to correctional officials. The number of male inmates in the general federal population, including federal offenders in provincial institutions, fell 1.3 per cent between 1985 and 1987, while the Aboriginal inmate population grew 3.5 per cent. However, because Aboriginal offenders still comprise a small proportion of the total federal offender population, this proportion has only grown from 8.8 per cent in March of 1983 to 9.6 per cent in March of 1987. The Prairies region has the largest growth rate of Native inmates. In March 1983, Aboriginal offenders comprised 27.3 per cent of the inmate population in the Prairies. The figure increased to 31 per cent by March 1987.^{3,4}

Despite these increases, the proportion of self-identified Aboriginal inmates in federal penitentiaries, excluding federal offenders in provincial prisons, was 8.8 per cent in March of 1987, virtually unchanged from 8.7 per cent in March of 1983. This may be partially due to greater use of exchange of services agreements for Aboriginal offenders. In March of 1983, Aboriginal offenders made up 17.3 per cent of federal offenders in provincial prisons, and by March of 1987, this figure had increased to 24.7 per cent.

The creation of national policies, programs and standards is complicated by the variation in the proportion and numbers of Aboriginal offenders from region to region. As shown in Table 2, the proportion of Aboriginal inmates as of December 31, 1987, ranged from 32.7 per cent in the Prairies region to less than 1 per cent in Quebec. The difficulty posed by this variation becomes more evident when one considers that although, according to official statistics, there are 730 Aboriginal inmates spread among 11 institutions in the Prairies region, there are only 26 in the 10 institutions in Quebec.

The delivery of programs to Aboriginal offenders is further complicated by variation in the security levels of the institutions. Access to programs varies according to security levels, and as is shown in Table 3, Aboriginal and non-Aboriginal offenders differed in terms of the security levels of the institutions in which they were placed. However, the nature of the data does not permit any definite conclusions about the impact of these differences on access to programming or the probability of release. Nearly twice as many Aboriginal

TABLE 1

ABORIGINAL AND NON-ABORIGINAL INMATE POPULATION
RATE OF GROWTH*

(1982-83 to 1986-87)

Fiscal Year	Non-Native % Growth Per Year	Native % Growth Per Year
1982-83	9.4	15.2
1983-84	5.0	8.7
1984-85	4.5	5.2
1985-86	3.7	5.7
1986-87	-1.3	3.5

* Includes federal inmates maintained in provincial institutions

Source: Correctional Services of Canada Offender Population Forecast 1987-88
to 1994-95

TABLE 2

REGIONAL DISTRIBUTION OF ABORIGINAL INMATE POPULATION
AS A PERCENTAGE OF THE TOTAL INMATE POPULATION*

Region	Total Inmate Population	Aboriginal Inmate Population	Aboriginal Inmate As Percentage of Total Inmate	Distribution of Aboriginal Inmate Population by Region
Pacific	1531	208	13.5	18.1
Prairies	2231	730	32.7	63.9
Ontario	3383	146	4.3	12.8
Quebec	3475	26	0.75	2.3
Atlantic	1025	33	3.2	2.9
National	11873	1143	9.6%	100.0%

* Includes provincial inmates in federal institutions

Source: Correctional Service of Canada Population Profile Report 31/12/87

inmates were placed in multi-level security institutions (24.6 per cent as compared to 12.6 per cent). Only 17.8 per cent of Aboriginal inmates as compared to 27.8 per cent of non-Aboriginal were in S4 institutions. Also 8.1 per cent of Aboriginal inmates compared to 15.6 per cent of non-Aboriginal were in minimum security (i.e., S1 and S2).

It appears that the variation in the levels at which Aboriginal and non-Aboriginal offenders are placed is influenced by limitations with respect to the types of institutions available close to the home community of the offender. For example, the only major institution available in Saskatchewan is the multi-level

TABLE 3
ABORIGINAL AND NON-ABORIGINAL INMATE POPULATION
DISTRIBUTION BY SECURITY LEVEL OF HOLDING INSTITUTION*

Level of Security	# and % Native Inmate Population	# and % of Non-Native Inmate Population
S1	4 (4%)	115 (1.0%)
S2	85 (7.7%)	1535 (14.6%)
S3	154 (13.9%)	988 (9.4%)
S4	197 (17.8%)	2909 (28.8%)
S5	235 (21.1%)	1773 (16.9%)
S6	161 (14.5%)	1829 (17.4%)
Multi-Level Security	273 (24.6%)	1329 (12.6%)
Total	1109 (100.0%)	10478 (100.0%)

* As of December 31, 1987, security level designations have been reduced to three: minimum (S-1, S-2), medium (S-3, S-5) and maximum (S-6).

Source: Correctional Service of Canada Population Profile Report 31-12-87.

Saskatchewan Institution, accounting for 175 of the 273 multi-level placements of Aboriginal offenders. Similarly, Stony Mountain Penitentiary, the major institution in Manitoba, accounts for 150 of the 235 S5 placements of Aboriginal offenders. The proportion of Aboriginal offenders in S6 (maximum security) institutions was slightly lower than the proportion of non-Aboriginal offenders.

B. Characteristics of Aboriginal Inmates

Problems posed by the relatively high numbers of Aboriginal offenders in the system are further compounded by the fact that Aboriginal people are not a homogeneous group. Their needs and characteristics vary according to their particular cultural groupings and differences such as whether they are status or non-status Indian, Metis, or Inuit, and of rural or urban origins. As of December 31, 1987, 74.1 per cent of the Aboriginal inmate population were North American Indian, 23.3 per cent Metis, and 2.4 per cent Inuit.

A study of CSC Prairie region Aboriginal inmates' files found that, as of 1984, 20.4 per cent were born in communities of over 10,000 people, 35 per cent in communities of between 100 and 10,000 people, 28.5 per cent in communities less than 25 kilometres from a centre of more than 100 people and 15.3 per cent from isolated or more rural communities.⁵

The implications of their rural and urban origins are complicated by their transition to urban communities. At the time of their admission to a federal institution, 67.2 per cent of Aboriginal offenders had been residing in communities of over 10,000 people, compared to the 20.4 per cent born in communities of this size.

TABLE 4

DISTRIBUTION BY REGION OF NORTH AMERICAN INDIAN, METIS
AND INUIT OFFENDERS IN FEDERAL INSTITUTIONS*

Region	Total Native Inmate Population	% of North-American Indian	% of Metis	% of Inuit
Atlantic	33	87.8	3.0	9.0
Quebec	26	61.5	7.6	30.7
Ontario	146	89.7	8.2	2.0
Prairies	730	69.3	28.7	1.9
Pacific	208	79.8	20.1	0.0
Total	1143	74.1	23.3%	2.4

* Includes provincial inmates in federal institutions

Source: Correctional Service of Canada Population Profile Report 31-12-87

As noted in Chapter 2, it has generally been acknowledged that federal Aboriginal offenders come from seriously disadvantaged backgrounds.

Aboriginal inmates are even more disadvantaged in some respects than other inmates. A study in progress provides socio-demographic information on a sample of 84 Aboriginal federal inmates and 793 non-Aboriginal inmates who became eligible for release in 1983-84.⁶ Preliminary findings indicate that: alcohol abuse was identified as a problem among 76 per cent of the Aboriginal inmates in comparison to 64.6 per cent of non-Aboriginal inmates. Under 20 per cent of the Aboriginal offenders had a grade 10 education or less, compared to more than 30 per cent of other offenders. Employment rates also varied, with less than 17 per cent of Aboriginal offenders employed at the time of their offence, in comparison to nearly 30 per cent of non-Aboriginal offenders.

A variety of other problems are evident as well. Only 22.5 per cent had any vocational training and about two-thirds had no previous skilled employment.

These figures do not necessarily suggest that Aboriginal offenders are poor candidates for release because of poor community ties and prospects. Rather, the indicators of positive community ties may be different in Aboriginal than non-Aboriginal communities and may not appear in offender files or be used for release decision-making. These data do suggest, however, that Aboriginal offenders are likely to have important needs that should be addressed by institutional programs and release planning.

The criminal profiles of Aboriginal inmates also create impediments to their early release. Seventy-three per cent of Aboriginal inmates as of December 31, 1987, were guilty of crimes of violence, compared to under 60 per cent of other inmates. If robbery is excluded, 55 per cent of Aboriginal offenders had committed an offence against the person, in comparison to fewer than 35 per cent of other inmates.^{7,8}

However, the greater incidence of violent crimes should not be taken as an indication that Aboriginal offenders are not as good candidates for release as others. The sentence lengths that they are serving tend to be somewhat shorter, suggesting that their offences may be less serious. In fact, 47.8 per cent of Aboriginal offenders and 37.4 per cent of non-Aboriginal offenders in federal penitentiaries on December 31, 1987, were serving aggregate sentences of less than four years. The apparent discrepancy between the prevalence of violent offences and sentence lengths may also be the result of variations in the likelihood of apprehension or charging practices.

C. Female Offenders

As of March 31, 1987, Aboriginal females comprised 14.2 per cent of the 164 women in federal prisons.⁹ North American Indians comprised 11.4 per cent of the female inmate population and Metis another 2.8 per cent. The proportion of Aboriginal offenders has decreased by over 4 per cent from the figure of 18.44 per cent at the end of fiscal year 1982-83.¹⁰ As with the federal Aboriginal offender population generally, the proportion of federal female offenders in provincial institutions who are Aboriginal offenders has increased, from 18.2 per cent in fiscal year 1982-83 to 25.3 per cent at the end of fiscal year 1986-87.

Of the 164 women in federal prison, 144 were in the Prison for Women. Of the 21 female Aboriginal offenders in federal penitentiaries, two were not in the Prison for Women.

D. Conditional Release

Aboriginal offenders are less likely than other federal inmates to be released on parole instead of mandatory supervision. Table 5 shows that during 1987, the proportion of releases of Aboriginal offenders on full parole was 18.3 per cent, compared with 42.1 per cent for non-Aboriginal offenders. In 1983, the full parole ratio was nearly three to one in favour of non-Native offenders. Between 1983 and 1986, the proportion of full parole releases of Aboriginal inmates increased while that of non-Aboriginal inmates decreased. In 1987, following implementation of the new National Parole Board Mission Statement, the proportion of parole releases increased dramatically for both groups.

The consequence of this difference in proportion of full parole releases is that a greater proportion of non-Aboriginal offenders are serving their sentence in the community. On May 11, 1988, 32.5 per cent of Aboriginal offenders were in the community, compared with 43.2 per cent of non-Aboriginal offenders (see Table 6). In particular, it should be noted that only 10.2 per cent of Aboriginal offenders were serving their sentence on full parole, compared with 23.9 per cent of non-Aboriginal offenders. The proportions in the community on day parole were quite similar, at 6.8 per cent and 7.9 per cent respectively. Table 7 shows that the proportion of Aboriginal offenders serving their sentence on full parole has increased steadily from 7.2 per cent on December 31, 1983. The proportion of non-Aboriginal offenders serving their sentence on full parole decreased from 23.5 per cent at the end of 1983 to 21.8 per cent at the end of 1986. This figure increased to 24 per cent at the end of 1987, following implementation of the National Parole Board's new mission statement.

TABLE 5

RELEASES OF ABORIGINAL AND NON-ABORIGINAL OFFENDERS
TO FULL PAROLE AND MANDATORY SUPERVISION (1983-1987)*

YEAR	ABORIGINAL OFFENDERS			NON-ABORIGINAL OFFENDERS		
	Parole Releases	MS Releases	Proportion Parole/MS	Parole Releases	MS Releases	Proportion Parole/MS
1983	62	377	14.1%	1726	2412	41.7%
1984	70	374	15.8%	1545	2556	37.7%
1985	73	419	14.8%	1518	2821	35.0%
1986	70	375	15.8%	1628	2923	35.8%
1987	85	379	18.3%	1993	2747	42.1%

*Excludes releases for continuation of parole or MS

Source: Correctional Service of Canada Offender Information System

TABLE 6

ABORIGINAL AND NON-ABORIGINAL OFFENDERS SERVING
THEIR SENTENCES IN THE COMMUNITY AS OF MAY 11, 1988*

Total Offenders	Number on Mandatory Supervision	Number on Full Parole	Number on Day Parole	Total in Community
Aboriginal Offenders				
1689	244 (15.5%)	162 (10.2%)	108 (6.8%)	514 (32.5%)
Non-Aboriginal Offenders				
18376	1943 (11.4%)	4068 (23.9%)	1346 (7.9%)	7357 (43.2%)

*Includes those continuing previous parole and MS release

Source: Correctional Service of Canada Offender Information System

It also appears that Aboriginal offenders who are paroled may serve a greater proportion of their sentence prior to being paroled. As is shown in Table 8, nationwide, Aboriginal offenders granted full parole had served 51.3 per cent of their sentence prior to being paroled, as compared to an average of 45.7 per cent of sentence for all offenders.

The fact that Aboriginal offenders serve a greater proportion of their sentence in prison is borne out in a study of all offenders eligible for parole in the period 1980-81 to 1982-83. This study found that while 16 per cent of Caucasian

TABLE 7

ABORIGINAL AND NON-ABORIGINAL OFFENDERS
SERVING THEIR SENTENCES IN THE COMMUNITY
AS OF DECEMBER 31, 1983-1987*

YEAR	ABORIGINAL OFFENDERS			NON-ABORIGINAL OFFENDERS		
	Number of Offenders	Number of MS	Number On Parole	Number of Offenders	Number on MS	Number On Parole
1983	1344	194 (14.4%)	97 (7.2%)	15500	1672 (10.8%)	3648 (23.5%)
1984	1448	207 (14.3%)	117 (8.1%)	16080	1769 (11.0%)	3583 (22.3%)
1985	1543	231 (15.0%)	130 (8.4%)	16434	1988 (12.1%)	3491 (21.2%)
1986	1480	235 (15.9%)	135 (9.1%)	16572	2089 (12.6%)	3613 (21.8%)
1987	1523	222 (14.6%)	145 (9.5%)	16718	2019 (12.1%)	4007 (24.0%)

*Includes offenders on continuation of previous parole and MS release

Source: Correctional Service of Canada Offender Information System

TABLE 8

PERCENTAGE OF SENTENCE SERVED PRIOR TO GRANTING OF
FULL PAROLE FOR OFFENDERS GRANTED FULL PAROLE (1987)

REGION	ABORIGINAL OFFENDERS	ALL OFFENDERS
ATLANTIC	33.2	42.3
QUEBEC	44.4	46.8
ONTARIO	52.9	44.7
PRAIRIES	53.7	47.1
PACIFIC	51.3	45.1
NATIONAL	51.3	45.7

Source: Correctional Service of Canada Offender Information System

offenders were released after having served 36 per cent or less of their sentence in prison, this was true for only 4 per cent of Aboriginal offenders.¹¹

There are two main possible reasons for differences in the relative numbers of Aboriginal and non-Aboriginal offenders serving their sentence in the community on full parole. Aboriginal offenders may be more likely to forgo their right to be considered for parole, or there may be differences in the likelihood of being granted parole.

Table 9 shows that in fiscal years 1984-85 through 1986-87, there were more negative decisions for Aboriginal offenders seeking full parole than for other inmates. For 1986-87, 20.5 per cent of decisions in respect of Aboriginal offenders resulted in the granting of parole, in comparison to 38 per cent of the decisions made regarding non-Aboriginal offenders. The proportion of decisions resulting in the granting of full parole to Aboriginal offenders has shown a consistent decline, from 25.6 per cent in 1984-85 to 20.5 per cent in 1986-87.

The data regarding grant rates appear to contradict previously presented data showing increases in the proportions of full parole releases of Aboriginal offenders and of Aboriginal offenders serving their sentence on full parole. The apparent discrepancies may be because the grant rate information pertains to the number of decisions regarding full parole, not the number of offenders about whom decisions are made, and because more than one full parole decision may be made about the same offender in a given year. For example, if there is an increase in the number of offenders being refused parole on several occasions within the year, the grant rate could show a decrease, even if the number of offenders released on full parole remained the same.

Table 10 shows that there have been small differences in the proportion of decisions in which day parole has been granted, and that the proportion of decisions in which Aboriginal offenders have been granted day parole has remained fairly constant for the three years under consideration.

The study of all offenders becoming eligible for release in fiscal years 1980-81 through 1982-83 found substantial differences in the proportions of Aboriginal and non-Aboriginal offenders being released on parole regardless of the general category of offence considered (e.g., robbery with violence, break and enter).¹² However, another study of all offenders released in 1979, 1980 and 1981 found

TABLE 9

DECISIONS TO GRANT FULL PAROLE TO ABORIGINAL OFFENDERS
AND NON-ABORIGINAL OFFENDERS, 1984/85 - 1986/87

YEAR	ABORIGINAL OFFENDERS		NON-ABORIGINAL OFFENDERS	
	Total Decisions Taken	Number of Decisions to Grant F.P.	Total Decisions Taken	Number of Decisions to Grant F.P.
1984/85	328	84 (25.6%)	4319	1679 (38.9%)
1985/86	372	85 (22.8%)	4840	1606 (33.2%)
1986/87	438	90 (20.5%)	5429	2065 (38.0%)

Source: National Parole Board

TABLE 10
DECISIONS TO GRANT DAY PAROLE TO ABORIGINAL OFFENDERS
AND NON-ABORIGINAL OFFENDERS, 1984/85 - 1986/87

YEAR	ABORIGINAL OFFENDERS		NON-ABORIGINAL OFFENDERS	
	Total Decisions Taken	Number of Decisions to Grant D.P.	Total Decisions Taken	Number of Decisions to Grant D.P.
1984/85	454	264 (58.1%)	6017	3937 (65.4%)
1985/86	506	290 (57.3%)	6003	3830 (63.8%)
1986/87	554	328 (59.2%)	6364	4374 (68.7%)

Source: National Parole Board

that Aboriginal offenders were more likely to have their release revoked than were other groups of offenders, again regardless of the general category of offence under consideration.¹³ Overall, 55.9 per cent of Aboriginal offenders and 66.2 per cent of Caucasian offenders completed their sentence without revocation of conditional release.

The higher failure rate for Aboriginal offenders should not be taken as an indication that they necessarily pose a greater danger to the community. A number of the issues raised during the consultations of the Task Force provide explanations that could account for the difference in release success rates of Aboriginal and non-Aboriginal offenders. For example, it was frequently argued that inappropriate conditions are imposed on the release of Aboriginal offenders, that enforcement of their conditions of release might be more stringent, that support and resources upon release are inadequate, and so forth. If the actions recommended in this report are implemented and successful, the result will not only be a change in the numbers of Aboriginal offenders in federal penitentiaries, but also an increase in their successful reintegration with the community.

E. Background on Available Data

Although the Correctional Service of Canada maintains extensive computerized information on Aboriginal offenders, problems inherent to this type of information and its management affect its utility. It is commonly held that the count of Aboriginal offenders is an underestimate. The determination of ethnicity is made on the basis of self-identification by the inmate. It is believed that some Aboriginal offenders may be reluctant to acknowledge their ethnicity on admission to an institution. Moreover, the distinctions among status and non-status Indians, Metis and Inuit can be difficult to make. In particular, the

Correctional Service had not attempted to distinguish between status and non-status Aboriginal offenders prior to 1983. Although admission forms now allow the distinction, it is not frequently made.

Data from a study of conditional release decision-making, currently being analyzed, provides exhaustive information on male Aboriginal and non-Aboriginal offenders alike. The data includes a sample of inmates becoming eligible for release for the first time in 1983-84 and a sample released in 1983-84.

The sample of Aboriginal offenders appears to be too small for analytical purposes, especially when considering North American Indians, Metis and Inuit separately within each of the release and eligibility samples.

Important changes in parole policies and procedures have occurred since 1983-84. Although the data are still useful in examining the risk posed by offenders, they are somewhat dated for an examination of decision outcomes. The data set excludes some variables, such as community of origin or residence, which are important in discussing the characteristics of Aboriginal inmates.

The current Offender Information System contains more recent detailed information on offender characteristics. However, information not currently appearing in the Population Profile reports cannot be recovered without writing complex new programs separately for Aboriginal and non-Aboriginal offenders. The Offender Management System currently under development is expected to allow detailed data on Aboriginal offenders to be more easily recovered.

A study is currently being considered that would obtain current information on the use of special conditions, additional terms and special instructions in the release of Aboriginal and non-Aboriginal offenders in the Prairie region. This information would be considered in relationship to suspension revocations and key offender characteristics.

ISSUES AND RECOMMENDATIONS

Issue

1. Available data currently underestimates the proportion of federal Aboriginal offenders.

Recommendation

- 1.1 The Correctional Service of Canada should examine the possibility of updating information on the ethnicity of inmates at points after admission.
- 1.2 Efforts should be made to improve the reporting of the status and non-status Aboriginal distinction.

Issue

2. Detailed information comparing female Aboriginal and non-Aboriginal inmates is virtually non-existent.

Recommendation

- 2.1 A study should be conducted of Prison for Women files from several years in order to provide a detailed profile of the characteristics and processing of Aboriginal female offenders and a comparison with non-Aboriginal counterparts.

Issue

3. Nation-wide statistics are not regularly available on certain key characteristics regarding the management of Aboriginal offenders.

Recommendation

- 3.1 Statistics on inmate participation in programs should provide a breakdown of the numbers and ratio of participating Aboriginal and non-Aboriginal offenders.
- 3.2 Procedures should be developed by The Correctional Service of Canada to collect, and regularly report on, the numbers of Aboriginal offenders residing in CRCs and CCCs on a given day.
- 3.3 Procedures should be developed by The Correctional Service of Canada to collect, and regularly report on, the use of exchange of services agreements for Aboriginal offenders.

Issue

4. Sufficient detail is not currently available on factors concerning decisions to release Aboriginal offenders.

Recommendation

- 4.1 The Correctional Service of Canada should examine the feasibility and means of recording the community of origin of Aboriginal inmates as part of its ongoing information reporting.
- 4.2 The development of the Offender Management System should be monitored to ensure that information on Aboriginal offenders can be readily accessed.
- 4.3 Ongoing studies being undertaken by the Ministry of the Solicitor General should be assessed by the Ministry Secretariat in terms of the completeness of their coverage of Aboriginal offender issues. Studies should be developed in coordination with The Correctional Service of Canada and National Parole Board to address any gaps that may exist.

CASE DECISION MAKING

BACKGROUND

The administration of inmates' sentences includes a number of decisions that have significant impact on their interests and welfare. The major decisions include: classification or reclassification (which determine where and at what level of security an inmate will be placed), transfers and relocation between institutions; escorted and unescorted temporary absences; and the various types of parole release. These major decisions, however, are the culmination of a series of intermediate decisions which occur during the case management process. For example, the decision to reclassify or transfer an inmate is normally made on the basis of a Progress Summary Report. Progress Summaries of a case also support a decision to grant or reject an inmate's application for temporary absence or parole.

The Progress Summary itself is the product of a number of decisions by case management teams and their supervisors. Although they are intended to be comprehensive, the summaries contain information which, for practical purposes, must be selective. The data they contain must be organized in a manner that permits a conclusion and suggests a recommendation. The conclusion and recommendation are themselves judgements and subjective decisions. In summary, the Case Management Team (CMT) feeds the process leading to major decisions, but in also must make decisions of its own.

The Case Management Team consists of a Case Management Officer, and any other staff member who has significant involvement with the inmate. In some institutions, the Native Liaison Worker participates as an *ex officio* member of the Case Management Team.

The Case Management Team, in concert with the inmate, draws up a set of goals through the use of two processes: needs analysis and individual program planning. Needs Analysis establishes the needs of the offender, for example, education and substance abuse counselling. Individual Program Planning is the course that is charted by both the inmate and staff to fulfill the demonstrated need.

When an inmate submits a request for parole, a community assessment is conducted. The Parole Officer will then interview family, friends, potential employers or other members of the community to determine community support for the inmate. Once this assessment is completed, it is sent to the institution to be included in the Progress Summary,

Police play an integral role in the decision-making process. Officers are regularly required to undertake community assessments, especially in rural and isolated communities, and inform the National Parole Board about the community's acceptance of the released inmates. In addition, inmates are often required to make regular appearances before the police in their communities.

Finally, the police may exercise discretion in reporting parole and mandatory supervision violations, thereby affecting an inmate's success in reintegration.

In addition to community assessments, institutional staff also provide information to the National Parole Board that will assist in decision-making. Psychologists and preventive security officers regularly provide reports to the National Parole Board through the Case Management Team. Psychologists assess Aboriginal offenders throughout their sentence using a variety of assessment tools, such as the Minnesota Multi-phasic Inventory (MMPI). Any staff member who has had significant involvement with a particular inmate may be asked for input.

The National Parole Board has permanent Board members who operate from its five regional offices and national headquarters. The **Parole Act** allows for the appointment of a maximum of 36 full-time members. The Act also contains provisions for the appointment of temporary and community Board members. Temporary members are called upon to assist the permanent members in order to alleviate their workload. Community members have decision-making authority only in cases involving inmates serving life or indeterminate sentences. Full-time and temporary members are appointed by the Governor-in-Council, whereas the community members are appointed by the Solicitor General in consultation with the Chairman of the National Parole Board. While the National Parole Board is limited to 36 full time members, there are no numerical limitations on appointments of temporary and community members. The use of their services however, is limited by the number of person-years allotted to the National Parole Board by Treasury Board.

Parole reviews are conducted by way of a hearing or by a paper review, and each of the members involved in the review of the case has one vote. The number of votes required for a decision varies according to the length of the sentence the inmate is serving.

When the National Parole Board reviews a case, the documentation, including a recommendation prepared by the Case Management Officer (Community), is placed at their disposal. In cases where a hearing takes place, the Case Management Officer will appear before the Board to support the recommendation to approve or deny the application for parole.

Requests for transfer to lesser security also require a report from the Case Management Team.

The National Parole Board members located at national headquarters constitute the Appeal Division of the National Parole Board. They review, on paper, requests for re-examination by inmates who have been denied day or full parole, or whose releases have been revoked.

ISSUES AND RECOMMENDATIONS

A. The Assessment of Aboriginal Offenders

Aboriginal offenders are assessed repeatedly throughout their sentence using a variety of assessment procedures, tools and criteria. These assessments are conducted in support of decision-making, program assessment and case management. They may include assessment of a range of characteristics such as risk, psychological state, and personal needs.

The National Parole Board is conducting an evaluation of its release decision-making policies to examine how they apply to Aboriginal offenders. Statistical information on recidivism is not being applied to Aboriginal offenders until its validity has been assessed.

Issue

5. Although assessments are to be encouraged because they improve the objectivity of decision-making, in the past, they have not, for the most part, been validated in terms of their applicability to Aboriginal offenders. Therefore, it has been argued during the consultations and mentioned in previous studies (e.g. Solicitor General's Study of Conditional Release)^{14,15} that they may not apply as effectively to Aboriginal offenders.

Recommendation

- 5.1 The current assessment tools, criteria, and procedures being used should be evaluated as to their validity for Aboriginal offenders. Where specialized techniques, such as psychological testing are involved, the appropriate professionals or professional organizations should be consulted.

Strategy

The Secretariat of the Solicitor General, in consultation with the CSC, NPB, and the Department of Health and Welfare, could solicit the assistance of professional societies (such as the Canadian Psychological Association) in identifying assessment and treatment techniques for use with Aboriginal offenders.

Furthermore, professional staff who are called upon to make assessments of offenders in the performance of their duties should be provided with intensive, enriched Aboriginal awareness training to ensure a high degree of sensitivity to the cultural differences of Aboriginal offenders.

Issue

6. The concern was raised in the course of the consultations that Aboriginal offenders appear to be particularly affected by the Parole Act provisions that allow the National Parole Board to detain dangerous

offenders until their warrant expiry date. Because the offences of Aboriginal offenders usually involve violence and are alcohol or drug-related, the current interpretations of these provisions may be inappropriate in assessing the need to detain Aboriginal offenders.

Recommendation

- 6.1 It is recommended that the detention provisions contained in the **Parole Act** be specifically assessed as to their applicability to Aboriginal offenders, with a view to determining how they are being applied to Aboriginal offenders so that the legislators can be fully apprised of how the Act affects Aboriginal offenders.

Strategy

The current review by the Secretariat, CSC, and NPB of the detention provisions could include an Aboriginal offender component, with specific recommendations on the application of the provisions to Aboriginal offenders and, where necessary, suggest other, more appropriate methods to determine the likelihood of persistent dangerous behaviour among Aboriginal inmates.

B. Use of Elders as Assessors

Background

Within traditional Aboriginal societies, Elders played a significant role in counselling community members in appropriate behaviour, maintaining peace and harmony among community members and generally acting as grandparent to the community. While traditional societies have evolved over the centuries, the sense of security given a community by Elders and the trust they evoke have generally remained high.

Possibly in recognition of the peace and harmony generated by Elders, their involvement within federal institutions has increased dramatically over the past decade. But although Elders are directing ceremonies with greater frequency and providing more counselling to Aboriginal inmates, there was the strong perception among several people consulted that Elders are underutilized in an important aspect of correction - the assessment of Aboriginal inmates as to their readiness for transfers, temporary absences or parole.

It has been argued that assessment tools, such as the Minnesota Multi-Phasic Inventory (MMPI), developed by professional non-Aboriginal people, are inappropriate to individuals from some classes of society and certain cultures. Questions have been raised as well about the capability of an individual from a particular socio-cultural, economic and professional background to assess individuals who do not share the same background and perceptions.

Several individuals and organizations consulted believed that Elders could provide a more accurate assessment of an inmate's capacity to successfully complete parole for a number of reasons, including: (a) an Elder's understanding of Aboriginal communities and their degree of acceptance of a

released inmate; (b) an understanding of Aboriginal spiritual and cultural programs, and whether the inmate has benefited from those programs; and (c) the willingness of Aboriginal inmates to discuss their problems and aspirations with Elders who, in turn, listen to the inmates in an appropriate manner.

Issue

7. Those who believe that Elders can provide a more accurate assessment of Aboriginal inmates than other professionals used by CSC were not in agreement as to the extent of using Elders as assessors or of having Elders replace other professionals in providing assessments to the National Parole Board.

Recommendation

- 7.1 It is recommended that Elders, upon request of an inmate and the Elder's acceptance, be permitted to submit an assessment to the National Parole Board on behalf of the inmate. Such assessments would be given the same weight as other professional inmate assessments.

The Elder's perspective could add significantly to the understanding of the case and thus facilitate a more equitable decision.

Strategy

The willingness of Elders to serve as assessors could be appraised by requesting either regional Councils of Elders or Native Advisory Committee members to canvass Elders currently involved with institutional activities. The names of those willing would be shared with institutional staff, inmates, inmate liaison workers and regional National Parole Board officials.

A process should be developed to ensure that liaison workers assist Elders to minimize linguistic difficulties on the preparation of an assessment in either English or French. Where necessary, the liaison worker may be required to write the assessment.

The assessment prepared by an Elder should be attached to all other professional appraisals provided to the National Parole Board. Comments from the Case Management Team indicating the degree of support for the Elder's assessment could be attached to the Elder's appraisal.

C. The Need for Aboriginal Employees and Officials

Background

Employment of a significant proportion of Aboriginal people in the correctional system would assist good communications and greatly enrich the professional treatment of Aboriginal offenders. However, despite determined efforts in the past to recruit Aboriginal people, further action is required to increase the number of Aboriginal employees. Existing affirmative action recruiting programs in CSC have had the positive effect of meeting their target of 1 per

cent. As of March, 1988, 1.2 per cent of CSC staff had identified themselves as being of Aboriginal ancestry. The "we-they" dynamic has been a reason for the paucity of Aboriginal people willing to accept employment within the system.

Those Aboriginal individuals who do take jobs in the Service are torn between the conflicting expectations of their correctional colleagues and the Aboriginal offenders. Some of the Working Committee's correspondents have alleged that, with little in the way of support mechanisms to deal with the resulting stress, Aboriginal staff resign early in their careers. Clearly, a new strategy is required to place more Aboriginal personnel in the correctional system.

It is important that cultural distinctions be observed for both Aboriginal staff and Aboriginal inmates. Recognizing four categories would be useful, namely: traditional persons; persons in transition; bi-cultural; and assimilated. Persons in transition are those whose culture is Aboriginal who are moving towards non-Aboriginal culture but as yet have limited functional experience with non-Aboriginal society. Bi-cultural persons are those who are experienced in both Aboriginal and non-Aboriginal societies. Assimilated Aboriginal persons are those individuals who function more easily in non-Aboriginal environments. Consultations led to the conclusion that Aboriginal people considered bi-cultural are best suited for employment and should thus be the group targeted for recruitment by CSC.

The Ministry of the Solicitor General has made an effort over the past few years to recruit and train Aboriginal staff. For example, the RCMP has a Native Special Constable Program to assist in the policing of reserves and remote communities. A number of Aboriginal people have been named to the National Parole Board over the years; the Board has established a target whereby 2 per cent of its staff will be self-identified Aboriginal people by 1991. The Correctional Service of Canada's Offender Programs Directorate has one program specifically designated for Aboriginal offenders and an Aboriginal-specific position within their Prairie regional office. CSC has established a target of 1 per cent of its staff to be self-identified Aboriginal people.

Issue

8. Communications is inevitably difficult because of the social and cultural differences between Aboriginal inmates and non-Aboriginal staff. For example, some inmates the Working Committee consulted said that they felt misunderstood by staff and, consequently, have tended to refuse all but the necessary interaction. This situation does not foster good communication with staff who are striving to keep up with the demands of inmates actively seeking involvement with them. On the other hand, staff who have a knowledge of and sensitivity to Aboriginal culture, are in a better position to overcome whatever cultural distance exists.

The number of Aboriginal people employed within the Ministry's correctional agencies and Secretariat is insufficient when viewed in the light of either the percentage of Aboriginal people incarcerated in federal institutions, or the percentage of Aboriginal people in the Canadian population.

Recommendation

- 8.1 Increased Aboriginal employment within the Ministry of the Solicitor General would be a first step towards addressing perceived deficiencies in trust and communication between Aboriginal offenders and correctional administrators.

This approach could have several advantages: it would provide for better communications between offenders and the administration (staff and Board members); it would increase the awareness and sensitivity of decision-makers about the Aboriginal culture, thus leading to better quality decisions; it would provide role models for both Aboriginal offenders and for the staff; and finally, it would create a climate of greater trust and confidence within the system.

Strategy

The Solicitor General could develop appropriate affirmative action targets for the Secretariat and correctional agencies in cooperation with the Public Service Commission's Office of Native Employment.

Issue

9. When Aboriginal people are employed within the correctional system, they face a number of problems related to their employment.

The consultation revealed that Aboriginal staff find it very difficult to cope with the expectations of various groups. Consultation with Aboriginal inmates revealed myriad opinions ranging from the view that only Aboriginal staff should deal with Aboriginal inmates to the view that Aboriginal people should not be permanent employees within the correctional system. Aboriginal staff are often torn between the expectations of their colleagues and those of the Aboriginal offenders. They feel they must perform "better than the best" and that little is available in the way of support mechanisms to deal with the resulting stress.

Recommendation

- 9.1 It is recommended that Aboriginal staffing be approached in a manner which recognizes the many difficulties encountered by Aboriginal people who work in the correctional system, and the need to hire staff who can function in both Aboriginal and non-Aboriginal societies.

It is also recommended that strategies be developed to ensure the provision of adequate support for Aboriginal staff.

Strategy

A Task Force on Aboriginal Employment could be established by the Solicitor General to recruit and employ Aboriginal people in selected federal institutions and as parole officers on a pilot project basis. The Task Force could include representatives from the Ministry Secretariat and correctional agencies,

Canadian Employment and Immigration Commission (CEIC), Public Service Commission (PSC) and representatives from Aboriginal organizations.

The Ministry of the Solicitor General could, through this Task Force:

- review the results of the National Indigenous Development Program (NIDP) which was implemented in the Prairie Region by CSC to determine how it can be expanded and exploited;
- identify and reduce the barriers to the recruitment of Aboriginal staff;
- assess which Public Service Commission and other federal programs available to minority groups may be appropriate for hiring Aboriginal corrections staff;
- examine, and possibly modify, the recruitment criteria to substitute relevant experience for academic qualifications;
- institute Aboriginal employee counselling and support programs;
- recruit Aboriginal staff in a manner similar to the approach taken by CSC for the recruitment of female staff; i.e., place a number of Aboriginal personnel in the same institution/office at the same time;
- encourage Aboriginal employees to further their education in specialized fields by affording them educational leave with pay.

To complement the above, the Ministry of the Solicitor General could accept the offer from members of the CSC Native Advisory Committee to train, within their agency, prospective candidates for employment within the corrections system.

Issue

10. Aboriginal offenders and corrections/parole staff in all regions expressed an urgent need for Aboriginal National Parole Board members, especially from the Prairies and Northern areas. The view was that an expanded number of Aboriginal Board members would tend to involve Aboriginal communities and increase communication and trust between the National Parole Board and Aboriginal offenders. This would in turn lead to parole decisions which are consistent with conditions in the North and Aboriginal communities.

Recommendation

- 10.1 Effort should be made to increase the number of Aboriginal people on the National Parole Board by appointing more Aboriginal community members.

Strategy

The Solicitor General could consult with his counterparts at Indian and Northern Affairs Canada and the Secretary of State, as well as with various Indian, Metis and Inuit organizations to obtain the names of prospective candidates for appointment as permanent and temporary members to the National Parole Board.

Issue

11. One of the concerns raised in the course of the consultation process was the need for a structure that guarantees the availability of Aboriginal expertise at the regional and national level.

Recommendation

- 11.1 It is recommended that an Aboriginal person be hired in each of the regional and national offices of the CSC and NPB.

Strategy

Two possible options exist: (a) existing available person-years can be dedicated for these positions; or (b) a submission can be made to increase the Solicitor General's person-year complement. A combination of these two options may be required to obtain the desired result.

D. Role of the Police

Background

Many of those consulted did not favour police involvement in pre-release community assessments. On the one hand, the majority of Aboriginal inmates expressed the strong belief that they could not get a fair assessment by the police. Inmates were of the opinion that the police automatically give negative assessments because they do not want to deal with released offenders in their jurisdictions. On the other hand, police often feel pressured by community leaders and the victim's family to write negative assessments.

In many communities, released inmates are required to report to their local police detachment on a regular basis. Many inmates expressed the concern that this requirement forced them into continued contact with the arresting officer and served to remind the community that they had been in a federal institution. In many remote locations, the police have become the primary supervisors for released inmates. The police expressed concern that their time could be put to better use, and some officers consulted did not understand the purpose of this requirement.

Many Aboriginal inmates and representatives from Aboriginal organizations suggested that the police may not exercise the same degree of discretion in determining whether to report parole and mandatory supervision violations for Aboriginal offenders as they do with non-Aboriginal offenders.

Issue

12. The varying perceptions of inmates and the police regarding the frequency and reasons for negative police assessments have often led to tensions between the police and offenders or Aboriginal communities.

Recommendation

- 12.1 Police responsible for contributing to community assessments in Aboriginal communities should be given appropriate training.

Strategy

As part of police training, orientation prior to assignment to Aboriginal communities should include discussions on the various pressures affecting officers conducting community assessments.

Recommendation

- 12.2 Other sources of information regarding community acceptance of Aboriginal offenders should be used in addition to, or as an alternative to, police reports whenever possible.

Strategy

The movement towards community-based policing in Aboriginal communities may significantly reduce the tensions experienced between police and communities through a better understanding of policing functions and community needs.

Issue

13. The police are often used as part of the parole supervision process. This cuts into their other duties and may add to resentment between the offender and police.

Recommendation

- 13.1 It is recommended that alternative methods of offender reporting be established in those communities prepared to assume that function.

Strategy

As part of the community assessment process, tribal councils and Native organizations, or other community leadership structures, could be asked to assume a role in the supervision of released inmates.

On a regional basis, the National Parole Board and CSC could, along with relevant law enforcement agencies, look for alternative methods of reporting that would meet the needs of the National Parole Board, CSC, the police, the community and the offender.

E. The Need for Increased Awareness and Sensitivity

Background

Consultation with Aboriginal offenders, Liaison Officers and Aboriginal groups has pointed to a communication gap between the offenders and the authorities. In addition, those consulted perceived a lack of understanding on the part of decision-makers about Aboriginal Peoples and Cultures. CSC personnel and members of the National Parole Board have described their uneasiness when reviewing the cases of Aboriginal offenders. This uneasiness is due to their lack of familiarity with Aboriginal culture and lack of understanding of the reactions of Aboriginal offenders in an interview situation.

Training sessions and workshops have been held at the national regional, and local levels to increase the sensitivity of Ministry personnel to Aboriginal cultures. At the present time, however, a systematic Ministry approach to cross-cultural training does not exist.

Issue

14. The lack of cultural awareness among corrections decision-makers is often perceived by offenders as insensitivity. This, in turn, results in a lack of trust and confidence by the offenders in the people who are responsible for rendering decisions.

Recommendation

- 14.1 It is recommended that a Ministry policy be developed to address the need for awareness and sensitivity among Ministry staff and officials of the ways and culture of the Canadian Aboriginal nations.

Strategy

This policy could be developed by the Secretariat, following:

- a) a determination of awareness training needs for specific target groups within the Ministry, including Board members and staff, CSC and RCMP staff and Secretariat officials;
- b) an assessment of the policy's impact on staff, staffing and operations; and
- c) an assessment of the policy's implications.

Issue

15. A variety of approaches may be required as part of a cultural awareness policy because of:
 - a) the differing needs and priorities for information and awareness;
 - b) the regional variations in the number and proportion of Aboriginal inmates; and
-

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- c) the variations in the availability of resources to implement awareness training.

Recommendation

- 15.1 To implement the above policy, it is recommended that the Secretariat in consultation with the agencies develop proposals for training on Aboriginal cultures for presentation to the Solicitor General. The consolidated proposals would form a training plan for the correctional components of the Ministry that would be assessed annually.

Strategy

The Secretariat and agencies could identify their respective needs for training, taking into consideration the following factors:

1. the nature of their involvement with Aboriginal people;
2. the various groups of staff within the organization and the degree of their interaction with Aboriginal offenders;
3. the number of Aboriginal offenders within each region.

The proposal could also address the timeliness, content and format of the training as well as mechanisms for the evaluation of its effectiveness. For example, the training could:

- be part of the initial orientation program;
- be ongoing as part of continuing education rather than one-time sessions;
- include direct experience, for example, on-reserve training sessions and visits to Aboriginal communities and organizations;
- provide for continued exposure to significant events pertinent to Aboriginal corrections such as Native Brotherhood functions, conferences and workshops; and
- include information on such issues as spirituality (provided by Elders), the conditions and resources in Aboriginal communities (with special reference to Northern communities) and the value of the Brotherhoods and Aboriginal programs.

The training should be contracted to Aboriginal individuals or agencies, unless compelling circumstances indicate otherwise.

In considering the above, assistance could be sought from Employment and Immigration Canada, Indian and Northern Affairs Canada and the Department of the Secretary of State for suggestions as to the training and development of current staff.

The yearly employee evaluation should also assess the efforts made by affected personnel to better understand the Aboriginal culture.

Issue

16. The current recruitment and selection processes for new employees do not allow the Ministry to adequately assess their ability to work effectively with Aboriginal offenders.

Recommendation

- 16.1 It is recommended that the heads of agencies within the Ministry of the Solicitor General develop appropriate tools to assist in hiring staff who have the capability of working with Aboriginal offenders, for those positions which require significant interaction with Aboriginal offenders.

Strategy

CSC and the RCMP should identify those staff whose positions bring them in direct contact with Aboriginal offenders.

The statement of qualifications of identified key positions should include knowledge of Aboriginal cultures and peoples as part of the essential requirements. In addition, the rated requirements should include experience and ability to work with Aboriginal peoples and an ability to speak one or more Aboriginal languages.

The Secretariat, in consultation with the CSC and the RCMP, should review and assess existing recruitment and selection tools that may be adaptable to the needs of the Ministry. As Indian and Northern Affairs Canada has experience in developing requirements for rating the capacity of candidates to work with Aboriginal offenders, that Department should be consulted.

F. Waivers

Background

The **Parole Act** allows inmates to waive their right to a parole hearing and/or to a parole review. If an inmate waives the right to a hearing, the National Parole Board will review the case on the basis of the information available on the case file, without the benefit of meeting the inmate. If the inmate waives the right to a review, the National Parole Board is not obligated to study the case. The offender who waives the right to either a hearing or a review may do so conditionally, for example, until such time as confirmation of acceptance to a half-way house has been given. In any case, offenders who waive such rights may change their minds. They do not forfeit their right to a hearing review.

On the other hand, an inmate who is refused parole, either at a hearing or on the basis of a paper review, cannot re-apply for parole until six months have elapsed following the denial. Exceptions are the revelation of new facts or events which

may significantly alter the chances for release, or a request for a review of the denial by the Appeal Division of the National Parole Board. When the inmate applies for parole six months after a denial of release, the case preparation must be updated and the chances are that the actual review will not occur for a further four months. Therefore, it is likely that an inmate whose parole has been denied will not be considered again for parole for ten to twelve months following the denial decision.

These alternatives and their effects appear to create a lot of confusion. Some correctional staff do not understand the waiver process: Many Aboriginal inmates consulted by the Working Committee have asserted that Case Management Officers are encouraging them, sometimes in subtle ways, to waive their parole hearings. Often Native Liaison Officers are, at the same time, encouraging the inmates to present themselves at their hearings.

The communications from the National Parole Board also vary, depending upon the region involved. For example, one region wishes to systematically discourage the use of waivers whereas in another region, members consider waivers acceptable in some circumstances, particularly in situations where the inmate's release plan requires more time for completion.

Issue

17. During the consultation process, the Working Committee heard concerns that waivers by Aboriginal inmates occur at a higher rate than that of other offenders. The current understanding between the Correctional Service of Canada and the National Parole Board is that waiver rates will not be allowed to exceed ten per cent nationally.

It should be noted that ill-advised encouragement to waive, particularly in cases where an inmate waives the right to a review of the case, carries the serious consequence of limiting the discretionary powers of the National Parole Board.

Recommendation

- 17.1 It is recommended that clear and concise information be made available to both correctional staff and inmates as to the available options regarding waivers.
- 17.2 It is recommended that waivers be closely monitored and in a detailed fashion.
- 17.3 It is recommended that the National Parole Board and CSC develop a clear national policy concerning waivers and ensure that the policy is understood by all decision-makers.

Chapter 6

PROGRAMS AND SERVICES

The policies of the Correctional Service of Canada dealing with social, cultural, recreational and educational matters have, over the years, enabled the development of a number of programs and services for Aboriginal inmates. For example, a policy on Citizens' Advisory Committees provides a framework for the activities appropriate to the needs of the ethnic inmate groups. This has led to the formation of national and Prairies Region Native Advisory Committees. The Commissioner's Directive on Native Offender Programs has also fostered the development of appropriate services and programs for Aboriginal offenders.

Because of the size and complexity of federal corrections, it is not surprising that there are broad regional variations in approach. However, the variations in the quality and availability of programs may be greater than necessary for a national service.

Part of the cause may be related to the way Aboriginal-specific programs are funded. Most Aboriginal-specific programs and services are delivered at local or regional level. Programming is decentralized because the needs and interests of Aboriginal offender groups vary by location and over time, as do the community resources available to meet those needs and interests. For example, traditional West Coast wood carving might appeal to inmates in the Pacific region where artisans are available to teach the craft.

The funding for many Aboriginal programs is at the discretion of the management of institutions. Unlike the budgets at the national and regional levels, institutions' budgets do not contain resources specifically allocated to Aboriginal offender programs. Consequently, funding is based on the total number of inmates contained within an institution, without regard to its ethnic composition. For that reason, it is difficult to determine how much is spent on programs for Aboriginal offenders

A. Pre-Release Programs and Services

• *Program Delivery*

Background

During the consultation process, Aboriginal inmate groups and individuals have invariably expressed the need for Aboriginal-specific programs that are sensitive to their cultural perspectives. They have been supported in their plea for such Aboriginal-specific programs by Liaison Workers, Elders and Aboriginal volunteers.

The Task Force determined a number of reasons for specific programs for Aboriginal offenders.

- As stated earlier, the distrust between inmates and staff is heightened when Aboriginal inmates are in a position where they must relate to non-Aboriginal program staff.

-
- Participation of Aboriginal inmates in some programs is inhibited by cultural barriers, program process and, sometimes, by language. For example, some Aboriginal inmates are uncomfortable with the Christian derivation of materials and process in Alcoholics Anonymous.

On the other hand, the same inmates will respond positively to the teachings of the Medicine Wheel and to the trusting intimacy: features of Sacred Circle groups which focus on alcohol abuse. Even literacy training may be affected because of different approaches to learning and different problems requiring different solutions.

- Some Aboriginal inmates fear revealing themselves to non-Aboriginal inmates within the dynamics of group treatment situations.

An expanded Commissioner's Directive on Native Offender Programs issued in January, 1987, specifies that the needs of Aboriginal offenders should be clarified by specifying under what conditions existing programs or services are insufficient. Where the needs are not being met, the Directive specifies that consideration should be given to developing Aboriginal-specific programs.

A growing number of Aboriginal-specific programs have been developed in some institutions to respond to the needs of Aboriginal offenders, including needs related to substance abuse, life skills and adult basic education. These programs have been well received. CSC has also approved a plan whereby Aboriginal substance abuse programs will be delivered in all major institutions.

Issue

18. There was no consensus among corrections staff as to whether Aboriginal-specific programs are needed or warranted. For those who believe that Aboriginal-specific programs are appropriate, there was no consensus as to which programs should be given priority.

Recommendation

- 18.1 The Commissioner's Directive should specify that programs specific to the needs of Aboriginal inmates are required whenever:
 - a) sensitivity to the needs of Aboriginal offenders by other inmates is a factor (e.g. group counselling);
 - b) language is a factor;
 - c) differences in cultural approaches to learning require different techniques; and
 - d) the problems addressed by the programs have a different basis for Aboriginal inmates than for non-Aboriginal inmates.

Strategy

CSC Research and Evaluation and the Secretariat Corrections Branch could identify specific program areas requiring special programs.

The current CSC review of its health services could take into consideration the health problems more specific to Aboriginal people.

Because of the budgetary implications of implementing some parallel Aboriginal programs, the cost of such programs should be assessed during the Multi-Year Operational Plan (MYOP) exercise.

Recommendation

- 18.2 The correctional system should make available programs which are particularly suited to serving the spiritual and cultural needs of Aboriginal offenders. Where numbers warrant, programs should be offered for the treatment, training and reintegration of Aboriginal offenders which take into account their culture and way of life.

Strategy

Depending on the final outcome of the Correctional Law Review, legislation could be adopted to address this recommendation.

Issue

19. Protective custody inmates are housed in a separate section of an institution for a variety of reasons, including a history of sexual offences, outstanding gambling debts to other inmates, etc. Their common characteristic is that they believe they would not survive in the general inmate population.

Their exclusion from the general population makes the provision of programs awkward, especially for Aboriginal offenders. Staff and inmates were of the opinion that Aboriginal inmates in protective custody were not receiving equitable programming because of the reluctance of Liaison Workers and Elders to visit protective custody units.

Recommendation

- 19.1 The Correctional Service of Canada should ensure that Aboriginal service organizations recognize that the provision of services to Aboriginal offenders in protective custody is included in contractual agreements.

Strategy

The regional contract administrator for the CSC should ensure that contracts specify the inclusion of Aboriginal inmates in protective custody, and that the directors of Aboriginal-controlled organizations providing contract services are

aware that failure to provide services to these inmates can be considered a breach of contract.

Institutional program evaluation staff should monitor the provision of services to Aboriginal inmates in protective custody and report any concerns in this regard to the regional contract administrator.

- *Spiritual Practices*

Background

In response to national policy, most regions have established Councils of Elders who assist in resolving issues related to the practice of traditional Aboriginal spirituality in institutions.

At a recent disturbance in a major federal institution, the Aboriginal inmates abstained from any participation. Some observers have attributed this to the positive influence of spiritual practices.

The practice of allowing traditional Elders to perform spiritual services for Aboriginal inmates began in 1972 at Drumheller Institution. The practice has expanded across the country in varying degrees and has been supported by national policy since 1985 (This policy is outlined in Commissioner's Directive #702, attached in Appendix IV). It is clear that the opportunity to engage in traditional spirituality has been seized enthusiastically by Aboriginal, and some non-Aboriginal, inmates. The practice of traditional spirituality includes solitary pursuit as well as group ceremonies which must be led by a qualified practitioner.

In addition to the Commissioner's Directive on Aboriginal spiritual practices, CSC has also developed a Commissioner's Directive on religious services and programs (CD #750), which is attached in Appendix III. Furthermore, CSC has attempted to increase the level of knowledge and understanding of Aboriginal spirituality through the development and distribution of information packages.

The National Parole Board has also adopted a policy recognizing that Aboriginal spirituality and Aboriginal-specific programs have the same value in assisting Aboriginal offenders as other programs have for non-Aboriginal offenders.

Issue

20. Medicine and pipe bundles can range in size from the size of a marble to a pouch large enough to enclose a large bowl and stem of a ceremonial pipe. They are leather bags and are often secured with leather thongs.

Pipes and sacred bundles, which are often integral to a spiritual practice, are subject to inspection by security personnel when the Elders visit the institutions. If the bundle is handled by security personnel, it may be viewed as having been desecrated.

Most Elders are prepared to remove the contents of bundles for visual inspection, but object to their being handled by officers. Depending upon the tradition of an individual Elder, unauthorized handling is a desecration requiring that the bundle be purified and rededicated. As well, the x-raying of bundles is often considered taboo.

Recommendation

- 20.1 To complement the national directive, regional instructions and standing orders should be developed addressing the issue of security clearance for Elders' sacred bundles and ensuring sensitive handling of those bundles.

Strategy

The Regional Instructions or orders should be drafted after consulting with Elders, or the contracting agencies, to ensure that security imperatives and the requirement for sensitive procedures are met.

CSC should expand and update the information contained in the spirituality packages and ensure that they are available within institutions.

In order to reinforce this recommendation, consultations on the Correctional Law Review Working Paper on Native Peoples should examine the legislative option that:

The correctional service shall recognize the spiritual rights of individual Aboriginal offenders, such as the right to group spiritual and cultural ceremonies and rituals, including pipe ceremonies, religious fasting, sweat lodge ceremonies, potlatches, and the burning of sweetgrass, sage and cedar.

Issue

21. Despite the Commissioner's Directive on Native Offender Programs, Elders are sometimes not permitted into segregation or dissociation areas.

Recommendation

- 21.1 The issue of access to segregation and dissociation should be addressed by giving contracted Elders the same status as Chaplains.

Strategy

Paragraph 3 of the Commissioner's Directive #750 on Religious Services and Programs could be amended to include Aboriginal Spiritual Elders contractually engaged to attend to inmates. Consequently, the revised paragraph would read:

3. Aboriginal Spiritual Elders on contract shall be accorded the same recognition in the institution as chaplains in indeterminate positions.

Paragraph 6 of the same Commissioner's Directive could be amended to include Aboriginal Spiritual Elders contractually engaged to attend to inmates. Consequently, the revised paragraph would read:

6. Chaplains and Aboriginal Spiritual Elders shall have access, at all times, to all areas of the institution to minister to inmates and staff; normal consideration shall be given to security requirements, personal safety and established working hours of inmates.

Within the context of consultations on the Correctional Law Review Working Paper on Native Peoples, consideration should be given to the legislative options outlined regarding Aboriginal Spirituality, specifically:

Aboriginal spirituality shall be accorded the same status, protection and privileges as other religions. Native Elders, spiritual advisors and ceremonial leaders shall be recognized as having the same status, protection and privileges as religious officials of other religions, for the purposes of providing religious counselling, performing spiritual ceremonies, and other related duties.

Where numbers warrant, correctional institutions shall provide an Aboriginal Elder with the same status, protection and privileges as an institutional chaplain.

Issue

22. Conflict has arisen between Aboriginal inmates and correctional staff about the frequency of sweat lodges and other ceremonies in the federal institutions.

Recommendation

- 22.1 Guidelines should be developed regarding the minimum number of sweats and other ceremonies in any federal institution. The guidelines must reflect a balance between inmate needs and institutional requirements.

Strategy

Meetings could take place between recognized Elders or a Council of Elders and institutional staff to determine the appropriate number of sweats and other ceremonies in a given year.

The issue of minimum number of ceremonies should be addressed by the CSC Native Advisory Committee.

The decision about the number of institutional ceremonies should be supported by adequate resources for these activities.

In order to reinforce this recommendation, consultations on the Correctional Law Review Working Paper on Native Peoples should examine the legislative option that:

The correctional service shall recognize the spiritual rights of individual Aboriginal offenders, such as the right to group spiritual and cultural ceremonies and rituals, including pipe ceremonies, religious fasting, sweat lodge ceremonies, potlatches, and the burning of sweetgrass, sage, and cedar.

- *Federal-Provincial Exchange of Services Agreement*

Background

Exchange of services agreements exist in every province and territory, except Ontario. They afford the federal inmates transferred to provincial facilities the opportunity to serve their sentence in closer proximity to their home communities and the supports available in those communities. At the same time, provincial inmates may be transferred to a federal penitentiary for various reasons. Most agreements are limited to the costs of correctional transfers. Recently, some agreements, such as the agreement concerning the Grierson Centre in Edmonton, have contained references to program delivery.

Issue

23. Except for more recent exceptions, exchange of services agreements do not contain any provision respecting the delivery of programs and services and therefore, the Ministry cannot guarantee transferred inmates that they will receive programs and services that are at least equivalent to those received by Aboriginal inmates incarcerated in federal institutions.

Recommendation

- 23.1 Any new exchange of service agreement with provinces or territories should contain minimum standards for the provision of programs and services to federal Aboriginal offenders. At the earliest opportunity, existing agreements should be amended to include such standards.

Strategy

The example of the proposed Agreement with Alberta for the operation of the Grierson Centre by the Native Counselling Service of Alberta could be used as a guideline in drafting future agreements.

Exchange of service agreements should stipulate the reciprocal requirement for governments to provide annual reports outlining the services provided to Aboriginal inmates.

- *Female Aboriginal Offenders*

Background

The Prison for Women in Kingston, Ontario, is the only federal institution for female offenders in Canada. Aboriginal female offenders and other female offenders will often opt to serve their sentences in a provincial facility in order to be closer to their home community and, more important, to their children.

The Prison for Women has implemented an array of programs for Aboriginal offenders. However the difficulties encountered by male Aboriginal offenders in integrated programs are also acutely experienced by female Aboriginal offenders.

The shortage of day parole facilities, which is a problem for Aboriginal male offenders, is even more acute for female offenders. This causes difficulties for the National Parole Board when considering the grant of any form of release on day parole.

The recommendations for male Aboriginal offenders regarding Exchange of Service Agreements, greater utilization of home placements and Aboriginal-specific programs within the institutions also apply to female Aboriginal offenders, namely:

- that the current CSC efforts to expand the use of exchange of service agreements should be endorsed and the latter should include provisions for programs, delivery standards and annual reporting;
- that because of the inability to grant conventional day parole in some cases, greater utilization should be made of individual homes in place of half-way houses; and
- that the Commissioner's Directive on Aboriginal-specific programs should be modified to give clear direction as to the circumstances under which Aboriginal-specific programs should be provided.

In 1984, the Ministry of the Solicitor General implemented the Women in Conflict with the Law (WICL) initiative. The major objective of this-five year program was to increase the number of community agencies providing support to female offenders in a more coordinated manner.

Issue

24. A consequence of incarceration of female Aboriginal offenders at the Prison for Women is a *de facto* severance of family relationships due to the distance between their home community and the institution.

Although the same comment could be made for many male offenders, female offenders usually find it very difficult to re-establish themselves in a normal way of life after their release because their husband or companion is not likely to have awaited their return, and the children are usually dispersed in foster homes.

Recommendation

- 24.1 Because of the geographical distribution of women incarcerated in the Prison for Women, ways must be found to increase the opportunities for incarcerated women to meet regularly with their families.

Strategy

Various options have been offered by the groups consulted as to the possible implementation of such a program such as:

- the granting of extended temporary absences to allow female Aboriginal offenders to visit their families when distance is a factor;
- short-term transfers under an exchange of service agreement; and
- coordination of transportation for family visits with agencies currently providing services to federal female inmates.

Issue

25. The small number of female offenders overall, and the relatively small number of female, as compared to male, Aboriginal offenders often inhibits the development of programs and services required to meet their needs.

Recommendation

- 25.1 Where appropriate, Aboriginal-specific programs must be developed for Aboriginal female offenders even though such programs may be less efficient than programs for males given the low number of participants that may result.

Strategy

The exercise to determine adequate Aboriginal-specific programs discussed earlier should consider the needs of Aboriginal female inmates.

The differences in resource requirements should be factored into the MYOP.

Issue

26. Due to the small number of Aboriginal female inmates, innovative programming may be required.

Recommendation

- 26.1 The Ministry should explore the potential to develop a holistic approach that treats a variety of problems within the context of a single program for Aboriginal female offenders at the Prison for Women.

Strategy

Officials from CSC and the Secretariat could explore alternate forms of programming.

Issue

27. There is a serious lack of day parole facilities for Aboriginal female offenders.

Some women require a more structured environment and more counselling immediately after release than would be available in a private home placement situation. Furthermore, private home placements may not be as easily found for Aboriginal female offenders who have a history of violent behaviour.

Co-ed facilities are not considered a viable alternative in the long-term for Aboriginal female offenders who have a history of sexual abuse.

Recommendation

- 27.1 Adequate bed space must be found for released Aboriginal female offenders in key locations across Canada.

Strategy

Negotiations could take place with other jurisdictions to either:

- a) purchase adequate bed space in existing CRCs; or
- b) share the costs for the establishment of new facilities.

• *Inuit Offenders*

Background

As indicated in Chapter IV, Inuit offenders represent 2.4 per cent of the total Aboriginal population in federal penitentiaries. The majority are incarcerated in the Prairies (24) and in the province of Quebec (8), although all regions with the exception of the Pacific have a few. Their small numbers create many of the same problems as were previously noted with respect to female Aboriginal offenders.

The Inuit offenders are also in a unique, and very difficult, situation. There are no Inuit-specific programs available for them within the institutions, and their limited knowledge and understanding of either official language of Canada prevents them from participating in other programs that are available.

Incarceration requires the Inuit to adapt to a situation that is difficult for any offender, but which is completely foreign to their experience. They must learn to live within a closed environment, in a different climate, hearing a strange language, and eating unfamiliar foods.

Contact with their families is very difficult to maintain, and is thus usually non-existent. Although life in their home community may change and evolve, they have no way of learning about these changes.

The decisions that are made in the course of an inmate's sentence are based on a series of assessments, and favourable decisions are dependent upon demonstration of positive progress. Given the lack of assessment tools which are validated for Inuit offenders, language difficulties, and the lack of professional staff knowledgeable about the Inuit culture, Inuit offenders find it difficult to demonstrate any progress. They are usually "model" inmates, but in reality they gain very little from their incarceration and it is unlikely to assist them in modifying their behaviour.

The same strategies that have been offered for maintaining the community ties of other Aboriginal offenders should be assessed as to their applicability to Inuit offenders. Specifically:

- greater use should be made of exchange of service agreements for the incarceration of Inuit offenders;
- consideration should be given to greater use of private home placements for Inuit offenders; and
- the suggested strategy for family visits for female Aboriginal offenders should also be considered for Inuit offenders.

Issue

28. There are no institutional programs specifically designed to assist Inuit offenders.

Recommendation

- 28.1 It is recommended that CSC provide programming specifically designed for Inuit offenders.

Strategy

Inuit offenders could all be located in one or two institutions, allowing those who do have a knowledge of the English and Inuit languages to serve as interpreters.

At least one staff member could be hired to provide counselling and services to Inuit offenders.

Through the auspices of the Secretary of State, arrangements could be made for the Inuit Broadcasting Societies to make videos about Northern communities available to Inuit offenders in their language.

Arrangements with the Inuit Communications Societies could also be made through the Secretary of State for the provision of other forms of communication, for example, newspapers, to Inuit offenders.

Similar arrangements could be made with the National Film Board for the rental of programs and documentaries about Northern communities.

- *Liaison Services*

Background

Through contractual arrangements with private Aboriginal service organizations, The Correctional Service of Canada provides Aboriginal liaison services to Aboriginal offenders in all but one of its regions. The number of such workers and the areas of their deployment vary from region to region, based on the number of institutions and the number of Aboriginal inmates within them. In the Atlantic region, there are currently no liaison workers to serve any of the four institutions. In the Quebec region, one worker provides service in all nine of the institutions. The Ontario region's nine institutions are served by three workers. The Prairies Region, with the highest density of Aboriginal offenders, has four workers deployed to cover the eight institutions in the region.

Although task specialization is beginning to take place in institutions covered by more than one worker, the following tasks are considered to be the more significant services performed by the workers:

- assisting in the orientation of recently admitted Aboriginal inmates;
- providing support and assistance to the spiritual Elder;
- participating in case management team meetings on an ad hoc basis to provide information and cultural interpretations;
- guiding the Native Brotherhood, or other groups with similar aims, in planning its social, cultural, spiritual, recreational and peer-help activities; and
- providing liaison between institutions and inmates communities.

Other services are provided by the workers whenever the need arises. For example, they provide crisis counselling to assist staff members in establishing rapport in emergency situations. They also act as consultants in conceiving and developing new programs and services.

The National Parole Board has recognized the value of the role played by the Native Liaison Worker and has accepted the principle that Liaison Workers could, on request, be present at hearings without interfering with the offenders' right to be assisted by a person of their choice.

Issue

29. In the Atlantic region, an attempt to decentralize responsibility for providing liaison services in institutions has been unsuccessful due to limited financial resources. This made it impossible to fund both the liaison service and other important Aboriginal programs and services at the same time. The result is that, at the present time, there are no liaison services in this region.

Based on the number of Aboriginal inmates in the Quebec region, one worker would appear, on the surface, to be sufficient to meet liaison needs. However, the distribution of inmates in many institutions over a large geographic area belies appearances because travel consumes too much worker time; consequently, many needs cannot be met.

During consultations in the Ontario region, the Working Committee was presented with concerns that there are too few workers for the number of institutions in the region and consequently, the service from the workers is inconsistent and unreliable.

In the Prairie region, no liaison services are provided to inmates in the Regional Psychiatric Centre, which houses a significant number of Aboriginal inmates. Additionally, the worker-to-inmate ratios at the Saskatchewan Institution, High Maximum Security Unit Complex, the Saskatchewan Farm Annex, Bowden Institution, and Edmonton Institution were scarcely adequate.

The four workers allocated to the Pacific region must provide service to eight institutions. While the worker-to-inmate ratios are not unfavourable, workers could provide more comprehensive service if one were assigned to each major institution. By means of such an arrangement, workers would have the advantages of operating in a single environment as well as putting to better use the time now spent on travel.

The Working Committee was presented with two additional concerns of staff and inmates in a number of locations. These pertain to female inmates and to those inmates who are in protective custody.

At the Prison for Women, the staff reported that the vast majority of the inmates have histories of sexual abuse or exploitation by men. For that reason, the staff believe that the inmates would relate better to female liaison workers than to the male workers who are presently assigned to the prison.

In several locations, both staff and inmates observed that liaison workers rarely provide services to inmates in protective custody.

Some groups consulted observed that liaison workers are selected, in a large measure, on the basis of their knowledge of Aboriginal communities and culture. Many have not had work experience in correctional settings, and some are not fully effective in their duties within penitentiaries until they have gained experience in federal corrections. Consequently, some means should be found to train the workers before they are assigned to institutions.

Another concern identified by the Working Committee was that the different methods of funding liaison workers across the country would tend to lead to varying expectations of liaison services from region to region. While some regional variation is understandable, it is believed that the existence of national minimum standards for liaison services would ensure consistent expectations.

THE structure of Micmac society was simple and not sharply defined. Small settlements (*udan*) consisted of a family or group of related families, each with a chief of limited power.

THE CHIEF

The old method of selecting a chief could not be definitely ascertained. Chieftainship, said some informants, was hereditary and went to the oldest son. If the oldest son was dead, the dying chief chose his successor. At a meeting held after the chief's death, the assembled men simultaneously pointed a finger at the designated one, thus signifying approval of his appointment. Other informants said that the oldest son succeeded to office only if fitted for the position; all informants said that a chief, when he believed he was about to die, designated his successor.

In this matter of choice, early French observers were not much more helpful than were the Micmac of 1911. Lescarbot, who was at Port Royal in 1607-8, said that the office went from father to son if the son had the proper qualifications; Biard, his closest contemporary observer, remarked only that the chief was the oldest son in a powerful family. A century later, Diereville was certain that the office was never hereditary either in direct or in collateral line, and that it was conferred on an outstanding and ambitious hunter who thereafter could not be deposed except for commission of a crime.¹

The chief who headed a small band, composed of several families, was addressed as *sa'gama* (in 1911 spoken of as *mul sagama* in distinction from a white gentleman, who is addressed as *sagama*). Authority of the chief, which was not absolute, was symbolized by a baton, *a'ptuan*, which only he might carry. Lashed on it with spruce roots were choice feathers from the wingtips of the duck and brightly colored feathers of other birds. The handle was covered with weasel fur, which is soft and silky.

One role of the chief was to question strangers who appeared in his settlement and to exclude those of whom he was suspicious.² The most important function named by 1911 informants was the allotment of land to the families under him, which numbered from two to fifteen. Each family was assigned territory on which only its members might hunt. The boundaries were indicated by blazings on trees; no particular sign or emblem was used for this purpose. According to one informant, the hunting grounds were designated by the chief annually; according to another, every seven years. I could not learn of any clan or totemic organization; or ascertain the method of determining what families would be associated in a common hunting territory.

In LeClercq's day the chief assigned territory to individuals at spring and autumn assemblies held especially for this purpose. Hunting limits were strictly enforced.³

If a serious crime was committed, group opinion, according to informants, rather than chiefly power decided upon and carried out the punishment. In the old days the group were of one mind. One man said something and all gave their assent. (Now, as a result of education, each has a different opinion and there is no harmony.) A murderer's hands and feet were tied with several thongs. A score of people grasped these and pulled on them until death relieved the sufferer. This might continue until the body was badly mangled. Or, the offender was tied to a tree and was shot with bow and arrows.

A distinction was made between murder and manslaughter. One night a man went to hunt moose, gave the moose call, and heard an answer. He was wearing, as a disguise, antlers of bark, in imitation of a moose. He called again, and this time was sure that the answer came from a moose. The other, who was in fact a man, saw the antlers in the bushes and shot at it. He heard a fall, and went over to look at his kill. He peeled off a piece of bark, lighted it, held it up as a torch, and saw a fallen man, shot through the heart. He carried the body home, and explained how the misadventure had happened. He was not punished. If the hunter had known that he was shooting a Micmac, the people would have torn the offender to pieces.

In the seventeenth century, in settling disputes and ending hair-pullings between members of a band, and in punishing serious crime, the chief seems to have been only one of the possible arbiters. Biard

said local quarrels were settled by either Sagamores or common friends, and LeClercq agreed. The "great offenses" of murder and wife stealing, according to Biard, were left for individual vengeance or, if the victim was dead, vengeance by his relatives. "When this happens, no one shows any excitement over it, but all dwell contentedly upon this word *habenquendonic*. 'He did not begin it, he has paid him back; quits and good friends!' But if the guilty one, repenting of his fault, wishes to make peace, he is usually received with satisfaction, offering presents and other suitable atonement."⁴

In the Gaspé and Miramichi districts, however, group opinion condemned a deliberate murderer to death. "Take care, my friend," say they, "If thou killest, thou shalt be killed." This is often carried out by command of the elders, who assemble in council upon the subject, and often by the private authority of individuals, without any trial of the case being made, provided that it is evident the criminal has deserved death."⁵

According to those who saw the institution functioning in the seventeenth century, the duties of a chief were advisory in time of peace and active leadership in warfare. Young unmarried men and others without family were a part of his household. How human nature worked under these conditions in Acadia was described by Father Biard:

All the young people of the family are at his table and in his retinue; it is also his duty to provide dogs for the chase, canoes for transportation, provisions and reserves for bad weather and expeditions. The young people flatter him, hunt, and serve their apprenticeship under him, not being allowed to have anything before they are married, for then only can they have a dog and a bag, that is, have something of their own, and for themselves. Nevertheless they continue to live under the authority of the Sagamore, and very often in his company; as also do several others who have no relations, or those who of their own free will place them-

selves under his protection and guidance, being themselves weak and without a following. Now all that the young men capture belongs to the Sagamore; but the married ones give him only a part, and if these leave him, as they often do for the sake of the chase and supplies, returning afterwards, they pay their dues and homage in skins and like gifts. From this cause there are some quarrels and jealousies among them as among us, but not so serious. When, for example, some one begins to assert himself and to act the Sagamore, when he does not render the tribute, when his people leave him or when others get them away from him; then as among us, also among them, there are reproaches and accusations, as that such a one is only a half Sagamore, is newly hatched like a three days' chicken, that his crest is only beginning to appear; that he is only a Sagamochin, that is a Baby Sagamore, a little dwarf [*sagamotcite*]. And thus you may know that ambition reigns beneath the thatched roofs, as well as under the gilded, and our ears need not be pulled much to learn these lessons.⁶

And these were Father LeClercq's observations from the Gaspé:

The most prominent chief is followed by several young warriors and by several hunters, who act always as his escort, and who fall in under arms when this ruler wishes particular distinction upon some special occasion. But, in fact, all his power and authority are based only upon the good will of those of his nation, who execute his orders just in so far as it pleases them.⁷

ASSISTANT CHIEF

According to 1911 informants the chief's assistant, *mudjekdidegwinu*, foresaw everything. "If he should say, 'That schooner must go into the field at once,' it must go at once; if he said 'It must go back into the water,' it must go back. He had power to do anything, but seldom, except in time of trouble, did anything superhuman. If trouble should now come to the Indians at Burnt Church, one would assert himself, although no one now knows who he would be. One is certainly here. If we need news from Cape Breton in half an hour, he will get the news to us in that length of time."

This assistant to the chief, or "captain," as he is now called, is represented in the present (1911) political organization of the Micmac. Probably he was formerly a medicineman and adviser. Some declare that in times of difficulty he had sole charge of affairs and the chief was then subordinate to him. In the seventeenth century, the *autmoïn* was the

only person other than sagamores who made a speech at tribal gatherings. If the chief was also a medicineman, he was "greatly dreaded." Membertou was such a medicineman, famous war leader, and chief.⁸

A Nova Scotia informant (1911) asserted that in each settlement there were two assistant chiefs or, literally, a second watcher, *ud'jenkap'toget ta'boac't*, and a third watcher, *sisto wad' ud'jenkap'taget*. In northern New Brunswick the *akusitic* was said to be the leader in time of war, and in peace was second in authority. Every fortnight, or at least once a month, a messenger (*aganudamaanetic*) went from each reserve to one or more neighboring ones to learn the news and ascertain whether help was needed. The chief dispatched the messenger, and might choose any available man. Sometimes two or more men (*eskemadjik*), "watchers," were detailed for this purpose. Small stone beads, *elnupskul*, were mnemonic devices for conveying messages: Each bead suggested a story or a bit of information. Only one specimen was in existence (near Sydney, C.B.); I did not see it.

The use of the *elnupskul* was explained as follows: "Suppose a Micmac is out in the woods and hears a crackling or something there. He knows the Mohawk are coming. He runs to the chief as fast as he can. He does not say a word, but takes these beads and arranges them thus [indicating the arrangement]. The chief watches, and as soon as the man has arranged them, he orders the men to get ready for a fight."

SETTLEMENTS

The local chiefs were of equal power; no settlement was superior to another.

From the most distant times, each settlement seems to have had a distinguishing symbol done in quillwork on the clothing and marked on the canoes. At Restigouche the symbol was a salmon; at the present Red Bank, Little Southwest Miramichi, a beaver; on the Northwest Miramichi (Eel Ground), a man with drawn bow and arrow; on the Main Southwest Miramichi, the sturgeon.⁹ Each canoe on a ceremonial visit carried a banner, *kwaitawegan*. Canoes visiting a reserve on St. Anne's Day in the nineteenth century are described by John Newell as carrying each a distinctive color.¹⁰

More importance attached to the chief of a group of settlements. At the beginning of white contact the country was divided into districts bounded by geographic features, usually bays and rivers. Along the Pentagoet, St. Croix, and St. John rivers, in New Brunswick, there was one sagamore for each.¹¹

Similarly, the Burnt Church settlement, according to a local resident, was the *ju'kid*, "fire," or meeting place for the chiefs of reserves as far north as Bale des Chaleurs and as far south as Point du Chêne. He designated as belonging to this, about 120 years ago, Eel Ground, Red Bank, Restigouche, Bathurst, Pokemouche, Tracadie, Shippegan, Richibucto, Shediac, and Southwest (near Red Bank). The chief at Burnt Church was recognized as head chief of these eleven settlements.

The chief over a district of settlements was known as *bun*. The local chiefs met at Burnt Church every summer and every winter, to discuss tribal affairs. Another district included settlements in western Nova Scotia and about a third of the settlements in Cape Breton and eastern Nova Scotia. A district chief was also the chief of his own settlement.

It was also stated that there was a chief of the entire tribe. This office may be no older than the Wabanaki Confederacy (mid-eighteenth century); in the early days there was no tribal hierarchy, and the presence at a council of several chiefs of equal power frequently resulted in adjournment without reaching a decision.¹²

BONDS OF UNITY

Without firm and elaborate social structure, the Micmac tribe was held together by the recognition of common need, reinforced by formal courtesy and by frequent meetings for fellowship as well as for tribal business. The hungry were always fed. If a hunter had been successful and others were short of supplies, he shared his bag equally with the group. Communism seems to have been practiced only in times of scarcity. In January or February, when many were near starvation, the man who killed the first moose would carry meat even to distant wigwams and urge the dwellers to move nearer him so that he could supply them with food more often. Highly skilled hunters sometimes gave furs and meat to a friend who needed help to pay off a debt, or made a present to widows and orphans.¹³ In time of hunger, a man who shot no

more than a single teal, barely sufficient to restore his own strength, would take it to a wigwam and share it with others.¹⁴ However, by subterfuge, too painful hospitality might be averted. Biard related such an instance:

Once when we had gone a long way off to a fishing place, there passed by five or six women or girls, heavily burdened and weary; our people through courtesy gave them some of our fish, which they immediately put to cook in a kettle, that we loaned them. Scarcely had the kettle begun to boil when a noise was heard, and other Savages could be seen coming; then our poor women fled quickly into the woods, with their kettle only half boiled, for they were very hungry. The reason of their flight was that, if they had been seen, they would have been obliged by a rule of politeness to share with the newcomers their food, which was not too abundant. We had a good laugh then; and were still more amused when they, after having eaten, seeing the said Savages around our fire, acted as if they had never been near there and were about to pass us all by as if they had not seen us before, telling our people in a whisper where they had left the kettle; and they, like good fellows, comprehending the situation, knew enough to look unconscious, and to better carry out the joke, urged them to stop and taste a little fish; but they did not wish to do anything of the kind, they were in such a hurry, saying *Coupouba, Coupouba*, "Many thanks, many thanks." Our people answered: "Now may God be with you since you are in such a hurry."¹⁵

Traveling Micmac who had shot no game were accustomed to help themselves to provisions of dried fish and meat found hanging in any wigwam they reached during the owner's absence, a custom still followed in 1764.¹⁶

In 1911 the old hospitality to any member of their tribe was fully practiced. A visitor might stop at any house and remain a welcome guest for weeks. According to Rand, it was the custom to stop at the first wigwam in the settlement; but my informants said that a man entered whatever wigwam or house he felt prompted to go to.

To a visitor whom one has invited into the house the greeting is *up'chila'si*, "come in and sit down." The visitor, before entering a dwelling, must knock. If welcome, he is greeted with *up'chila'si tcim'ana*, "come up and be seated" (that is, take the seat back of the fire, the freest from draughts and the most comfortable in the wigwam).¹⁷

To strangers who are not of their tribe Micmac are hospitable, provided the stranger frees himself from suspicion — not an easy thing to do. They then treat him as though he were a tribesman.

In the old days the first sign of hospitality and friendship was the proffered pipe. Frenchmen in 1607 watched with amusement the reception of guests by the chief, Membertou:

We have many times seen savage strangers to arrive in Port Royal, who, being landed, without any discourse went straight to Membertou's cabin, where they sat down taking tobacco, and, having well drunken of it, did give the tobacco-pipe to him that seemed the worthiest person, and after consequently to the others.

Then some half an hour after they did begin to speak. When they arrived at our lodgings, their salutation was: 'Ho, ho, ho!' and so they do ordinarily; but making courtesies and kissing of hands they have no skill, except some particulars which endeavoured themselves to be conformable unto us, and seldom came they to see us without a hat, to the end they might salute us with a more solemn action . . . But our savages have not any salutation at the departure, but only the 'A Dieu' which they have learned of us.¹⁸

FEASTS

Binding the members of the tribe together in the days before government interference were the feasts of meat, accompanied by song, speeches, and dance, held on any possible occasion — one might say excuse — if the host had sufficient food. "There were feasts of health, of farewell, of hunting, of peace, of war, of thanks," said LeClercq; and Denys added to the list marriages and funerals. Food was especially abundant at spring feasts to rejoice over a successful winter of hunting, but as at all feasts, the meat was limited to the flesh of a single species of animal: beaver, bear, and moose were never mixed at the same meal. At special feasts grease and oil were drunk straight. To procure success in future hunting, an "eat-all" feast was held; everything had to be consumed before anyone might leave the wigwam; and even the smallest scrap might not be fed to a dog. One who could not finish his portion might present it to a more expandable neighbor. Remainders were thrown on the fire, but these were kept to a minimum, because of the glory attached to him who could eat more than the others.

Feasts in the Seventeenth and Eighteenth Centuries

The host, as a rule, did not eat with his guests; he should not diminish their portions. Only men "in condition to go to war against the enemy responded to his cry of *Chigoudah ouikbarino*, 'Come here to my wigwam for I wish to entertain you.'" It is not clear whether this means the exclusion of the aged as well as the sick and the ritually unclean. Crying "Ho, ho, ho!" three or four times, the men, carrying their dishes, entered the festive wigwam, sat down in the first vacant place, smoked some of the chief's tobacco, and were tossed some meat or offered it on a pointed stick. When all had eaten, two or three distinctive cries summoned the women, children, and the young boys who had not yet killed a moose, and any disqualified men, to receive the remains of the meat outside the wigwam.¹⁹

All feasts began with speeches, including one from the host explaining the reason for the invitation. Nicolas Denys, who considered the Micmac good orators and good laughers, mentioned the customary recital of genealogies at marriages and funerals:

in order to keep alive the memory, and preserve by tradition from father to son, the history of their ancestors, and the example of their fine actions and of their greatest qualities, something which would otherwise be lost to them, and would deprive them of a knowledge of their relationships, which they preserve by this means; and it serves to transmit their [family] alliances to posterity. On these matters they are very inquisitive, especially those descended from the ancient chiefs. This they sometimes claim for more than twenty generations, something which makes them more honoured by all the others.²⁰

All seventeenth-century feasts closed with dances and songs in tribute to the host.

A century and a half later, the Abbé Maillard, writing from "Micmac Country," March 27, 1755, viewed these still popular feasts with ambivalence. That part of him which considered it his priestly duty to spur the savages on to "make copious chase," so that furs would pay the Micmac debts to French traders, deplored the waste of time, meat, and peltry. But his weakness for Indian oratory has given us a detailed account of the speeches following a friendly feast of undercooked dog (de-fleaed) and hot seal grease. After dinner, when pipes were half-smoked, the most noted man present gave a speech in praise of the

feast and of the giver. He compared the host to a tree, "whose large and strong roots afford nourishment to a number of small shrubs; or to a medicinal herb, found accidentally by such as frequent the lakes in their canoes." At winter feasts, the host was compared to a "turpentine tree" that never fails to supply sap and gum, or to the mild days that occur in the midst of even the worst winters. Next, the lineage of the host was mentioned:

"Your great-great-great-grandfather was a great-great-great-hunter. His skill was no better than others, but he had some miraculous secret way of seizing creatures by springing upon them. Your great-great-grandfather was wonderful with beavers, those animals who are almost men. Your great-grandfather was an expert trapper of moose-deer, martins, and elks. Your grandfather has a thousand and a thousand times regaled the youth with seals. How often in our young days have we greased our hair in his cabin. Your father never missed his aim at game flying or sitting. He was particularly admirable in decoying bustards by his imitations. He had better inflections in his voice than most of us; he moved his body to sound like the clapping of their wings; he even deceived us. As for you — I am too full of good things to say more but thanks."

A younger and less important man then rose and summarized the first speaker and praised his manner. He did the thanking, shook the host's hand, and said: "All the steps I am going to take as I dance lengthwise and breadthwise in thy cabin are to prove to thee the gaiety of my heart and my gratitude." He now does his *Netchkawet*,

advancing with his body erect, in measured steps, with his arms a-kimbo. Then he delivers his words, singing and trembling with his whole body, looking before and on each side of him with steady countenance, sometimes moving with a slow grave pace, then again with quick and brisk ones. When he makes a pause, he looks full at the company, as much as to demand their chorus and the word *Heh!* which he pronounces with great emphasis. Then they often repeat *Heh!* fetched up out of the depths of their throats — when he pauses, they cry aloud in chorus, *Hoh!*

The dancer got his breath and then praised the host and asked the company to agree with him. He shook everyone's hand, danced again, "sometimes to a pitch of madness." He kissed his hand as a final salute to all and resumed his place. All the other men did the same thing.

Then girls and women entered, the eldest at their head, carrying a great piece of heavy birch bark which she struck as a drum. All the

women danced, "springing round on their heels, quivering with one hand lifted, and the other down; other notes they have none but a guttural loud aspiration, of the word *Heh! Heh! Heh!* as often as the old female savage strikes her bark drum. As soon as she ceases striking, they set up a general cry, expressed by *Yah!*" If approved, they repeated the dance.

When they withdrew, an old woman gave thanks in the name of all the women,

the introduction of which is too curious to omit as it so strongly characterizes the sentiments of the savages of that sex, and confirms the general observation that where their bosom once harbours cruelty, they carry it to greater lengths than even the men whom frequently they instigate to it.

"You men! who look on me as of an infirm and weak sex and consequently of all necessity subordinate to you, know that in what I am, the Creator has given to my share, talents and properties at least of as much worth as yours. I have had the faculty of bringing into the world warriors, great hunters, and admirable managers of canoes. This hand; withered as you see it now, whose veins represent the roots of a tree, has more than once struck a knife into the hearts of prisoners, who were given up to me for my sport. Let the river-sides, I say, for I call them to witness me, as well as the woods of such a country, attest their having seen me more than once tear out the heart, entrails, and tongue of those delivered up to me, without changing color, roast pieces of their flesh, yet palpitating and warm with life, and cram them down the throats of others whom a like fate awaited. With how many scalps have not I seen my head adorned, as well as those of my daughters! With what pathetic exhortations have not I, upon occasion, roused up the spirit of our young men to go in quest of the like trophies that they might achieve the reward, honor, and renown annexed to the acquisition of them: but it is not in these points alone that I have signalized myself. I have often brought about alliances which there was no room to think would ever be made, and I have been so fortunate that all couples whose marriages I have procured have been prolific and furnished our nation with supports, defenders, and subjects to eternalize our race, and to protect us from the insults of our enemies. These old firs, these ancient spruce-trees, full of knots from the top to the roots, whose bark is falling off with age, and who yet preserve their gum and powers of life, do not amiss resemble me. I am no longer what I was; all my skin is wrinkled and furrowed, my bones are almost everywhere starting through it. As to my outward form, I may well be reckoned amongst the things fit for nothing but to be totally neglected and thrown aside; but I have still within me wherewithal to attract the attention of those who know me."²¹

More praises followed. This pleased the hunters and spurred them on in that essential occupation.

A twentieth-century survival enacted at the mission of Ste Anne de Restigouche at the tercentenary celebration of Membertou's baptism was described by an attending priest (see illustration 38):

An unscheduled and unrehearsed part of the three-day celebration was the performance by the Micmac of a mixture of songs, speeches and dances, which it is Micmac custom to hold in honor of an individual in the great moments of family or group life, such as mourning, marriage or the departure of an important member of the tribe. They gather together to give each in turn a eulogy of the dead, the fiancé, or the one about to depart. Exaggeration is permitted and is even *de rigueur*. From time to time the orator raises his voice and chants in rhythm, "*Iouana, ouvana, Haouana, yo, ha, yo, aah, aah, aah*"; then suddenly he stops and throws towards the audience a searching and pleading look to get their approbation of the praises of the hero. . . . In one voice they respond, "*hal hal ha!*"

Women and young girls are commonly allowed to take part in the celebration; they may even address the gathering — and do so — but only after the men have spoken, and not until they have presented their

apologies to the gathering. This office is generally entrusted to the oldest Micmac woman present. On this occasion, in respect to the presence of many priests, the Indian women had the delicacy to limit their participation to applause of their chiefs.²²

Great ceremony and prolonged feasting attended the summer meetings of the tribal chiefs which, Father Biard said (1616), were held to consult about peace and war and to make "treaties of friendship and treaties for the common good." The host chief feasted his guests for as many days as he could. The guests made him some presents, but expected that each visiting chief would receive a parting gift; the host was not required to present anything to men of lesser rank.²³ Of particular importance in tribal ritual was the ceremonial arrival of the visiting chief and his followers, a feature complied with by French traders eager for Micmac furs. This account dates from 1675-87:

They are fond of ceremony, and are anxious to be accorded some when they come to trade at the French establishments; and it is, consequently, in order to satisfy them that sometimes the guns, and even the cannon, are fired on their arrival. The leader himself assembles all the canoes near his own and ranges them in good order before landing, in order to await the salute which is given him, and which all the Indians return to the French by the discharge of their guns. Sometimes the leader and chiefs are invited for a meal in order to show to all the Indians of the nation that they are esteemed and honoured. Rather frequently they are even given something like a fine coat, in order to distinguish them from the commonalty. For such things as this they have a particular esteem, especially if the article has been in use by the commander of the French.²⁴

St. Anne's Day

Long after the political purpose of the summer councils had died, tribal gatherings flourished in cultural syncretism as the proper way to celebrate St. Anne's Day.

The future patron saint of the Micmac was first established in New France in 1623 when, at the Cape Breton mission, the priests Vimont and Vieuxpoint kept the promise made to their patroness, Anne of Austria, Queen Mother of France, by dedicating the first chapel they built in the New World to Sainte Anne d'Apt. Ste-Anne au Cap-Breton antedated by twenty-nine years the establishment of Ste Anne de Beaupré.²⁵

Here in eastern Canada, as in many other times and places, the Roman Catholic Fathers found an aboriginal institution — the summer tribal gathering — and a saint whose festal day would fuse pleasantly with it. St. Anne's Day, July 26, is the most important date in the Micmac calendar. She is their own saint; a great helper of the Micmac, a sort of culture hero who taught them moose-hair weaving, a trait of relatively recent introduction.²⁶ St. Anne is described as the wife of an Indian named Swasan (a common family name on New Brunswick reserves). She is of very good family and is the mother of the Virgin Mary. At her first meeting with Micmac she told them that she wanted to show them how to do things, and said she would like to meet them again on July 26. They remembered the day and have observed it ever since.

Two accounts of early St. Anne's Day celebrations were obtained in 1911; one at Burnt Church, N.B., the other at Pictou, N.S. The Pictou version, John Newell's, though told as a St. Anne's celebration, is entirely lacking in religious reference and in political significance; the people gathered for a good time.

CHAPTER II

The Tribal Community in Industrial Society

Tribe and Social Network

Throughout the years of their transition from hunters and gatherers to industrial laborers, the Micmac have endured as a tribal people and, more to the point, have endured largely because their tribal organization was flexible enough to meet external pressures without sacrificing the integrity of the group. Culture loss is a theme which frequently arises in discussions of contemporary American Indians, as if, after being museuminized, tribal groups began to suffer an inevitable decay of custom. Every deviation from tradition can be seen as breakdown or loss, but greater credit is given to living Indians when the possibility of cultural adaptation and cultural gain is admitted as an explanation for social

change. No group is capable of a perfect functionalism; yet when a people survives over generations, the first questions asked should be about continuity, not discontinuity. There are few Micmac today who hunt full-time or make canoes or live in wigwams; for their economic behavior to suit the demands of industrial society it is much more appropriate for them to know how to drive and repair a car, how to live in small houses and apartments, and how to find work for cash. There are no great sagamores or forest warriors. Courage and endurance have instead found an urban arena, so that contemporary Micmac political activity is divided between tribal contests with imposing bureaucracies and a traditional egalitarianism sustained by the tribal network. Today, Micmac bands no longer gather for ritual celebrations. But the traditional principle that kinship orders behavior is at the very core of tribal organization, the goal of that organization being, as ever, to insure the perpetuation of the people.

To think of a tribal group operating in contemporary urban society is somewhat difficult. In the United States, native tribal groups are accorded a legal status which harks back to the Roman roots of the word *tribe* as a civic unit. Yet Biblical and nomadic connotations of the same word make of it the kind of human organization which belongs to less secular times than our own times when simple homogeneous bands could wander the earth. Because urbanization is usually considered as a force which moves society towards greater complexity and so-called higher levels of organization, it is often assumed that less complex forms are destroyed by it.

Urban industrialization has not, however, been ultimately hostile to tribal forms of social organization. The literature on tribal groups in the new industrial centers of Africa make this very clear.¹ Because American Indians are a numerically small minority and because an era of thoroughly corporate postindustrialism is apparently upon us, the existence of tribes in an urban setting is obscured and the functional aspects of tribal organization go unnoticed. The social structure of the Micmac, for example, who are generally representative of American Indians, is elastic enough to permit the geographic mobility of workers as an expansion of the perimeters of the tribe. The community remains a community even as its network of affiliations is spread over the physical distance between reservations and cities. It is subject to some stress and open to some change but its flexibility and the fact of tribal affiliation assure its continuity.

The nature of the tribal network, with its unique combination of centripetal and centrifugal energies permitting homogeneity and elasticity, is such that it must be contrasted with other social networks which are accurately associated with urban life but which describe more arbitrary and specialized associations. Studies of

¹ See, for example, A. L. Epstein, "The Network and Urban Social Organization," *Rhodes-Livingstone Journal*, 1961, Vol. 29, pp. 29-62; Philip Mayer, *Tribesmen or Townsmen: Conservatism and the Process of Urbanization in a South African City*, Capetown, Oxford University Press, 1961; and A. W. Southall, "Kinship, Friendship and the Network of Relations in Kisenyi, Kampala," in *Social Changes in Modern Africa*, ed. A. W. Southall, London, Oxford University Press, 1961.

social networks are motivated by curiosity about the principles by which people associate informally. In an urban society such as ours it makes very good sense to inquire into the reasons for social interaction, making no assumptions about the necessity for adult social relations beyond those required in the corporate context of office work. The severity of urban *anomie* is alleviated by employment in government and private industry so that, at a minimum, one has to keep to a fixed schedule of interaction with coworkers in return for a private life characterized by the freedom to choose or reject friends. Since there are no claims on a bureaucrat's time except those of the bureaucracy, it becomes necessary to ask basic questions about kinship, age, residence, and status as factors which might but do not necessarily have to motivate social interaction.²

The kind of network of social relations which is typical of American Indians is maintained outside the influence of corporate institutions, although the network articulates with larger systems at lower levels of industry and by contact with government agencies. The patterns of organization discernible in a tribal network are cultural imperatives operating to maintain cohesion in the community. While individual members may at times interact with non-Indians or with Indians from other tribes, all associations are directed by cultural goals so

² Philip Slater's *Pursuit of Loneliness: American Culture at the Breaking Point* (Boston, Beacon Press, 1971) is one of the most concise if informal descriptions of the extent to which the choice of social interaction is not only possible but valued in the dominant American society.

that interaction with fellow tribesmen is more highly valued than relationships with outsiders. This is perhaps the most important fact to realize about a tribal network: its apparent flexibility supports a maximum level of interaction among members beyond any issue of complete freedom of choice and beyond the notion of the right to privacy.

The second most important fact about tribal networks follows from the first insofar as the community, and not individual goals, dictates the nature of the group's boundaries. The apparently total freedom in the informal relationships of a conventional White is limited only by personal preference. An individual may theoretically interact with anyone and the frequency, purpose, and quality of interaction, and the number of people interacted with can vary by choice. An adult may have a small stable network or may travel impersonally through a series of unrelated networks, only occasionally checking in with former friends. A married couple, as a single social unit, may claim this same interactional freedom. Their children, if raised to independence, will probably claim the right to choose their own friends and provide the parents with the classic dilemma between their belief in freedom of association and the fact that the autonomy of their children will infringe on their own right to control interaction. Again, theoretically, there are no boundaries on the networks of so-called free people who, as the song goes, have "nothing left to lose."

Ideally, freedom should make it possible to explore an area of informal ties within which everyone is equal or should be treated as if they were. In contrast to this, the internal hierarchy of institutions presents the only

legitimate structuring of inequality, the only system of ranking which is impersonal enough to let individuals escape the pain of personal evaluation and simple enough in its requirements to give security to thousands upon thousands of its managers. To admit inequality in the informal, private sector is so taboo that most respectable people limit their social relations in fear of meeting and having to treat as equals those inferiors without economic security and without corporate commitment. This theoretical freedom to travel through infinite networks gives an illusion of choice; but we each have a great need to control social interaction, to keep ourselves from different others who threaten our single-mindedness with the suggestion of other value systems.

A tribal community, on the other hand, has the boundaries of a traditional community with a relatively stable membership. Its membership can be identified by first-hand testimony, so that the question of who is a member, if it should arise, can be quickly settled. For American Indians, the natural boundaries of the tribe have added the restraints imposed by racism. That is, while the natives might prefer each other's company, there is really little intrusion from the outside on the part of non-Indians wanting to associate with them as equals. Although their rank in the racial hierarchy varies from one locale to another, depending on what other minorities they are compared to, Indians are usually close to the bottom. Prejudice further insures the strength of the tribal community's boundaries, as does the formal and equally demeaning treatment which government agencies give Indians.

Yet, within community boundaries, truly egalitarian

associations occur naturally and without fear, so much so that the interpersonal contests and conflicts between people are continuous and continuously resolved, much more than among those who use their freedom to avoid social interaction. The tribal network also provides multiple bonds between individuals—kinship, reservation ties, and a shared history of human relations.

The idea of an urban network is useful in the study of tribal people for two reasons. First, it allows their forms of social organization to be compared with those of other urban people, including non-tribal ethnic groups. Second, the concept releases them and other groups from the need to have community identified with geographic stability, because the concept essentially treats patterns of communication as social structure, or at least allows that possibility. The definition of community with which the social sciences have been most concerned is that of a geographically stable population which, because of its fixed locale, permits observation. A Yankee City, an Elmtown, and a Street Corner Society can be physically located and their physical structures seem to assure us that community social organization must have a material base or in some way exist only within physical boundaries. Even used metaphorically, the network concept permits a definition of community that can put aside the usual concern with place and property and instead consider enduring patterns of culture spread over time and space. In societies like our own, minorities have been urbanized for generations, yet remain a people apart, without the establishment of conventional, land-based communities. There are ghett-

toes and slums, places for marginal people, but these cannot be understood simply as pathological communities any more than they can be dismissed as chaotic dumping grounds. An urban minority community, whether or not the label *tribal* is properly affixed to it, is inevitably a network of relationships among the propertyless, among people for whom the city is a backdrop, a setting, and for whom survival often means maintaining a high rate of mobility beyond any initial migration to the city. The urbanization of minorities has failed to be the transformation of individual country bumpkins into alienated cosmopolitans; it has been typified instead by the development of a variety of social networks which have defensive characteristics as well as an internal social organization. As Fredrik Barth writes on the social organization of ethnic groups,

Stable inter-ethnic relationships presuppose such a structuring of interaction: a set of prescriptions governing situations of contact, and allowing for articulation in some sectors or domains of activity, and a set of prescriptions on social situations preventing inter-ethnic interaction in other sectors, and thus insulating parts of the cultures from confrontation and modification.³

Racist prescriptions and proscriptors make the dominant society appear as the chief perpetrator of minority culture. My own belief is that the human tendency for cultural diversity is shaped rather than created by racism. While academics speculate about the universality of an urban Culture of Poverty, minority

³ *Ethnic Groups and Boundaries*, ed. with an intro. by Fredrik Barth, Boston, Little, Brown and Company, 1969.

groups recognize and act upon the cultural differences they perceive between one another. For Native Americans, an individual's tribal affiliation is extremely important. In New York City a native of Harlem and a former Jamaican consider themselves members of two different cultures. For a Spanish-American, the village his family comes from may be crucial in locating him in a specific network and excluding him from others in the urban community. Of course there are similarities in the ways in which many of the poor have accommodated themselves to the economic demands of urbanization. Still, it is necessary to balance that comparative overview with an understanding of the "flavor" of culture, as Kroeber called it,⁴ the group's total communication to an individual that he is among the people who speak, look, feel, and act in ways most deeply familiar to him.

For most Micmac, associations with other tribal members make up a primary network in which one is much more likely to stay with one's own kind than to cultivate relationships with non-Micmac. This varies somewhat from individual to individual, but, generally speaking, a child is raised to be aware of the difference between his own people and the strangers of whom one has to be suspicious. As an adult, he or she is still likely to regard as outsiders both the local Whites whose towns neighbor the reservation and the other "ethnics" and lower-class people who live nearby in the city. In addition, the middle-class people who represent corporate service organizations in the Maritimes and in in-

⁴ A. L. Kroeber, *Configurations of Culture Growth*, Berkeley and Los Angeles, University of California Press, 1944.

dustrial centers are considered peripheral to the Micmac interpersonal network.

The institution of a formal reservation system and the simultaneous draw on the Provinces for labor to service New England has had two important effects on the tribal network. First, there was an increase in communication between diverse subgroups of the Micmac influenced by some geographic consolidation of dispersed bands, especially in Nova Scotia, through efforts on the part of the federal government to promote a more efficient administration of a single, localized bloc of people. In addition to the larger settlements, such as Eskasoni or Shubenacadie, there still remain small groupings of Micmac people outside reservation boundaries. Even their isolation, however, has been minimized by the effects of industrialism. Improvements in transportation, particularly in travel by bus and automobile, and the possibilities for earning a wage in industrial centers attract Indian sons and daughters from every hamlet and reservation. The community is today quite knowledgeable about the extent of its own tribal boundaries. Each member in the course of a lifetime is likely to meet up with many other Micmac who are relatively difficult to place in an immediate kinship network and yet look, speak, and act Micmac and have to be accounted for. There is no such thing as a stranger, because information about any individual's alliances is widespread and a part of general knowledge. Who he or she is related to and has been friends or lovers with is counted as a factor, provided the intermediary person is identifiable as kin, friend, or enemy within one's own

group. How an individual has declared himself or herself in past dramatic events also figures in assessing how he or she will be placed. "Were you in that big brawl they had up at St. John? Did you see Charlie Francis there?" These are the kind of opening questions an Eskasoni man might ask of an Eel River man with an eye to learning whether this person was one of the antagonists who helped beat up his cousin Charlie or one of the friends who dragged him away. A woman will be similarly identified by the company she keeps and by her alliance in a noteworthy feud or fracas. Each Micmac newcomer, whether he shows up for the first time at a party on the reservation or in a barroom in Boston, carries a history of associations which makes it fairly easy to locate him in the tribal network.

Kinship is still very important as a means of classifying others who are outside the extended family household and yet still associated with it, perhaps as a third or fourth cousin or as the person who married in at one of the more remote branches of the family tree. Kinship can often be a very neutral way of acknowledging the social existence of others. Older people and younger children, for example, were often described to me in terms of their family ties (sometimes irrespective of their kinship to the speaker) while adults of the same generation were much more likely to be identified as friends or rivals, whether or not they could be counted kin.

For both men and women, talking about their own generation (which was also the generation of their siblings and numerous cousins) prompted much reference

to rivalries, confrontations, and adventures in which various *personae* emerged clearly as allies or enemies throughout a personal history. For men in particular, the details of what was happening among younger people or what had happened among adults of the parent generation were of less interest, unless, of course, they involved a close relative. One night at a gathering, I sat talking to a Micmac man in his middle fifties when a young woman of about twenty passed by us, someone whom I had met but whose name had slipped my mind. I asked the man if he knew her. He described her benignly, and, as it turned out, inaccurately, as one of Leroy Cleaver's daughters who had just married into the Samuels family. Interestingly enough, he had the correct form of a kinship designation without the correct content. When it came to talking about his own age group, the same man had a great amount of information to recount and a considerable fund of accurate detail.

For an adult the ties of kinship mean the designation as a certain member of the family that comes with birth and endures until death. There is very little that has to be worked out in matters of alliance between grandparents, parents, and children, between siblings, between nieces and nephews, or between aunts and uncles who have lived together within the same household or stayed in close contact with the family. Beyond kinship, there exists a whole range of people, discounting children and the elderly, with whom issues of amity and enmity have to be settled. Because the status of a Micmac adult lies in an individual's strength within the tribal context, the friendships, confrontations, court-

ships, and sundry adventures which involve most Micmac between late teens and mid-forties are the events within which power and will are rested and personal reputation augmented or tarnished. In a life history perspective, the family and usually the extended family household provides an initial vantage point from which a child considers and then enters into relationships, friendly and less-than-friendly, with his peer group. Of the Micmac I met during my field work, most were either born in the reservation area or, if they were born in New England, raised in the Maritimes. The experience of Micmac under twenty-five who have come as children to visit Boston and other cities contrasts with the more abrupt rural-to-urban shift their parents' generation underwent when they first ventured into the city as youths of nineteen or twenty. Nonetheless, while adults consider it good for children to get an idea of what city living is like, the preferred place for children to grow up is "down home" in the Maritimes, and the reliance on relatives who remain there to help care for children born in the city makes it still a first experience of the world.

Reservation Communities and Household Organization

When Sidney Mintz wrote in 1953 about the development of a certain kind of rural community within the contemporary plantation system, he could also have been describing the kind of economically peripheral

community which typifies an Indian reservation, provided that a hunting and gathering tradition is substituted for an agricultural one:

The same forces which have molded the rural proletarian community into an unexpected analogue with the ideal folk society have also been those which have made it more "urban." Independent freehold primary production has been replaced uniformly by plantation estates; exchange labor, tenancy, and sharecropping have been replaced by cash labor; cash is used exclusively to buy essential commodities; personal relationships between employer and employed (or between owner and tenant) have been supplanted by purely impersonal relationships, based on the work done, and with a standard payment for that work; home manufacture has practically disappeared; consumption commodities have been standardized; and outside agencies of control and service—medical, political, police, religious, military, and educational—have developed. As a result, the rural proletarian community associated with the modern plantation system exhibits a character which is superficially folklike in some ways and yet might be labeled "urban" in others. But actually such communities are neither folk nor urban, nor are they syntheses of these classifications. They are, rather, radically new reorganizations of culture and society, forming a distinctive type not amenable to the folk-urban construction.

One cannot understand reservations without recognizing the greater economic structure which makes them segregated by class as well as culture. At the same time, one cannot understand reservation communities without an appreciation of their dependence upon and support of a mobile urban population. To look at a map of the Maritimes and to drive through the reservation area could lead one quickly to the conclusion that the

Micmac or at least some part of the tribe lived in quaint rural isolation. The ties which connect the reservations to urban industrial areas are, of course, people, and to deduce the nature of Micmac social organization from the evidence of social interaction is much more appropriate than to take the physical plant of the reservation as primary evidence. Its appropriateness lies in the fact that the Micmac consider relationships among themselves more important than the setting in which they take place. Because of this, human urban and rural settlements where people provide the context are preferred to natural contexts. The forests on and adjacent to reservations are still used for hunting and fishing by some Micmac men. Rather than having a full traditional reliance on nature, however, the Micmac simply allow their forests and waterways to be. They use them more in times of economic recession than in times of plenty, yet always with the understanding that nature has its own incontrovertible rules, some of which provide man with resources, others of which operate irrespective of human wants. As a Micmac Indian who worked as a guide put it, "Going out into the woods here is a dangerous thing to do. You've got to watch and listen and remember everything. Then you can make your catch and get home." The White men who hired him for his knowledge of the forest did not need to understand nature. They just returned home with their game after a good hunting trip. It is an unusual Micmac who goes for poetic, solitary walks in the woods or who seeks to get away from it all by isolating himself for communion with nature. The biological force of nature, like the bio-

logical fact of humanity, is accepted by the Micmac; the former fact is not abstracted and violated by subjection to human ends, no more than the latter is denied and depersonalized as an atomistic machine. In any place where Micmac tend to congregate, such priority is put on social interaction that the locale as an objective physical entity apart from or even reflective of the community literally never arises spontaneously as a subject of conversation. For example, I would often mention to Indians that I met that I lived at Shubenacadie. The universal reaction was to respond to that fact in terms of people, referring either to those who were relatives or friends who came from there or to those who were old enemies from past confrontations. When I would press the matter further and ask, "Well, what do you think about the homes there?" the response was invariably to mention people known who had worked on the construction of government houses or to dismiss the question with a shrug and, "Could be worse." It is a telling fact that when I encountered missionaries or local White people or Bureau officials and made the comment, "I've been staying at Shubenacadie," their responses were almost always about the "things" which made up the reservation landscape: houses in better or worse repair, the size of the school building, the proliferation of abandoned cars in the last twenty years, a new road, the size of the reservation forest. With bureaucrats, people were a kind of secondary subject, incidental to the place in which they could be found or, at least, explicable and even determined by what could be seen there. The most sympathy for Indians was ex-

pressed over the dilapidated condition of many homes, especially the tar-paper and wood shacks which characterized some of the settlements.

To a stranger, the aura which pervades the locale which is labeled a Micmac community is one of dispo-session. The tar-paper shacks set up on a flat of cleared land are one- or two-room affairs with small metal chimneys on top and washlines strung on poles outside. The government-built houses are large and solid by comparison—four- or five-room frame dwellings lined up along a narrow road, each on an identical patch of land. For every two that are being lived in, another has collapsed into its cinderblock foundation, its roof spilling over onto what was to have been, theoretically, a properly tended green lawn. While I heard more than one local White deplore the way the Indians let those "free" houses slide into disrepair, there were simply not that many Micmac who could afford to stay on the reservation; it was the familiar predicament of "just passing through" which had, in a good number of cases, allowed houses to deteriorate a bit more after each family's temporary retreat to the reservation. The houses in good repair belong to those who have been able to find some kind of steady work in the area, in a paper mill for example, or with the Bureau itself, and even these families number only a minority in any Indian community.

More often, the reservation area is a place to which one retreats in hard times until opportunity beckons elsewhere. In a government-built house that was completely bare of furniture except for beds, a kitchen table and two chairs, a living room couch, chair, and lamp,

Kathy Meuse, a middle-aged woman born and raised at Eskasoni and married to a Micmac man from Shubenacadie told how she and her seven children had come back to live on the reservation.

I been in better places than this, you understand. My husband was in Korea, in the army, and he done right well with them. Then he got throwed out 'cause of a fight with one of them officers. But he did okay after that. He did carpentry and electrical stuff all around the place. Sometimes me and the kids, we'd follow him around, spend a year in Montreal, then go to the States, down as far as near Philadelphia. Then there got to be too many kids. Charlotte and Roy [the two eldest] I sent for a while [two years] to stay with my sister at Eel Ground. I always like to keep the little ones near me, but that wasn't always for the best. The children's grandma [on their father's side] took them on here at Shubie the year before last when I had pneumonia real bad. Now this time, things got so bad that I thought we'd better lay low for a while, take all of us down home while Eddie looked for some work. He's in Boston or thereabouts.

What the reservation actually supports in the way of a stable household is a conglomeration of "home bases," that is, extended families which will host individual adults and children for longer or shorter periods of time, depending on what a visit is prompted by: ill health, good luck and a desire to make a munificent display, or bad luck and the need to put up somewhere for a while. The extended family includes three or even four different generations. A married man and woman or a married woman alone are typical heads of the household. The many children in the household are often only about one-half to two-thirds their own, while the rest

are informally adopted from near and distant relatives. In the case of Kathy Meuse's family, she and two of the older children joined her husband in Massachusetts before a year had passed; Charlotte and the five youngest were accepted into the homes of relatives in Shubenacadie and Truro, as, it should be noted, a temporary and not necessarily unpleasant solution to economic ups and downs. The extended family, in fact, survives on the understanding that such favors are only lent, and on the assumption that the more people associated with the household, the greater its chances for present and future support. The child left with relatives is still the concern and ultimately the responsibility of its parents, who will send funds, if they can, to help out. The elderly grandmother who is taken in by a son or daughter will let it be known to her other children that extra cash should be given to that household. The adult (man or woman) who is between jobs and sleeps on the couch is expected to remember whose hospitality was enjoyed. There are always some "bad debts," some whose fortunes never peak, some whose memories are poor when it comes to remembering old favors, some who simply do not live long enough to do a service to the family. Nonetheless, it is understood that the more people a family can claim as allies in kinship and draw into a reciprocal network of specific obligations, the better its chance of survival from one generation to the next.

The interiors of such extended-family homes are more filled with the presence of people than dominated by things. The furniture available through social assis-

tance is characteristically discount-house plastic, from upholstered chairs to night-tables to lampshades. Many bedrooms have iron beds and heavy, framed mirrors from another generation and, occasionally, a patchwork quilt of the tiniest triangles made by an old grandmother or aunt years ago. Almost every home has one or more little bric-a-brac shelves with family snapshots placed among the ceramic statues of puppies and ballerinas. A television set, sometimes working, sometimes broken, is typically found in the living room.

The more people of all ages there are around, the more it seems that the material things in the home—the lamps, the chairs, the T.V.—dissolve as entities which make demands on human beings (e.g., needing to be dusted, polished, washed, not stepped on, treated with care, etc.) and become subservient to the random demands of people. A sofa which might last a conventional nuclear family two years (speaking hypothetically, for most welfare furniture is hardly of the quality most conventional families would choose), will serve many more Indian people and in a much shorter period of time show signs of tears and chips and cigarette burns, the natural marks of wear which are not blamed on any one person. In a similar way, a television set, which might otherwise be understood as a thing which makes exclusive demands on individual human consciousness and demands, now and again, mechanical repair, becomes subservient to and acts as a kind of amplifier of the social interaction which is already going on in the living room. For example, while nine or ten people are talking with each other, a child or an adult might decide to flick

on the T.V. as just another visual and auditory input. Rather than distracting from the social interaction, it provides a kind of background rumble and roar, adding no new information to the scene than its particular light and noise. The person who turned the set on wanders away; children sit down in front of it and begin to play "Slap Jack"; a grandmother shifts her chair and inadvertently blocks out the screen from the view of most others in the room. After some time, the baby of the family will switch the channel, perhaps find something familiar or amusing such as cartoons, and fall asleep on the floor in front of the T.V. Later still, an adult will reach past the grandmother and turn off the set. The social use, not the abuse, of property leaves its mark on every material thing.

Socialization

Growing up in the midst of this kind of family, with many other children around, with many adults dropping in, which sometimes moves from one household of relatives to another, is a common experience of childhood for many Micmac. Peter Dunn, born in Bear River in 1931, described his family in the following way.

My mother had twelve children in all, well really fourteen but two are dead. Sam, Claude, Ann Mary, and me were the closest. Her brother's two children, Betty and Leonard, lived with us for a long while after their mother died. Then there was her own mother who came from Bear River and had a lot of her family there. Well, my father also had a brother who he'd go

hunting with and he lived in a little shack right close to our place and he'd eat with us. Then he got took away 'cause he had t.b. My cousin Henry lived with us too, he's my age. My mother's younger brother, Joshie, used to come and stay and me and Henry and Sam would have to double up so's he could have our bed. That's a lot of people already but we always seemed to have room. Then there was the babies, the little ones, Pauline's [Peter's older sister] boy Alfe and Zeke who came to us when he was just a baby. His mother took him back when she got out of the hospital and got married again. And, of course, Martha and Elmer [Peter's two youngest siblings].

Being in charge of a "home base" in the reservation area is a role which fairly conservative women seem to opt for, e.g., a woman who has never left the area and has never wanted to, a daughter who tried out the city for a while and did not like it, an older woman who considers her days of traveling behind her. The male head of such a household need not feel constrained or tied down to home ground. He might be relatively less mobile than men his own age who travel the circuit from reservation to city, but a man always has good reason to be independent in his "business" from the affairs of women and children and, particularly for reasons of finding employment, will go off with his friends on jaunts which take them away from the home for varying lengths of time. The household, with many children and visitors, continues in his absence.

Cooperation among women remains an important part of running a household, particularly among women of different generations. A woman who is the head of a household will be helped by her mother, even if she only lives nearby and not within the household itself,

and by her older daughters. In an established home base household, there is, however, typically only one woman in charge and she is likely to be the only woman of her generation in the home. Sisters-in-law, friends, and sisters visit and even send their children to be cared for without ever intruding on the hierarchical structure of the household. Competitively claiming the responsibilities of a married woman is less a factor in their adult years than the release of other women to participation in the economy.

Arnold Lefebvre, born in New Brunswick in 1938, gave this description of his family:

My mother never could've managed without her own mother living right in the little cottage next door. I got four sisters older than me too and they was a great help, I know that. My dad used to fish and every once and a while he'd bring home a deer and we'd have some right good venison. He was very quiet and he didn't bother anyone too much. He and a few of my mother's brothers would go out fishing a bit in a wooden boat. Sometimes I'd get to go for a ride. When one of my father's sisters got fb., her three kids came on to stay with us. But they were already big, sixteen and seventeen, as old as that and they didn't stay around. They come back even now though just to say hello to my mother. My father's mother lived with us just before she died. She had a gift, she could see the future and ghosts, too. We always had people dropping by to talk to her. We had family everywhere, too, it seems.

In households such as these where people of several generations live together and in a community where human relations makes up nine-tenths of the subject matter of conversation, the facts of sex and death are, relative to our society, demystified. Children laugh among themselves at their own contrived jokes about

the "mic" (penis) and the "wekite" (vagina). Sexual relations among people in the community are of consummate interest and generally discussed, even in the company of young children. At one time, a man who worked in New England left his wife for a long while on the reservation. He came back to find out that she was about to give birth to a child that could not possibly be his. Everyone else in the community had been following the details of the relationship between the married woman and her lover, the real father of the baby. A group of children, some of them in the early years of grade school, filled me in on the details, adding that, as a matter of fact, this was the second time poor Mr. Brown had been "fooled."

A Micmac house has its separate bedroom with a double bed where the mother and father of the household usually sleep. Yet, with the changes in number and composition of the household, the bedroom is usually not a secret domain and may have to accommodate visiting relatives, an assortment of children, or an elderly person who has taken ill.

Death as a subject is about as open to discussion as sex, although instead of humor, the subjects of illness and dying are usually accompanied by ghost stories and references to a realm of spiritual power which can be seen as either beneficial or frightening. Mary Dunn, a teenager, described how her mother's mother passed away:

You know the room where Stevie, Ida, Johnny, and me sleep in? That used to be my grandma's room. She had a bad cancer, in her stomach, I think, and she used to complain that her mouth was always feeling bitter, sour-tasting. I'd make her

some warm milk and carry it in to her. She didn't say nothing much to me, but I knew she liked me to sit next to her while she had her milk. My mother really had the most work with her. She'd have to get up at night and make Grandma stop moaning because it was keeping everyone awake. Johnny was real tiny then. One day I brought in the milk as usual 'cause I heard her [the grandmother] calling, that is, making them little noises in her throat. I brought in the milk and grandma put her hand on my arm and kind of pulled me near her. I said, "What is it?" She whispered to me that she would come back after she died and give me special help. I wasn't even sure it was her talking because she had lost her voice for a few days. I told my mother what she said and she got afraid. She told me to stay away from grandma after that. She died the next day. My mother and my aunts washed the body and dressed it. After the funeral, my mother didn't want to put me in that room. I wasn't afraid. I was only twelve at the time but I told her that Grandma had promised to help me, not to frighten me.

Sex and death, while demystified, are perhaps the two most fundamentally important areas of community concern, for they have to do with its reproductive continuity and the generational cycle from birth to death within which all Micmac participate. As such they are devoid of associations of romantic love, which we tend metaphorically to link with sex, and of violence, which we associate with death. The polarities of euphoric love and the destruction of nuclear war which count for so much in the dominant society mean much less in a tribal community and are, in fact, concepts unavailable to most of its members. The interactional realities of human conflict make up the very life of the community and it is in the larger households that a child is edu-

cated into the continual ebb and flow of human relationships.

While reservations are hardly considered ideal places to live, most Micmac women agree that a child is better raised there than in a city environment. Once again, this is a judgment made for interpersonal reasons, not out of disdain for the physical setting. In the city, a young child has to associate and go to school with Whites and risk the conflicts which that contact inevitably engenders. The reservation household can offer protective care at least until the child reaches his or her teens and becomes independent. One woman, Maureen Paul, who was born in 1945 in Boston, was raised at Eskasoni in a large household managed by her grandmother and then her aunt:

It would be hard, right hard to say just how many there was in the family. My grandmother was always trying to keep us in line but there were a lot of kids, a whole lot of us little bastards running around. Sal [Maureen's brother] and me were about the oldest, though there was Francine that my grandmother brought up and she was about three of four years older than me. But she left and went to Halifax when she was about, oh, fifteen or sixteen. She run away but she come back later, all grown up and with a job. Anyway, after Sal and me there was Eveline and Debbie, my mother's sister's children, that was Aunt Helen, and there was the twins, one of them nicknamed "Popeye" 'cause he had one eye blue and the other brown, the other was Matthew who I told you about got Estelle's girl pregnant. The twins was from my father's side of the family. Their mother was a close cousin of his and Seda [Maureen's grandmother] took them in when she couldn't care for them no more. Let me see, then there was Uncle Alfred who stayed at home when he came in from the States and

Aunt Dee who lived with us and kinda took over when Seda died in 1962. My mother took me and Sal down to the city with her in about 1953, but that was just for a short time. Sal would get into fights with the boys there and they were real tough. So we were sent down home, to Seda.

Even as a reservation household protects children in a physical sense, it gives them an Indian identity which emphasizes individual autonomy and personal strength. The ideal Micmac adult has the will and spirit to travel, to make spontaneous choices, to be aggressive and assertive, to take risks—all within the context and with the approval of the tribal community. The power of an individual does not exist in a vacuum; it is the group which continually witnesses, verifies, and makes comprehensible individual behavior, putting limits on individualism and optimally preventing autonomy from becoming isolation.

In the socialization of children, the personal strength which is encouraged has two aspects. One of these is an aggressive physical hardness or toughness, the other is a sense of unique access to spiritual resources. The two aspects are so interconnected that the presence of the former is taken to indicate the existence of the latter, physical endurance being the proof of spiritual power.

Among the Micmac, childhood is considered a biological phase through which human beings pass naturally and without conscious educational efforts on the part of adults. Childhood is seen as an adequate state in itself, rather than merely a path to the final goal of adulthood. Children are not expected to talk or think

like adults and they are not rewarded if they do. To the contrary, a child who tries to assert himself during a conversation between his elders is misbehaving. The individual child is, however, encouraged to assert himself in his own league, among other children. The adult in his prime of life has maximum access to the ideal of physical and spiritual fortitude. The child, like the old person, has an appropriate arena for performing according to the values of the community. When a small child stands up to a bully, he is courageous, not simply acting courageously and mimicking adult behavior. When an old person boasts about long-ago adventures, he is acting within the value system in a way which fits his physical limitations. The child is not rushing toward another state; he is living in the present reality of a child's body. The old person is not chagrined by the loss of a youth he expected to go on forever; he is living with the biological fact of his body.

From the time a Micmac child is very young, he or she is encouraged to be strong. A father or uncle or older brother will show a toddler of two or three how to make a fist and jab with it like a boxer. An older sibling will affectionately urge him to fight and then feign retreat under the miniature torrent of punches and kicks and even four-letter words. The women in a family might verbally protest such aggression, but nonverbally, with smiles and without taking action to intervene, show pride and approval. When a young boy acts fearless of physical retribution from older children and from the women in his family, his behavior is generally condoned. If he begins to get too aggressive with the

men in the household, his behavior will be checked, not to make him fearful but to communicate to him that taking on an adult male is more presumptuous. I observed one incident typical of how this message on the limits of aggression is communicated and how the household cooperates to do it. A sturdy boy of three decided that he was going to try out a few punches on his father who was sitting at a table talking with some friends. The father tolerated some pummeling and then pushed his son away. The boy came back and his father gave him a slap which was hard enough to make the child cry. Instead, the boy, with his face very red, held back the tears that were in his eyes. An older sibling, a girl of about thirteen, came to the rescue with a good-humoured invitation to spar with her. The friends of the father remarked on the boy's courage in holding back his tears and he proudly nodded in agreement.

Any child, boy or girl, who takes to whining and crying will be ignored by the adults and mocked by other children as a weakling and a sissy. Infants are cared for and indulged by an array of people who meet their needs so as to avoid the necessity of their crying. When infancy is left behind, there are still the other children and adults, who anticipate individual physical limits and take on the responsibility for tying shoes and buttoning coats, for reaching high shelves, finding lost toys, and giving up indulgences like candy or some trinket to a young child. Micmac children learn by observation and are not subjected in a family to intense verbal instruction. Younger children are expected to imitate their older siblings in the basics of eating, toilet

training, and general physical dexterity without individual instruction, and the expectation is apparently justified. The reason a child who whines is despised is that he would seem to deny a correct ratio between the care offered by the group to a dependent child and his limited, but real physical autonomy. The whining child says, "I'm not getting enough" and the group says, "we're giving you what you need for your age. The problem is with you."

The solidarity which exists among children in the same household is complex. Blood relationships count and the child with remote or no real kinship ties, the child actually liable to be transient, is acknowledged as a less permanent member of the family, unless, of course, the parents legally adopt him or her. This is an unusual step to take, because in the great majority of cases, the circulation of children is kept informal and flexible.

Age and sex differences are important additional factors. There is a point at which closest siblings become part of a larger adolescent peer group and will see each other both in and out of the family setting. Because the whole function of the peer group seems to lie in the proliferation of social ties it offers and because independence is a strongly supported value, siblings coming into their teens at about the same time tend to keep some distance between themselves. It is very unlikely that two brothers or two sisters would ever openly fight with each other, but they may avoid each other in the larger peer group. The quick defense of a sister or brother, especially a younger one, is a common reaction

which persists from childhood all through life and which, despite adolescent autonomy, can be elicited in a crisis. If a quarrel arises, for example, over the matter of flirtation and stolen affection, brothers and sisters will defend each other. A brother is most protective of a sister, younger or older, while a sister is likely to defend her sisters and the younger children, both brothers and sisters. A hierarchical bias in the large household makes all other children assume responsibilities of caring for younger children, responsibilities which are not directly reciprocal when children become adults. A young man is likely to be protective towards the older sister who cared for him and the younger sister for whom he cared, but he is likely to view his brothers as somewhat independent rivals. A young woman accords her older brothers the same autonomy and feels a lifelong solidarity with her sisters and younger siblings. Themes of competition and caring figure strongly in the relationships between children of the same family and through life there is a general bias of males towards the former and of females towards the latter. Adolescence as a phase in life requires movement out into a wider peer network and for a time the de-emphasis of all kin ties in favor of a more competitive individualism.

The socialization of Micmac girls prepares them for this phase even as it prepares them for a later, adult phase of increased mutual support and caring among family members. The show of physical strength that is encouraged in boys is rewarded in girls as well, although in girls stoic endurance, more than physical aggression, is praised. Young girls seem to get into just as

many fights where blows are exchanged as boys and are similarly expected to hold back their tears when hurt or frustrated. A child's physical hardness, much more than physical attractiveness, and personal independence, more than passivity, are characteristics in which adults take delight.

The physical vulnerability of Micmac females is admitted to in an interesting, indirect way. It is women who are preoccupied with the subject of medicine, with accounts of accidents, and, more frequently, internal illnesses, their symptoms and their cures. Folk medicine has been supplanted by remedies available in drug-stores but, very importantly, a cure is only assured by a combination of human products and human spiritual resources. A woman has the cultural license to approach the problem of illness, her own and others', with speculations about the specific motivations behind the fact of sickness: are there bad feelings in the kin group of the sick person; is there an old enemy who has reappeared on the scene; is the sick person, for a lack of spirit, ready to die? There is no formal witchcraft or sorcery among the Micmac but there is an understanding that explanations of the physical fact of illness must include information about human relationships and, further, that humans must be understood as embodiments of spiritual forces, never machines. The area of competence within which a girl works is the home and her sense of responsibility in helping with younger children, the old, and the sick helps enormously in the operation of the household.

No professionalization of the female's housewife role,

however, is really possible in a large Micmac family. Specific responsibilities vary with the number of people around so that there is no formal possession of chores or control of space, no chance for a girl to play at being her mother and thus arrive at a total occupational understanding of the role of housewife. The mother of the family orchestrates the carrying out of domestic tasks and relies particularly on her daughters to accommodate themselves to a shifting array of responsibilities. It is the ethic of responsibility, not pride in having accomplished a task, which makes the home run smoothly, and a young girl has to get used to working gracefully along with her sisters, mother, aunts, and grandmothers in a system within which work is not divided but shared. The verbal directives to assume responsibility are very few, leaving the initiative to the child. By the time a Micmac girl is eleven or twelve, she has learned to be basically noncompetitive about family responsibilities.

In Micmac society and, I believe, in other minority communities as well, the women in a household and any old people who are around socialize children in a way which allows them to deal with more than the internal value system of the Micmac. As every student of colonial literature knows, few people know the oppressor better than the oppressed and it appears that verbally instructing their children in the ways of White society is as much a tradition among Micmac women as the communication of tribal culture. The role of men in socializing children is extremely important but most of it lies, as does much of the role of women, in an area

where the ideas of a child are shaped by an informal mixture of nonverbal and verbal communication concerned with what is happening in the present tense within the kin group. In addition to that fundamental education, Micmac women make a special point of enunciating the abstract tenets and "respectable" values of the dominant society. They tell their children that they should stay in school, that they should go to church, that they should get legally married before having sexual relations, and that they should in general act "right." Very few Micmac have lived or even could have lived according to these tenets. Prolonged education is hardly feasible, legal marriage implies a completely different family system and relationship to property, and the participation of most Micmac in institutionalized religion amounts to a nominal Catholicism. The demands of life for the Micmac have very little to do with so-called civilized behavior and even a radical transformation of their tribe into respectable folk would not alter their position in society.

What women are doing when they tell children to act right is articulating the differences between two value systems, that of the Indians and that of the dominant society. They urge the young to look at themselves from the point of view of the White man and to understand the behavioral limits which are imposed upon them from without. To tell a child to act right according to White convention is, in reality, to give a warning, to communicate the fact that a Micmac would have to make an effort to become acceptable to the dominant society, and the fact that one's natural, culturally sufficient

way of behaving is not widely approved. So it is that women who are most respectable in White terms become the heads of large reservation households and raise children who in no way accommodate themselves to White institutions. Nor is it by accident that women, children, and older people on reservations have an access to respectability not shared by the rest of the community. Most of the children will repudiate that access to school and church and legal behavior before they are twenty, as their grandparents did, and find it again when they are old and less mobile and have grandchildren themselves who will need instruction in the ways of the world.

All Micmac women are self-educated experts in the ways of the dominant society. In each stage of life, in every interaction with a bureaucrat, they perceive the nuances of communication from behind a polite, if impassive, mask. Good demeanor keeps Micmac girls in school for a longer time than their male peers; and this gives them the opportunity to learn thoroughly the value system of the oppressor. Women of all ages go to church more frequently than men and have again the opportunity to pick up bureaucratic categories and metaphors. As it turns out, a woman is good when she is respectable, not because she meets a White model of behavior, but because she brings information into the Indian culture which adds to the defenses of her children against the total society which keeps them at its periphery. It is only in her public performance that she appears to have capitulated; among her own, she has only to phrase the legal value system and let the percep-

tion of its variance with Indian reality fall to the children, a variance which very few children fail to perceive. It is interesting how educational and religious institutions, which always seek to reform, inevitably only inform, their abstractions being reworked by cultural imperatives.

The endurance of a traditional Micmac language is a vital part of the socialization of children and a well-protected aspect of Micmac culture. When questioned directly about the survival of their language, many Indians deny its continued use and their own proficiency in it and claim that the old people still speak Micmac but very few others remember the language. Basically the same claim is made about traditional myths. But in fact, the use of Micmac, more than being a second language to English or, in parts of Quebec, to French, is common within the household. Denials of its importance stem, I believe, from several sources. First, the researcher who asks about the Micmac language implies that there is a known grammar and vocabulary to some extent rigidified by tradition. What the Micmac are speaking is a living language which has dropped some words over time and included others, notably English words for technological inventions, car, T.V., transistor, etc. A man or woman might speak fluent Micmac but not feel expert enough in it to live up to the standards of linguists. Second, denial of fluency in Micmac may come from an individual's need to present himself as a civilized rather than a savage person to an inquirer from outside the community. It takes a great sense of humor on the part of Indians to put up with anthropological ex-

peccations of a traditional, museumized culture; such expectations usually postulate a maximum distance between the ways of the Whites and the antiquated, primitive customs of the natives. It is not surprising that any Micmac given that choice should try to associate himself with contemporary ways of acting and disclaim knowledge and practice of tradition. Third, as with mythic images, language is a part of culture which the Micmac, to refer to Fredrik Barth's description, insulate from confrontation and modification. It is truly the language of the family group which strangers passing through are not likely to hear. It is the form of communication used in conflict and in courtship across family divisions. It is the language which is absent when Micmac Indians find themselves on the boundaries of their community in interaction with Whites, unless aggressive exclusion of non-Indians is intended, for the great majority of the Micmac are bilingual and can speak the language of the dominant society.

Mythic Images of Power

The physical strength and fearlessness praised in children is idealized in Micmac tales of giant folk heroes who walked the land long before Indians or any other human beings existed. These mythic characters were not only strong in body but possessed great supernatural strength. They had power enough to create islands by simply tossing huge rocks into the ocean and, in addition, they had the power to transform an enemy

into a tree or cast a fatal curse on a malefactor. In real life, the Micmac often take the physical strength of an individual as an indication of special access to spiritual power, although the subject of magical practices, except as an activity which properly belongs to the realm of folklore, is greatly underplayed. It is acceptable to describe the supernatural gifts of mythic giants or even of Micmac Indians who lived a generation or so ago but reference to a living person's ability to deal in supernatural cause and effect is strongly avoided, at least in the presence of non-Indians. Nonetheless, it is admitted that some Micmac have magical power and are to be feared for what they might do in anger and, on the other hand, protected against the anger and suspicions of others. From their earliest years children are watched for signs of special communication with the spirit world and with the dead. The child who claims to have talked with a deceased relative or received a message from a ghost is taken seriously and never dismissed as over-imaginative. It is impossible to will or earn favoritism from spirits. Extraordinary magical abilities are innate, and then are developed over time.

Simply being born a Micmac, however guarantees an individual his share of spiritual resources. Ordinary *keskamzit* or the kind of good luck that gets one out of risky situations is claimed by everyone. The ability to "think" evil on another person, not in the specific sense of causing disease or death, but in the general sense of adding to another's store of bad luck, is also at the disposal of every Micmac. Between these ordinary powers and the adventures of folk heroes lies the full range of

preoccupation with the outward appearance of power and the possession of inner strength. Both of these are appropriate concerns for any people who, like the Micmac, have to maximize their defenses against a hostile environment. The tales of the Micmac, whether old or new, deal with this duality of human resources and, conversely, with the basic issue of human vulnerability and weakness.

The stories about the past present a blend of personal and historical information which indicates that the French, English, and Mohawk became incorporated into mythic structures as occasional enemies who gave the Micmac reason to demonstrate their physical and more-than-physical powers. In future generations there will be other categories of enemies—Canadian Mounties, city police, other minorities—who will exist in Micmac adventures as a similar category of *provauteurs*. Wallis, in his first field trip to the Maritimes in 1911-1912, recorded this explanation of how Micmac mythology evolved to its present mixture of historical reference and exploits, which includes a sense of the past as a single category "collapsing" discrete eras into one:

Among the first generation of old-time Micmac there were no stories. The second generation told a true story about the first generation. The third generation made a story about the second, and added it to the other. The process continued and today a great many stories are known to us all.⁵

⁵ Wallis and Wallis, *The Micmac Indians of Eastern Canada*, p. 11. See also Père Adrien "Conservatisme et changement chez les Indiens Micmacs," *Anthropologica*, Vol. 2, 1956, pp. 1-16, for a defense of the persistence of belief in the supernatural among the Micmac in Quebec.

Mythology among the Micmac exists less as a set body of traditions than as a means for presenting images of power in situations which are linked to "real-life" history. If one asks a Micmac Indian today about traditional stories, the reaction is invariably one of vaguely concerned interest in the "old ways" about which it is sadly remarked not too many Micmac really know very much. One will be sent down the road to an elderly person who knows all the old tales everyone else has forgotten. But if the same researcher, having gone through the arduous process of recording a few tales in isolation with an old person, stays close by the Micmac families he has come to know, he soon discovers that there is a more natural context for folklore in the family. In a casual moment, someone will bring up the subject of ghosts and this will lead to a recitation of wondrous tales of supernatural forces. The figures in such stories are either decidedly traditional, such as the giant *Gluscapp*, or they are individual Micmac with the special physical power of a *ginap*, or with the witchcraft power of a *buoin*, or more commonly a person with *keskanzit*. The figures may also be ghostly apparitions of once-living Micmac which have, even in death, physical and magical powers of their own. Whether a giant or specially-endowed human, the Micmac in each story demonstrates great strength, sometimes over lesser beings such as ordinary humans and animals, as is the case with *Gluscapp*, sometimes in competition with others of nearly equal power.

The Micmac culture hero *Gluscapp* exists in the mythological past, in the time of other giants and of the first Micmac Indians. *Gluscapp*'s origins are more natural

than supernatural. He claims Bear as his mother and Sable as his younger brother, with fishers and martens as his kinfolk. The paternity of *Gluscap* is sometimes linked to Turtle, but more often left ambiguous. Instead of being a god who created the Micmac, *Gluscap* organized and ordered the natural and moral world within which the Micmac were living. He directed natural species to their correct habitats, whether woodland, lake or ocean. The Micmac he instructed in the construction of tools, weapons, and canoes so that they, like the animals, might fit their environment. He also acted as a judge in conflicts among the early Micmac, encouraging them to share with each other and taking it upon himself to punish the selfish and the proud. Along with his enormous size, *Gluscap* had the power to change men into natural, inanimate forms as a way to immortalize them and is said to have left monumental evidence of this power in the Maritime landscape.

The most interesting thing about this culture hero is his disappearance, which seems to coincide with the English phase of colonization. The dislocation of the Micmac from their natural economic environment is reflected in mythic history by the retreat of *Gluscap*, who has no cultural solutions to offer, although he attempts to the end to use his transformational powers to absorb, i.e., culturalize, the British. The following story, told to me in Nova Scotia during the summer of 1970, illustrates the style of *Gluscap*'s retreat.⁶

⁶ This and the stories which follow were recorded during fieldwork in various settings both in the Maritimes and in Boston. For other sources of traditional Micmac myths, see Silas T. Rand, *Legends of the*

At Cape Breton, there is an island made by *Gluscap* from a whale. First he gave the muscles from the whale to all the Micmac so that they would be strong and would not be afraid of the whale. He gave muscles to all the animals as well. Then he put the whale in his canoe, which was made of stone, and he paddled out into the bay and pushed the whale into the water. It is an island there [at Broad Cove] today. One day, a long time ago, a Micmac man asked *Gluscap* for a favor. He wanted to live for many years. *Gluscap* said that would be all right and he turned him into a big tree. Another man asked *Gluscap* to keep him and his family from starving. *Gluscap* gave him plenty of animals to hunt. When the French came, he was very kind to them. When the English came, he had to leave. He told the Micmac that they would get their land some day in the future but until then he could not live with the English. *Gluscap* was so big that he could walk from one end of Nova Scotia to the other in just a few minutes. He could stretch out one leg and touch Prince Edward Island but wouldn't step on it because he might sink it, that is, squash it down. He could stroll over to Quebec and New Brunswick. When the British came he left. There is some red agate in the ground around here that used to be British soldiers. *Gluscap* raised his arms and they turned into red agate, to stone. Then he left to live high on a mountain [Mt. Katadin]. *Gluscap* picked up some rocks and threw them into the ocean, right off Halifax. That's Five Islands. One of them has a cleft made by his hand. You can see that today.

Gluscap has an aggressive counterpart in another mythic giant, *Kitpustagana*, who sometimes appears in stories as his twin, sometimes as *Gluscap*'s rival. *Kitpustagana* was influenced by an awesome giant from the west, *Djenu*, the Cannibal, which explains the se-

Micmac. New York, 1894; and pp. 317-493 in Wallis and Wallis, *The Micmac Indians of Eastern Canada*.

verity of his vengeance and the ferocity associated with his warrior image. With colonialization *Kitpusiagana*, like the more benevolent *Gluscap*, must retreat, even as the Micmac must become peaceable, and he seeks refuge beneath the ground just as *Gluscap* sought refuge above it.

Kitpusiagana knew all along that his mother was killed by the grandfather *Djenu*. When he was just a little baby he knew that. This was in the days when there were enemy Indians here who would kill women in a village. They took *Kitpusiagana* and raised him as the chief's son. He had an older [step-]brother in the family. As he grew bigger and bigger and when he hunted with his brother, he would kill a lot of moose, and bear, and deer and carry them all home, while his brother carried his special big bow-and-arrow. Finally, when *Kitpusiagana* was grown, he killed the chief and ground his bones into round stones which he placed into the ground. Then, he came upon his grandmother and grandfather sleeping and killed them both with a sharp knife. His brother helped him in all this. Afterwards, *Kitpusiagana* had many adventures. One day he disappeared into the earth and buried himself because there was another giant bigger than him who chased him out to Cape Breton. Now he lives under the ground.

The retreat of the aggressive *Kitpusiagana* is directly connected with military defeat as, for example, when the giant who chased him to Cape Breton is described as a Mohawk. *Gluscap*'s exit is much more dignified and is based on a kind of prior knowledge of the difficulties White settlement would inflict on the Micmac.

Gluscap knew that the Micmac were going to have trouble with White people. He himself could not be hurt. The English

tried to kidnap him and bring him to England but they could not. *Gluscap* knew that the French would lose their king many years before it happened. He knew that the hunting and fishing he taught the Micmac would not be used much today. He had a big hound of his own that would howl in the woods to tell the Micmac *Gluscap* was coming. When *Gluscap* decided to go away, he turned that hound to stone and he left. He didn't die. He was just very angry with the English.

The culture hero, in a sense, abandoned his people, leaving behind the land and his marks upon it. The people have not, however, abandoned the culture hero. The direct reliance which the Micmac once had on the land has become much more diffuse and difficult for a non-Indian to understand because it cannot be explained in pragmatic, economic terms. Micmac land, a fraction of the land of giants that it once was, has endured along with the people. Their participation in industrial economy has made hunting and fishing only occasional ventures; but the rule of the bureaucracy has not dislocated the Micmac from the fact of the land itself. Whatever legal definition can be given a reservation, an Indian cultural definition can supersede it and surpass it in power. A corporate, managerial understanding of a Micmac settlement is always an abstract projection which functions for the convenience of the corporation. A Micmac knows the reservation as an insider living the reality of that environment; it is his own turf, it is home, and historical forces have, kindly enough, left it thus far in relatively undisturbed condition. *Gluscap*, it must be noted, is not dead, only on retreat. I have been assured by a good many Micmac storytellers that when White people have gone away, *Gluscap* will return once more

and the Indians will again thrive. This prophecy never seemed to me a vainglorious fantasy of Indian resurgence. The Micmac have never really had anything more than an unassuming, even diminutive claim on survival. The return of *Gluscapp* is, to my mind, a metaphor for another truly postindustrial age when, corporations having disintegrated, everyone will be required to search out human-scale solutions to existence; we shall all be Indians then.

There is in the tales of *Gluscapp* and *Kitpuasiagana* and sundry other giants an emphasis on physical size and strength which, tied in with spiritual gifts, reflects contemporary Micmac values. In the mythic past the enormous physical size of the heroes is underscored. When a middleground between mythology's era and the present is approached, the heroes cease to be giants and become mortals of rather ordinary human size. It is their supernatural powers, as forces which can be directed against other human beings, which are underscored. Physical strength continues to be an important corollary of psychic power but heroic dimensions are dispensed with.

The transition between the category of giant and the category of human being is expressed in the Micmac concept of a *ginap*. A *ginap* is a particularly strong person, one who lived in the past, with the power to travel quickly over many miles, to defeat enemies with a wish, a shout, or a mere raising of the arms, and sometimes the power to work magic. The knowledge that someone is a *ginap* is supposed to be suppressed during his or her lifetime; if such information were widely broadcast,

the *ginap* would fall sick and the family would suffer a great loss. *Ginap* stories reveal a concern with physical strength and the innate power of the individual to cross the boundary from merely human to "giant." The Micmac tell a story of the prototypical *Ginap* whose origin goes back to precolonial times. This figure is larger in size than most other Indians but seeks to hide the fact and even refuses the acclaim that falls to him when he performs wondrous acts.

The first *ginap* was Micmac who lived a long time ago, before the French came. He was very big, bigger than most any other men, but he wore a special shirt that his mother made for him which kept people from seeing his size. He was so strong that he could fight the Mohawk and kill all of them that came to his band. He wasn't the chief or anything like that. He was ordinary-looking. His wife's family didn't know just who he was. They thought he was just ordinary. Then one day he went out into the forest in the winter and brought back a bear in just a few minutes. The next day, he brought back a moose. He asked his wife's people if that was enough. The next day he brought back another bear and told his wife to skin it. Then he rested because he didn't want her people to get suspicious. After that, some Mohawk came. Everyone in the village ran away. *Ginap* stayed and when the Mohawk came in, he just held up his arms in the air and they all fell down. When the people of the old village came back, they saw all the dead Mohawk lying around and they wanted to make him a chief. The old chief [his wife's father] agreed, but *Ginap* said no.

Some *ginap* tales, like giant stories, refer to the historical conflict between the Micmac and the English and imply that he not only had an ability to kill with an angry gesture, but a vision into the future and an under-

standing, like *Gluscap's*, of the inevitability of White intrusion. As an example,

Over at Miramichi, there was a *ginap* who fought the English. He was sitting and smoking his pipe in his house [wigwam] when some French soldiers put in by boat. They said that they were getting ready to fight the English. The man's mother told him not to go. But he went anyway. He showed the French which way to go. They surprised the English as they were sleeping. The *ginap* made a wish and called out with a special cry. This made the English soldiers fall down. Then he went back to his own house. Later all his people found out that he had killed thirty English soldiers. They thought that would be enough, that the English would stay away. The *ginap* knew that they would be back. He told them that and he was right.

Ginap stories require some distance between the storyteller and the person with *ginap* powers. A temporal distance of one or two generations back is common. A distance of place is often interposed between the locus of the storytelling event and the reservation or settlement where the *ginap* lived. It might seem as if this distance of time and place unburdens the speaker and his audience of scientific consideration of the factual reality of magic. It does, from a Western point of view, but the issue of factual proof is not admitted and, being unadmitted, is hardly a burden. The belief in a magical realm where the normal laws of human existence do not hold is a given. A good storyteller, man or woman, postulates a certain remoteness of time and place structurally equivalent to the remoteness of a magical realm and uses recitation to effect a rapprochement between what is experientially distant—time, place, and the supernatural—and the audience.

The belief that a contemporary *ginap* can be killed by a broadcasted reputation reflects the necessity of a culturally correct and structured presentation of verbal information on the delicate and dangerous subject of man's access to the supernatural. It is as if the person who tells a tale of magic reaches up to a shelf for a mythic package, turns and presents its contents for reflection to the group, and then puts it back on the shelf where it can later be found again.

The benevolent strength of the *ginap* image is tempered by a poignant vulnerability. Often a child prodigy, the male *ginap* is skillful as well as strong and an asset to his family which tries to protect him from being discovered. The following story is typical in its theme of great strength toppled by general knowledge.

My grandmother told me that she almost married a *ginap*. But that she was afraid to after she found out. He lived at Burnt Church. He could pick up three or four men at the same time and spin them around. One day, two Mohawk Indians came to Burnt Church. They met this man but they didn't say they were Mohawk. He knew anyway and he put one under each arm and carried them back to Montreal and then came right back himself. He knew the trouble the Mohawk had given his people. Another time, when he was still just a boy he made his own fishing boat and brought it into the water and was gone for a whole day. No one paid him no mind at first. No one made a fuss over him. Turns out, he married another girl but he fell sick after awhile. Too many people knew about his being a *ginap*. Even when he was getting sick, he'd still be able to chop wood and all. He had a special trick of picking up a wood-burning stove. But he died when he was still right young and my grandmother wasn't sorry she hadn't married him.

The sickness which kills the *ginap* is seldom attributed to a specific cause. It is implicit that the jealousy of other families might bring about the death of the *ginap*, to equalize advantages within the community. It seems fitting, too, that an oppressed Indian group should continue to be concerned about secret strengths and the vulnerability which attaches to exposure of knowledge.

The female *ginap* is usually presented without great emphasis on physical strength; her powers always seem a bit more mysterious, though not unrelated to survival. For example,

Fleur Martin was a Cape Breton woman who was a *ginap*. She could light a fire without any matches, just by wishing. If she wanted to have a rabbit or even a deer, she would just go into the woods and reach for one. People would come to her house for a visit and she would say, "Wait a minute." She'd go into the woods and get a rabbit and hand it to them as a present.

A woman who is a *ginap* might be benevolent but she is pictured as an isolated figure whose motivations are less than clear and who may be literally subject to flights of fancy as the following description points out:

A woman, Mary McDonald, from Miramichi, was a *ginap*. She would be standing in the yard one minute and her family would see her disappear the next. She would be gone to Cape Breton and people would see her there, walking along the road. My uncle said he saw her once and he said, "Hello, Mary." He found out later that she had disappeared from Miramichi and traveled in just a few minutes to Pictou Landing where her family was from.

Just as the benevolent *Gluscap* has an aggressive counterpart in *Kitpusiaganá*, the benevolence and vul-

nerability of the *ginap* finds structural opposition in the role of the *buoin*, a person with magical powers who seeks to control others. The traditional *bohonne* was described in the seventeenth century as a medicine man who also acted as a dispenser of justice and keeper of public morals for the community, using his power to punish the greedy, the proud, the unfaithful. Today's *buoin* is a much more ambiguous figure, one which operates almost totally in the area of supernatural practices. Like the stories about the *ginap*, tales relating to the *buoin* are located in a time intermediary between the mythic past and the present and usually at a spatial distance as well. The skill of the male *ginap* in manipulating the physical environment, and the unearthly and undirected gifts of the female *ginap*, contrast sharply with the wizardry of the *buoin*, whose concern with survival goes beyond craft and skill and whose strength often provokes conflict. The medicine a *buoin* deals in comprehends the human spirit and seeks to use it against the body. Jealous of the power of others, a *buoin* might take the natural form of a bear and attack someone of equal supernatural strength. In the following story, a female *buoin* transforms herself into a bear, converting some of her magical strength to physical strength, and directly encounters a male rival.

There was a man who lived at Cape Breton who fought all night with a bear that came into his wigwam. He knew this wasn't an ordinary bear but the spirit of a *buoin* that was trying to kill him. He fought all night until he killed the bear and then it disappeared. He knew then that his power was greater than that of the other *buoin*. Whenever he had trouble before, he knew it was that woman who was trying to kill him. Finally

he made up a special medicine. He made a little birch-bark canoe and put the medicine in it and pushed it out into the water. It must have gone like a bullet through the water because that very day the other *buoin* was knocked to the floor while she was cooking and soon after she died.

A buoin is much more likely to be a woman than a man and to use a means of manipulation much less direct than the one above. The former *bohime* association with medicine and morals seems to have shifted from men to women so that the latter are frequently represented as aggressive and punitive, people who can kill by wishing to kill, as this tale illustrates:

When I was a little girl [at Lemnox Island], there was an old aunt of mine who used to know all about medicines and plants from the woods that would cure just about anything. She knew a lot more than that. There was one family in the village where she lived that was mean to her. One day the mother in that family came down with a terrible fever. The rest of the family ran to this old aunt and begged her to stop. She told them that she had had feelings she wouldn't do nothing about. They brought her to where the dying woman was and begged her to cure her. But that old woman wouldn't give up and the other woman died after all. It came back on her though because no one would go near her after that, except to get a potion. One day, she said that a man she used to know had fallen into some water and drowned. A little while later, this was found out to be true. Another time, she told a woman that her child would be born with a red mark on each hand. This also happened. Still another time, she asked some men for meat after they had been hunting. They said no and while they were walking home, they saw the ghost of a man who had died the year before. They were so afraid that they dropped their guns and meat and ran away. When they came back, the meat was gone and their guns were all bent and rusted. That was what this *buoin* would do.

The punishments a *buoin* can mete out often seem quite arbitrary. It is one thing to frighten two hunters who have been ungenerous; it is quite another to let angry feelings bring on death. Yet such arbitrary intent is allowed because it is assumed that the *buoin*, like everyone else, is embroiled in interpersonal relationships and is going to feel more kindly towards some, more competitive with others. In myth as in real life, there is really no accounting for interpersonal preferences and no expectation that a figure sitting in judgment on the community's behavior should be rigorously objective.

A buoin is commonly involved in affairs of the heart, making love potions and working magic on unfaithful lovers and spouses. She will act quickly and competitively to defend nearest kin from unwanted intrusions on the family. This next story is typical in that respect and, in addition, implies the transmission of *buoin* powers within the extended family.

There was a woman who lived at Big Cove in my mother's time who was a famous *buoin*. Any time anyone needed a cure or a love potion, they would go to that woman. The priest used to be very angry that anyone would go to her instead of praying. But her ways were just Indian ways and she would never bother the priest. One day, her son fell in love with a girl from Picton Landing. The old woman didn't like the girl and even though she was far away, she made the girl get sick. She took some feathers and wrapped them in a little bundle and dipped them in tar. The girl told everyone that her whole body was weighted down. The son went home and told his mother that he would marry the girl. She said, "All right." Then she took her magic off the girl. The girl's people were afraid for her because she would have a mother-in-law that could not ever be made angry. The son promised that his mother would behave. But they were also afraid that he had magic powers as

well. Anyway, they got married, but everyone said that all the children had very strong power and that if they wished a bad thing to happen to someone, why, it would happen.

The mythic association of *buoin* powers with a woman is somehow appropriate to the real-life concerns of Micmac women and the role they play in the tribal community. Much more than men, women are involved with notions of physical vulnerability, especially with childbearing and with illness (as opposed to accidents). Out of their involvement comes a concern with curative remedies and a willingness to consider other-than-scientific explanations of poor health. The Micmac as a group do believe that anger has the power to cause physical harm. They also believe that competitive individualism within the group and the ongoing conflict which comes out of it is a healthy social condition. Some expression of anger is permitted in face-to-face encounter; the residue may be transformed into another form of energy and cause illness or accident. That some individuals might have good access to the spiritual realm and easily turn their anger to that medium is a good possibility. Women take on much of the social responsibility for speculation on the causes of misfortune, on medical remedies, and on estimates of just who is angry about what and what his or her range of power is.

Compared to the men, the expression of anger by Micmac women is less direct, although relative to many other societies, Micmac women would probably seem quite aggressively demonstrative and unafraid of conflict with their peers. Perhaps verbal identification with the respectable values of the ruling society adds a taint of suspicion to a woman's role. Certainly, a woman who

acts with too much polite restraint needs to be watched as closely as any isolated hag.

The physical and supernatural powers of culture heroes, *ginaps*, and *buoins* are thematically satisfying to the Micmac because so much of their own existence is caught up with the testing of strength, with the endurance of the body and the will of the spirit. The larger society with which their community is associated is corporately and informally hostile to its survival, perhaps even more so as the expendability of unskilled labor seems imminent.⁷ Micmac resources for survival lie squarely within the community, in individuals' fortitude and the human-scale organization of the group. It is no wonder then that, to stories about more remote eras, Micmac Indians add their own adventure stories which are, after all, claims to the same kinds of wonderful powers as those held by mythic personages.

To claim the special good luck of *keskanzit* is the prerogative of any Indian who overcomes the obstacles to survival which poverty inflicts. It is the most innocent boast, usually made by unassuming older people, and implies a special rapport with the dead. The following excerpt from my field notes ends with a classic evasion of the claim to more active access to the supernatural.

Noel Ginnish told me today that he's surprised he's lived as long as he has (63 years) because his "luck" was so special that he might have died just from having so much power. When he was young, he told me, he used to see ghosts. Before

⁷ Sidney Wilhelm in *Who Needs the Negro* (New York, Schenkman, 1970) argues that the combination of racism and advanced technology makes Blacks as vulnerable to extinction as Indians were in the last century. My point is that American Indians participate in smaller numbers but with an equal liability in the present hostile system.

the local parish priest died. Noel saw his ghost walking down the road to the graveyard, going into it and picking out a place to lie down. Then it disappeared. Three days later the priest was dead and he was buried in that very spot, although no one knew it was going to be that spot because it was written in a letter to be opened when the priest died. Noel also saw his grandmother's ghost and he knew she was dead before the news came from Eskasoni. She was walking by the house in her nightgown and, since he was only a small child at the time and did not really understand his own power, he told her to go and get dressed. Then she disappeared and he had a very strange feeling about what had happened. Noel also was afraid of trains when he was young. His mother wanted to take him traveling on a train but he cried so much, she left him home. That train went off its tracks and people got hurt, but not Noel or his mother either. Once, when he was working in a fertilizer factory in the States, his boss told him he could go outside and smoke a cigarette for a few minutes. Noel had suddenly a terrible shaking feeling take over his body and he told the boss he would keep on working. About a minute later, a truck crashed into the wall just where Noel had the habit of taking his cigarette breaks. If he hadn't stayed in the factory, he surely would have been killed or injured. I asked Noel if he ever used his power against other people. He didn't answer. He just looked away.

Even a younger man than Noel would have evaded a direct admission of supernatural power. But he would have emphasized his own physical strength and courage more than just good luck. For men to take risks and dare to push situations to extremes is as important to Micmac survival as the women's gathering of information at the boundaries of the community. A man's physical prowess, fortitude, and even foolhardiness are appropriately extolled in storytelling sessions, whether on the reserva-

tion or off. The telling of each adventure is an education for the young into culturally approved aggression based on a spirited sense of one's individual power. There is an element of boasting involved in recounting adventures yet most of the stories are verified even before they become standard fare. Information about the exploits of men travels quickly among the Micmac so that, while a man is allowed some room for exaggeration, his audience is already acquainted with his story and only awaits being satisfied by the exciting details. Men in their prime of life are culture heroes in the sense that they live so close to the line that issues of power and vulnerability are constantly being tested. The issues and the tests are presented in contexts such as these field notes describe, at a time when a handsome young man from the city came to visit his sister's family on a reservation.

During the rainstorm this afternoon, most of the family, with the exception of Noel who was over at his grandmother's across the street, were sitting in the living room. Anne and Patrick were playing cards on the floor; Martin was out in the kitchen with his mother. I was teaching Carrie to knit while the dog kept jumping up on the couch and licking our hands. Uncle Eddie came in the back door and after talking with Louise (the mother of the household), he came in and sat down in one of the armchairs. He turned on the T.V. and then started to chat with me. As he began telling me about where he was living now in Boston, Louise drew one of the kitchen chairs up to the doorway between the kitchen and the living room to listen to what Eddie had to say. . . . In the course of his description he told this story about how he got the long scar on his scalp:

"Me and Elmer and these two girls were on a date. One of them was kind of big and heavy and dark. I didn't know her too well. This colored guy in the bar had it in for this girl. I don't know why. He said that she was a Lesbian. That made me and Elmer awfully mad. She was a White girl and we didn't know her that well but, even so, that was an insult to us. I went up to this colored guy and told him to fuck off. He was big. I'm almost six feet but he was bigger than me. He had some friends around. I just had to tell him off, no matter what. Then me and Elmer and the two girls was leaving the bar. The two girls was in front. I had the feeling they weren't so happy about the evening and were going to go home or something. Elmer was right in front of me. I was just going through the door when I got this bang on the head from behind. I didn't know what it was. I was so angry I didn't care. I turned around real quick and there was that somfahitch colored guy with a big smile on his face. I was so angry I went for his throat with my two hands. I knocked him down and started beating his face with my fists. He was so surprised he hardly did anything. I went crazy. Elmer had to drag me off him before anything worse happened. I mean, he probably had friends all around who were going to wake up and jump on me. You know that fellow had hit me over the head with an old iron pipe. It was at least six inches around. All I knew was that I was angry. I leapt right back on that guy. You can ask Elmer. He took me over to Mass. General to get my head put back together. There was forty-two stitches. I told Elmer that if I saw that fellow again, I'd get him for good. As it was, I'm lucky to be here."

The most flamboyant stories men tell often seem related to the kinds of conflicts possible in a barroom setting or to the physical risks involved in driving a car. In the former, fights with non-Indians are most sensationally represented. In the latter, the danger shared by the group and their common Micmac *keskamzi* is given

full play. The competitive conflicts which go on among Micmac men are de-emphasized in storytelling; there is talk about enmity but no thrill in a man's giving it a dramatic presentation. The social distance between an Indian and a Black, for example, functions in the present tense in the same way that time and place can function to structure a distance between a mythic event and its recitation. The narrator works to bring issues of competition and power from the racial boundaries of the network to the rest of the community. There are stories, too, about encounters with the police and about adventures in military service which are fundamentally concerned with risk-taking and which stress a great will to transcend physical vulnerability. The messages in these are similarly related to an understanding of how strangers to the community can be counted on to react towards the Micmac and, out of that understanding, how the community must defend itself.

The most dramatic claims to power a Micmac woman is likely to make have little to do with physical strength. Instead, unusual knowledge and power in the crucial areas of childbirth, disease, death, and ghosts makes up the content of a good contemporary tale. Ghost stories, like claims to good luck, allow the narrator a passive and innocent association with the supernatural. A ghost or *skadeganute* will give direction for some action or by its appearance signify a coming event. Older men as well as women can easily get an audience for stories of their personal encounters with spirits. When it comes directly to the subject of physical vulnerability, claims to power have to be made with some

subtlety, for the ability to do harm to others is implied in too much knowledge of how the human body is affected by spiritual energy. Nonetheless, the subject is approached. A benevolent competence is the easiest to claim, for example, that by a special combination of traditional herbs and aspirin, one has cured a boy of tuberculosis or stopped the prolonged bleeding of a woman after childbirth. Claim to an aggressive and punitive use of special knowledge is usually reserved for tales of conflict with non-Indians, in much the same way that the most dramatic physical competition occurs between a Micmac and a stranger. The following account from field notes has to do with a stormy relationship between a Micmac woman, Belinda, and a White man:

While Belinda and I were having coffee in the kitchen, before the children came home from school, she told me about how she "scared" her most recent boyfriend. She had a feeling that he was cheating on her, so she told him that if he went around balling anyone but her, he was going to come down with something terrible "right where it would hurt the most." Sure enough, before the week was up, he broke out with a terrible rash on his prick and balls. He went right away to the doctor who couldn't recognize it as any disease he knew. He gave him some penicillin that did no good at all. Then the boyfriend came to Belinda and begged for forgiveness. Belinda made him swear to be faithful but she wouldn't cure him right away. The rash was really painful but she wanted to make sure he knew who he was dealing with, "not just any bitch off the street." Then she told him a number of things to do to make the rash go away. He had to change the kind of shorts he was wearing (which were of all different colors) and wear only white ones, he had to take a bath every night for three nights in Ivory Snow and he had to put on plaster of wet leaves

which Belinda gave him for the infected area. In three days, he was all cured. Frannie Harper came in as Belinda was finishing this tale. I asked her if this really happened. At first she said she didn't know anything about those things and gave Belinda a most reproving glance. Belinda countered that Frannie had powers of her own. Frannie, having fixed her own cup of coffee, admitted that she knew that if she wished evil on people, it often happened. In addition, she and Belinda both can tell when "a girl, any girl, is pregnant, even if it's only a few hours old."

All women have to live with their physical vulnerability, their embodiment, as it were, and the Micmac women directly approach this fact, embellish it with special knowledge, and dramatically present it to others. This is in contrast to the incidents men describe, which represent a searching after their own physical limits, which limits almost always are extraordinary. Perhaps women live with an immediate understanding of those limits and men must seek the contexts which will communicate their physicality back to them. In any case, images of power, interwoven with themes of conflict and cooperation, are perhaps the best visions for a Micmac man or woman to have in beginning the adult life of an urban Indian. Through a whole range of images, from traditional myths to contemporary accounts, the Micmac educate their own in a defensive set of values, one which emphasizes individual physical and spiritual strength within the context of the community. The actual testing of that strength and endurance starts in adolescence, in those first forays away from the family, and takes a lifetime to prove.

Mikmaq Women

Their Special Dialogue

BY DR. MARIE ANNE BATTISTE

There is a fragility in making broad generalizations about Mikmaq women's roles in society. Over the generations, they have done everything. In grasping their total experience, both in our language, legends and in small talk, it must be noted that there is no concern with gender. Gender being a foreign concept, brought to our land by the wood walls of Europe, is a strained thought to the Mikmaq worldview. Mikmaq concepts do not divide man from woman; the concepts only honour their ordinary efforts as mothers, grandmothers, godmothers, teachers, healers and the like. European thought calls them 'roles.' Mikmaq thought labels them extraordinary honours.

The predetermined natural fact of being created by the Holy Spirit as either a woman or man is of minor importance in the Mikmaq worldview. More important to the Mikmaq is the fate of being born into a tribal community which contributes to a shared mental experience: the sense of having a view of the world and of the good in which others participate. Over the last three generations, the Mikmaq worldview has been denied by political policies and law. These gross injustices fragmented our traditional worldview and its intense moral communion.

In the traditional Mikmaq worldview, Mikmaq "woman" and "man" are the fulfillment of each other. Most of women's undivided obligations are held in common with their male partners. But Mikmaq thought teaches of special obligations which "women" have to the Holy Spirit. Mikmaq "women" are the keepers of the unknown. They have the ability to see the ordinary with amazement and to create the future. Each Mikmaq woman is the primal path that forces man beyond knowing to the unknowable

future. In women, man finds what is beyond the daily struggle.

Mikmaq women are the keepers of change. They are the confirmation of the small and great rhythms of each generation to whom all return for comfort and release. They are the visible manifestation of continuity in change. Both continuity and change occur within a community in dialogue; thus the daily dialogues which occur in every facet of Mikmaq life essentially hold all visions of the future and the beauty of the past. Mikmaq women provide a special dialogue which is at the centre of the worldview. Knowing that all of nature is continually changing, the special dialogue of Mikmaq women conditions change so it may be received within the worldview.

Mikmaq women begin the dialogue with the future. They are the first teachers who transmit knowledge of the past and present to the future. They create an extensive, coherent, concrete tribal bond with the future through an easy silence and caring. The tribal bond arises from the rhythm of the daily event. Togetherness comes quietly in the shared trust inherent in family life. Later, they continue the teaching of the tribal bond: the beauty and force of the Mikmaq language; a code of cultural respect; the

joy in fulfillment of family obligations.

While Mikmaq women are fulfilling their special obligations, they have also fulfilled the common obligations with the men. Each struggle over time mandates adaptations to survive to give the future a better chance. When European racism attempted to enslave Mikmaq males, the Mikmaq family became the last resort of pride and respect. When European authorities sought to force "individualism" on tribal society through formal education, the



Mikmaq families moderated the continuity. When Mikmaqs accepted European values and vices as superior to tribal values, the Mikmaq families had to face the terrors of alcoholism and substance abuse, the fact of broken families, and the confusions of values. In each of these struggles, the women resiliently weathered the times and mastered them.

There is a family story that illustrates some of these points. When my mother was a young woman, she played a game with her girlfriends which prophesied her life in an extraordinary way. It was said that a dream could predict one's partner and the life you would have, so she and her friends gave it a try. After a friend's wedding, she and her girlfriends ate salt fish and then before bedtime put the wedding cake they had gotten at the wedding under their pillows. It was said that in the dream when thirst took hold, the man who gave you a drink would become your husband. More importantly, would be the kind of container from which she would drink as it would indicate the kind of life she would lead. If the container was a fine bone china or fine glass, she would lead a life of prosperity. If received in a broken cup, she could expect a life of turmoil and hardships.

In my mother's dream, a young man (her brother's best friend, a man much younger than she) gave her a drink from a birchbark cup. After the dream my mother laughed with her girlfriends at the prospect of marriage to her brother's friend. Many years later this man would eventually take her hand in marriage and together they would lead a long traditional Mikmaq life together. The birchbark cup was significant, as my mother's life was one not of leisure and prosperity, not fraught with turmoil and hardships, but one typical of the traditional women on the reserve today. It has been a traditional life of hard work with Mikmaq dignity, a trying life with many rewards of children, grandchildren,



and a life among Mikmaqs.

Mikmaq women represent a resiliency, so ill-defined by modern thought, but so well known in the hearts of Mikmaqs. Throughout tribal and modern changes, from reserve life to modern life, and back to reserve life, Mikmaq grandmothers, mothers, sisters, and aunts typify a spirit of commitment, dedication, and physical and mental hardiness that allow the people as a whole to withstand economic hardships and social changes. Perhaps it is for this reason that Mikmaq people have weathered the contact with Europeans for so long. Over 350 years of contact have passed to which Mikmaqs have had to adapt and accommodate, yielding to the changing world in their own way to suit their own needs within their own worldview.

Many people in the history of the world have lost their culture under such oppression. Some families have fallen under the bondage of alcohol and drug abuse, but within the extended family network are

hands that help, share, and guide so that all children can survive within the family. As their reward, the nation is assured continuity in their language and worldview, and thus stability within unsettled times. The fact that the Mikmaq did not succumb totally, as some disappeared tribes had done is a tribute to the strength of the Mikmaq family and a tribute to Mikmaq women and men who foresaw the necessity of Mikmaq thought.

Today's generation of Mikmaq women socialized to this resiliency and dynamism are prepared for the new expectations in higher education and professional careers. Marked growth of Mikmaqs in higher education shows that Mikmaq adaptations and resiliency take on a new form. The professional sectors of teaching, social work, and administration carry an easy transition of thought for women, illustrating Mikmaq's commitment to the nation's children and families.

In 1984 of the 30 Native graduates at the University of New Brunswick teacher training program, 27 graduates were Mikmaq, and 21 of these were women. It was a fortuitous occasion, marking a change globally among Mikmaqs in their vision of the future through education. Some of us have entered local band-operated schools and administration, but all of us have had an impact on the changing times by uniting higher education and tribal thought into a new worldview. An old process but a new vision. It is a reality

that can be shared among all Mikmaqs — men and women, youth and elders. Our history of meeting high expectations and adapting within our traditional milieu is the enabler that survives. Mikmaq thought has empowered a generation of sons and daughters.

It was not the successes of the formal educational institutions of Canada and their European foundations that created the people who stood up for tribal values and still stand up for them.



(top) Marie Battale with daughter Anne Wintersong
(bottom) 1989 graduates of McGill University Teacher Education Program at Wegmatcook

Journey

Each time I close my eyes, I journey
within,
... to the strains of the drum.
The harmony, the melody,
my soul dances.
To a song that neither begins or ends.

The heaviness upon my form tries
desperately to move,
instead I stand among silhouettes,
...dark against darkness.
this song has come and gone.

My soul struggles to move but does
not know how.
... As the drum persists, I struggle to
dance without
heaviness.

EDNA H. KING

The Revealing

I

Night.
Starless night.
Grandmother steps aside
as the skies speak.

A pleasant smell fills the air.
It is sweetgrass —
a smudge from the other world.

Smoke falls from a tiny circle
in the night.
as the circle widens to show
blue sky, and in the sky a
speck.

The blue sky widens, the speck
grows and begins to take shape

II

So high were you, but closer
you came,
gliding at first, in silence.

Then I saw your eyes — so round
and brave. You blinked and screeched
flapped your wings, talons spread
ready to fly inside my head.

Hawk.

TI Look Here

They look here
they look there
their search is long
frustrating and hopeless

Where shall they look
to seek out
keep searching what they are looking for

Where shall they start
to find that peace
peace which is made of
body, mind and soul

Spirit who knows the way
smothered by lust
smothered by greed
smothered by corruption
envious of things not worth much

Spirit of soul searches long
Spirit travels many roads
spirit still searches

Where shall it look
where shall it start
seek and still seek

Start at the heart

CAROLE ROSE

The Candle

At dusk, as night would search the
tiny home time,
A candle would be lit,
Hour by hour it would burn,
Flickering and Weaving a spell of lights.
The shadows would be cast on the walls
for hours I did watch.
And the stem would burn till end,
barely a brush of wind.
How mellow the lonely hours fell,
till no more of the flickering wax.
Slowly my eyelids would fall as I
drifted to a readying sleep. The
flame goes out and I asleep, till
morning does arise.

It was the Mikmaq family who believed in their ancestors and their culture. While Mikmaq women could take the credit for the Nation's cultural integrity, such credit is buttressed by tribal values which foster family coherence over individual effort.

There would be no "Indian movement" in Canada or in the United Nations, if the aboriginal families did not teach the ancient lessons of life and love. In the Mikmaq struggle for human dignity and self determination, there was no one dominant leader. Instead there were many men and women standing up for their received tribal values as was needed. Ideal overpowered personality. This is very different from the European and Canadian tradition of the leader. This is an extraordinary difference. It is another tribute to Mikmaq knowledge and the value of family life. Indirectly, it's a monument for the continued role of the Mikmaq "women" as the keepers of the changing future.

In the restoration of this shared worldview in the hearts of all the Mikmaq people for the future generation, gender will not be as important as it is in Canadian society. In the restless individualist society of Canada, the equalization of gender is a necessary task in creating a better society. In the restoration of Mikmaq thought, an unreflective notion of gender could be merely another means of dividing our tribal society. The task of removing prejudices and obstacles which prevent the coherent sharing of our common beliefs or ideas with modern ideas is the task of every Mikmaq family. This crucial task cannot be accomplished by individualized Mikmaq nor by reliance on European assumptions or knowledge.

Ending the trivial artificial divisions created by European ideas and languages among Mikmaq people is a difficult task. Yet, the problems which European ideas have created between woman and man in the modern age demonstrate the validity of Mikmaq thought and language. Ending our unreflective use of gender classification and sexism acquired from Europeans is as important as ridding ourselves of European stereotypes of Mikmaq society, and of its men and women. It is only through empowering Mikmaq knowledge through its genderless language that the transformation of Mikmaq society can occur. It is only through understanding Mikmaq wisdom that family unity can continue to be an empowering experience.

Promoting Native Writing Systems in Canada



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Editor

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Micmac Literacy and Cognitive Assimilation⁸

Marie Battiste

Introduction

Literacy can be an integral process of cognitive assimilation and/or cultural imperialism. When the processes of becoming literate, according to the norms of their own culture, are applied to young people, literacy is considered cultural transmission. But when a certain literacy, external to their own culture, is forced upon youths, literacy becomes cultural assimilation and cultural imperialism. These two differing functions of literacy -- as a shield in cultural transmission and as a sword of cultural assimilation -- have been hidden from modern industrialized societies and pre-industrial societies alike by the interactions of literacy's myths and modern conceptions of literacy.

Myths about the unqualified value of literacy have disguised the true functions and value of literacy in society.⁹ Viewed by many as the benign liberator of the mind, literacy has come to be seen as a modernizing agent of society, an economic commodity necessary for national development.¹⁰ Guided by these mistaken assumptions, tribal states and underdeveloped nations have instituted policies which have imposed modern industrial values on tribal, pre-industrial societies without regard for their language and culture, in the hopes of being able to overcome their own social, economic, and political impotence, and even the racism of dominant world societies.

Modern optimistic conceptions of literacy have further disguised the real processes of literacy because such processes are fragmented and limited: fragmented by western scholars' ineffectual proposals of normative standards which can be universally applied; limited by modern industrial society's and western school practices' bias toward instrumental objectives. Literacy is, however, not an all or none proposition¹¹, nor can its elements be universally applied.¹² Rather, literacy is a relative social concept more reflective of culture and context than of the levels of formal instruction by which it is usually measured.

Despite the search for universal normative standards, little is known about the role and functions of literacy within various cultural contexts and about how these contexts affect attitudes and values toward literacy. Still less is known of children's pre-school literacy experiences in their homes and communities. Recent studies of literacy have shown, however, that literacy has not been used in the same way in all cultures, nor have its results been the same.¹³ Yet modern studies have not inquired how literacy functions outside of western institutions and, more importantly, what factors govern literacy acceptance, rejection, and diffusion. The consistent failure of schools to promote universal literacy within their jurisdiction in the last two decades suggests that much more is involved

⁸This paper is a revised version of one presented at the First Mokakit Indian Education Research Conference, London, Ontario, July, 1984

⁹Harvey Graff, *The Literacy Myth: Literacy and Social Structure in the Nineteenth Century* (New York: Academic Press, 1979).

¹⁰John Oxenham, *Literacy: Writing, Reading and Social Organization* (London: Routledge and Kegan Paul, 1981).

¹¹Sam Dauzat and Joann Dauzat, "Literacy: In quest of a definition." *Convergence* 10:1 (1977).

¹²Shirley Brice Heath, "The functions and uses of literacy." *Journal of Communications* 30 (Winter 1980) pp. 123-133.

¹³Michael Cole and Sylvia Scribner, "Literacy without schooling: Testing for intellectual effects," *Harvard Educational Review* 40:4 (1978) pp. 448-461, and

J.R. Clammer, *Literacy and Social Change* (Leiden: E.J. Brill, 1976).

than the formal processes taught in schools.¹⁴

Recent historical comparative studies of literacy¹⁵ and ethnographic studies in different communities¹⁶ reveal that the acquisition and diffusion of literacy are related to a society's perception of literacy's value and function. Thus, any attempt to define literacy must include a specification of context¹⁷ and an examination of that society's experiences with literacy.

The hidden bias of the myths and concepts of literacy became apparent to this writer in 1975 when my people, the Micmac communities of eastern Canada, had to choose an orthography for use in reserve schools. A new writing system, purported to be practical and efficient and to reflect clearly the phonemic system of the Micmac language, was introduced but met with initial resistance from the community. Reasons for this resistance lay in the socio-cultural factors associated with earlier scripts. This paper seeks to describe the historical continuity and development of literacy among the Micmac Indians and to disclose how literacy can be used as a tool for cognitive assimilation to another powerful culture rather than as a benign liberator of the mind.

My people, the Micmac Indians, are an Algonquian-speaking tribe of northeastern North America who, for over three hundred years, have had several different kinds of literacy which have served the social, cultural, and spiritual needs of the tribal society. The traditional processes of Algonquian literacy remain deep in the structure of the Micmac mind and provide the context specification for all other kinds of literacies. Pictographs, petroglyphs, notched sticks, and wampum were the primary Native texts of Algonquian ideographic literacy for the Micmac. Europeans adapted aboriginal symbols and designs found in earlier Native texts and developed hieroglyphic characters which were used for teaching Christian prayers. These modified Algonquian hieroglyphics have maintained the essence of Micmac literacy despite the competition provided by four roman scripts developed to serve different purposes of European missionaries, Canadian governments, and Native groups over the last 250 years.

Aboriginal Literacy

Through the use of pictographs, petroglyphs, notched sticks, and wampum, early North American Indians achieved a form of written communication and recording of information which served the social, political, cultural, and spiritual needs of the pre-contact period. Only remnants of this period of literacy remain for most examples have perished or were not recorded accurately by European travelers and missionaries in their written observations of the New World. In 1497 John

¹⁴Paul Copperman, *The Literacy Hoax* (New York: William Morrow and Company, 1978).

¹⁵Bernard Spolsky, Guillermina Englebrecht, and Leroy Ortiz, *The Sociolinguistics of Literacy: An Historical and Comparative Study of Five Cases*, Final Report on Grant #NIE-G-79-0179. (Washington: National Institute of Education, 1982).

Willard Walker, "Notes on native writing systems and the design of native literacy programs," *Anthropological Linguistics* 2:5 (1969) pp. 148-166.

_____, "Native American writing systems" in *Language in the USA* (Charles Ferguson and Shirley Brice Heath, eds.) (Cambridge, Mass.: The M.I.T. Press, 1981).

¹⁶Shirley Brice Heath, "Protean shapes in literacy events: An ever-shifting oral and literate tradition," in *Spoken and Written Language: Exploring Orality and Literacy* (Deborah Tannen, ed.) (Norwood, New Jersey: Ablex, 1982) pp. 91-118.

Sylvia Scribner and Michael Cole, *The Psychology of Literacy* (Cambridge, Mass.: The M.I.T. Press, 1981).

¹⁷Harvey Graff, "Literacy and social structure in the nineteenth century" (Ph.D. dissertation, University of Toronto, 1975).

Cabot's exploration uncovered "fallen trees bearing marks"¹⁸ which caught his attention. In 1652 Gabriel Druilletes reported the Algonquian Indians using coal for pen, bark for paper, and writing with new and peculiar characters. He wrote:

They use certain marks, according to their ideas as a local memory to recollect the points, articles, and maxims which they heard.¹⁹

In 1653 Father Bressani reported Indians of New France using

little sticks instead of books, which they sometimes mark with certain signs... By the aid of these they can repeat the names of a hundred or more presents, the decisions adopted in councils and a thousand other particulars.²⁰

Aboriginal literacy embodied tribal epistemology in Native texts which interacted with and depended upon the oral tradition. Ancient oral Indian tradition is and was dependent upon the oral skills of its tribal men and women of knowledge, skills highly prized in tribal society. Using ideographic symbolization of concepts and ideas, Algonquian Indians supplemented the oral traditions with ideological catalogues which helped to preserve and store valued knowledge, information, and records on natural materials available to them, such as birchbark, rocks, and shells.

The various Native texts in tribal North America represented the world view of tribal people, in particular, their ideas, beliefs, and thoughts about knowledge, power, and medicine. These Native texts represented another way of knowing, the existence of which has since been threatened by western thought with the rise of "modern man". The fundamentals of tribal epistemology lay in two traditional knowledge sources:

1. the immediate world of personal and tribal experiences; that is, one's perceptions, thoughts, and memory which included one's shared experiences with others;
2. the spiritual world, evidenced through dreams, visions, and signs which were often interpreted with the aid of medicine men or elders.

Native texts thus catalogued essential knowledge of the two worlds in holistic, meaningful ideographs which were transmitted to succeeding generations through oral traditions and appropriate rituals. Religious traditions and rituals, in effect, provided access to a storehouse of knowledge, and provided harmony for all life, including that of plants and animals.

Native texts appear to have served both a public and a private function. Wampum was the public record, maintained by a wampum keeper or tribal historian. Political records of treaties and presents, represented through conventional symbols, were woven with shells into strings or belts. The arrangement of shells by color could indicate an attitude, such as peace and friendship or war and death. Regularly the wampum was brought forward at ceremonial gatherings to announce new events and recall past events of interest to all.

Pictographs, petroglyphs, and notched sticks served more diversified uses, although these appear to have been principally personal, aimed at practical and spiritual functions. For practical functions, Algonquian Indians used petroglyphs, pictographs, and notched sticks to communicate information and messages to friends and relatives of one's whereabouts or of routes and directions taken or to be taken, to relate stories of the hunt, of battle or of individuals or heroes of ancient times, to enlist warriors into battle, or to record historical events.

¹⁸Maine Historical Society, "Collections and proceedings," Second Series VIII (Portland, Maine: Maine Historical Society, 1897) p. 347.

¹⁹William Ganong (trans. and ed.), *New Relations of Gasparias* (Toronto: The Champlain Society, 1910) p. 22.

²⁰Ibid, p. 23

Algonquian Indians were known to have used pictographs and petroglyphs for communicating with the spirit world or for conveying individual visions and experiences with the spirit world. In effect, the Native texts represented a Native theory of knowledge, predicated on the existence of spirits, power, or medicine. Plants, animals, humans, and spirits of the universe communicated in the spirit world as one. Thus many Micmac petroglyphs illustrate the journeys of Micmacs to the world beyond.

European Adaptations of Aboriginal Literacy

In 1610 Chief Membertou and 140 Micmacs confirmed their spiritual and political alliance with France in a ceremony which included their baptism and a gift of wampum. From that time to the French and English uprising in 1744, French Catholic missionaries lived and worked among Micmacs of eastern Canada, converting them to Catholicism, a faith which blended well with their own tribal spiritual rituals. The missionaries' continued presence among the Micmacs also assured the King of France of the Micmacs' continued political and trade alliances. Missionaries learned the language of the Native people, preaching to them about the road to salvation and teaching them ritualistic prayers which were to pave that road. According to tradition, the first missionary to use ideographic symbolization for literacy purposes was Father Christian Le Clerq who, in 1677, discovered a new method of teaching Micmacs how to pray. He wrote in his journal:

Our Lord inspired me with the idea of [characters] the second year of my mission, when being much embarrassed as to the method by which I should teach the Micmac Indians to pray to God, I noticed some children were making marks with charcoal upon birchbark, and were counting these with the fingers very accurately at each word of prayers which they pronounced. This made me believe that by giving them some formulary, which would aid their memory by definite characters, I should advance much more quickly than by teaching them through the method of making them repeat a number of times that which I said to them.²¹

Le Clerq reported being very surprised with Micmacs' facility with the system. He wrote that Micmacs have:

much readiness in understanding this kind of writing that they learn in a single day what they would never have been able to grasp in an entire week without the aid of these leaflets.²²

The system involved a design for each word or word phrase recorded with charcoal on birchbark leaflets which each family preserved in birchbark boxes bedecked with wampum and porcupine quills.²³ Micmac families rapidly diffused this system throughout the nation within traditional social and cultural contexts. Father taught son, mother taught daughter, and children taught each other.

Although Le Clerq reported success in using the characters for the remaining ten years of his

²¹Ganong, op. cit., p. 131.

²²Ganong, op. cit., p. 126.

²³Frank Speck, "The double curve motive in northeastern Algonkian art", *Memoir 42* (Ottawa: Government Printing Office, 1914),

_____, *Beothuck and Micmac*, Indian Notes and Monographs, Miscellaneous series 22 (New York: Museum of the American Indian, Heye Foundation, 1922).

_____, *The Nanticoke and Conoy Indians. With a Review of Linguistic Material from Manuscript and Living Sources: An Historical Study*. Historical Society of Delaware Papers, 58:1 (Wilmington, Delaware, 1927).

mission, little remains recorded of them. Ganong concluded, however, in his search for the origin of the characters, that Le Clerq used all the aboriginal designs he found, most having the typical double scroll patterns characteristic of the Wabanaki tribes of the northeast, and developed new character designs for the new words of prayers.²⁴

Literacy Transformations from Hieroglyphic to Roman Scripts

In 1735 Father Pierre Antoine Maillard began a twenty-seven year mission among the Micmacs of Cape Breton Island, during which he expanded hieroglyphic literacy and contributed to the transition from the use of ideographic literacy to roman script among the Micmacs. In the second year of his mission, he reported having discovered an innovative method of using hieroglyphics to teach Micmacs how to pray.²⁵ Subsequent scholars investigating the origin of Maillard's hieroglyphics have concluded that he was the beneficiary of Le Clerq's work, although the new prayers, chants, and instructions which he composed must have required almost all new characters.²⁶

Unlike Le Clerq, who frequently characterized Micmacs as savages and barbarians incapable of advancing to letter literacy, Maillard, who lived and traveled among Micmacs, perceived them as curious and intelligent people, capable of learning anything they wanted to learn. He was frequently challenged by their inquiring minds. He astutely realized that, if they learned the manner of writing of the French, Micmacs would have access to sensitive political and religious literature. Maillard, a political activist in the French and English war, feared that if Micmacs knew how to read and write roman letters, they would be better able to incite each other through their correspondence, to the detriment of French Catholic interests. Thus, despite the fact that he had developed a roman script for the Micmac language, which he used for his own language improvement, he chose to teach Micmacs only the hieroglyphics. He restricted literacy among Micmacs by preparing only hieroglyphic prayers, chants, and instructions and then appointing catechists among the tribal hierarchy and elders whose duty it was:

to see to the religious instruction of children, preside at public prayers on Sundays, administer baptism, receive matrimonial promises, and officiate at funerals.²⁷

At the close of the French and English war in 1749, the English banned French missionaries from Nova Scotia. For over a hundred years Micmacs were without resident Catholic priests. However, they sustained their Catholic spiritual rituals and traditions through the catechists and hieroglyphic literature developed by Maillard. Their continued insistence on having a Catholic priest, and the English fear of reprisal against English settlements, eventually convinced the English to allow them to have a Catholic priest, thus restoring Catholicism to the eastern part of the province.

Micmac ingenuity prevailed, and soon Micmacs acquainted themselves with yet another mode of communicating with one another, roman scripts. Despite Maillard's and earlier missionaries' attempts to restrict Micmacs to hieroglyphic literacy, Micmacs had many opportunities to witness new functions and uses of the roman system. As early as 1675, Le Clerq reported using the Natives as

²⁴Ganong, op. cit.

²⁵ Antoine Pierre Maillard, "Lettre de M. l'Abbé Maillard sur les Missions de l'Acadie et Particulièrement sur les Missions Micmaques", *Soirées Canadiennes* 3 (1863) p. 355.

²⁶Ganong, op. cit.

John Hewson, "Micmac hieroglyphics in Newfoundland", in *Language in Newfoundland and Labrador*, Preliminary Version (St. John's, Newfoundland: Memorial University, 1977).

²⁷ A.A. Johnston, *A History of the Catholic Church in Eastern Nova Scotia II* (Antigonish, Nova Scotia: Francis Xavier University Press, 1960).

couriers of letters to other priests.²⁸ Similarly, Maillard reported using Micmacs to deliver his letters to military officials. In another context, Maillard prepared transcriptions for the tribal government in his role as interpreter for the English. Aiding the European powers in the pacification of the Micmacs after 1749, he transcribed the Treaty of 1752 into his Micmac roman script and sought Micmac approval of the peace plan. As a trusted friend of the Micmac *Santeoi Maiaumi*, the Grand Council, Maillard presided at the peacemaking ceremony and read the treaty to the assembled Indians. Through these exchanges, Micmacs discovered the political significance of expanding their literacy repertoire. Furthermore, they were reportedly very impressed with the new mode of writing that enabled one to record exactly the words and thoughts of the writer.²⁹ Yet Maillard refused to teach them roman script writing and also forbade them to go to local English public schools.³⁰

The English government in its turn sought literacy and education for Micmacs as the sword of assimilation. In 1842 the Nova Scotian government passed an act which provided free tuition for Micmacs attending English schools. However, Micmacs were not interested in learning English literacy skills. Government reports beginning in 1843 indicate Micmacs' growing interest in learning to read English, although they were adamant that they wanted education specifically to transmit their own culture through literacy in Micmac. Their migratory habits prevented them from spending much time in school;³¹ literacy was taught at home by parents.

Reverend Silas Tertius Rand

By the time Reverend Silas Tertius Rand arrived in 1845, Micmacs had learned the fundamentals of how to read and write Micmac in the French roman script. In 1850 Rand reported that Micmacs were in the habit of writing to one another in a script resembling English but sounding like French. Their only literature that survived was written in hieroglyphic characters.³² Rand, master of a dozen languages, believed in the power of reason achieved through literacy and Bible rading. He frequently criticized the French priests who, in seeking to prevent Micmacs from learning how to read and write roman letters, forbade them from going to school.³³ He wrote:

Had their language been reduced to writing in the ordinary way, the Indians would have learned the use of writing and reading, and would have advanced in knowledge so as to be able to cope with their more enlightened invaders; and it would have been more difficult matter for the latter to cheat them out of their lands and other rightful possessions.³⁴

Rand's goals were to teach all Micmacs how to read and write in a new script of his devising and to develop literature for them to read. Finding no Micmacs willing to work with a Protestant minister, he relied upon a Frenchman, Joe Ruisseaux, who had lived among Micmacs most of his life and thus was fluent in Micmac as well as English and French. Rand's new Micmac roman script was

²⁸Ganong, op. cit.

²⁹Maillard, op. cit.

³⁰Henry Koren, *Knives and Knights: A History of the Spiritan Missionaries in Acadia and North America 1732 - 1839* (Pittsburg, Pa.: Duquesne University Press, 1962).

³¹Canada, Administration of Indian Affairs, *Department of Indian Affairs Annual Reports (1843 - 1873)*(Ottawa: The Queen's Printer, 1843-1873).

³²Rev. Silas Tertius Rand, *Micmac Tribes of Indians*(Halifax, N.S.: James Bowes and Son, 1850) p. 42.

³³Koren, op. cit.

³⁴Rand, *Legends of the Micmacs*(New York: Longmans, Green and Co., 1894) p. 226.

based on English script and phonemes but used several diacritics to represent unique Micmac sounds.

Hoping to show Micmacs the contradictions in Catholic dogma, he translated several sections from the Bible into Micmac, and developed a Micmac dictionary and a Micmac reading book. However, despite the courtesy Micmacs extended to Rand, neither Rand nor the Canadian government were able to dissuade them from their traditional habits and Catholic beliefs. Repeated government attempts to introduce Protestantism, Bible reading, and formal schooling into Micmac tribal society failed. But, despite their refusal to accept the Protestant literature, Micmacs' literacy skills continued to grow through Rand's influence. Rand reported being pleased with the scores of Micmacs who had learned to read.³⁵

Father Pacifique Buisson

The appearance in 1894 of Father Pacifique Buisson, better known as Father Pacifique, revived among Micmacs the religious rituals and traditions earlier established by Father Maillard. These religious rituals fostered the continued development of literacy using the hieroglyphic literature of Father Maillard and promoted the growth of letter literacy using Pacifique's new Catholic literature.

Pacifique studied the various available Micmac publications and manuscripts, such as those of Maillard and Rand, before preparing this own script. Finding Maillard's script deficient in some respects, he modified it, adding capitals and punctuation and simplifying the script to 13 letters. Then he prepared a reading literature for it. Some modern commentators have maintained that Pacifique was responsible for spreading roman alphabet literacy among Micmacs,³⁶ however, Pacifique acknowledged that roman literacy was commonplace among Micmacs prior to his mission. He wrote:

They almost all know how to read and write in their own fashion. They teach each other from father to son long before they had schools.³⁷

As mission priest for the annual Chapel Island mission, a tradition Maillard adapted to Catholic rituals, Father Pacifique noted the reverence and commitment of Micmacs to Maillard's literature and to his reinforcement of the already existing literacy traditions. In 1913, he published a catechism in his own modified roman script. In 1920 he had reprinted the hieroglyphic prayers that had been printed in Vienna through the efforts of Father Kauder in 1866. The successes of Christian literature among Micmacs suggested the need for missionaries to learn Micmac language and grammar. Thus, in 1939 Father Pacifique had a Micmac grammar book published. Micmac literacy continued to be diffused directly through families as it had been in the past, although, in some communities, religious orders introduced Micmac literacy in the band schools, teaching pupils the fundamentals of Catholic doctrines.³⁸

Micmac literacy was thus at its height in 1920 when Canadian governmental policy instituted compulsory schooling for all Indian children from the ages of 6 to 16 and English as the medium of instruction in all Indian day schools. Both the Nova Scotia government and the federal government had found that their efforts from 1800 to 1920 to attract Micmacs to white man's habits and domesticated farming had been repeatedly rejected for traditional migration and hunting pursuits.

³⁵Rand, *A Short Statement of the Lord's Work among the Micmac Indians* (Halifax, Nova Scotia: W. MacNab, 1873).

³⁶Vivane Gray. "A visit with Mildred Milliea of Big Cove, New Brunswick: Her research and developments in teaching the Micmac languages." *Tawow* 5:2 (1976) pp. 47-49.

³⁷Rev. R.P. Buisson, *Quelque Traits Caractéristiques de la Tribu des Micmacs* (Québec: Congres International des Américanistes, 1907) p. 39.

³⁸Phillip Bock, *The Micmac Indians of Restigouche*, Bulletin No. 213, Anthropological Series 77 (Ottawa: The National Museum of Man, 1966).

Through the Indian Act of 1920, the Parliament of Canada expanded its control over Indian lands and people by legislating regulatory provisions for administering Indian affairs. The responsibility for administration of all schools for Indians was assumed by the federal government although the schools continued to be staffed by religious orders. In 1930, the opening of a boarding school and the increased age for compulsory schooling to 18 years brought about the gradual decline in Micmac literacy. The disruption of family socialization patterns, along with the loss of traditional land bases with the government's centralization policy, signalled the near demise of Micmac literacy until the '70s.

Contemporary Reconstruction of Micmac Literacy

In 1969 the federal government proposed a plan for Indian assimilation and the termination of legal Indian identity and of federal responsibility for the administration of Indian affairs. The proposal, which came to be known as the White Paper, was overwhelmingly rejected by Indian people throughout Canada. An alternate proposal, created by Indian leaders, insisted upon the government's making a more positive and central role for language and culture development in federal Indian programs. The federal government responded by withholding the White Paper and entering into consultations with Indian bands and other tribal leaders. Native cultural centres were funded to support the development of culturally responsive educational materials. Eleven Micmac cultural centres were thus funded, each having its own priorities, needs, and resources, but all interested in preserving some aspects of the Micmac language and culture.

Research on the Micmac language occupied many of the cultural centres' initial efforts to find, collect, and adapt available materials. The existence of several writing systems, each considered linguistically deficient, led to debates in Micmac settlements and among language specialists as to the best writing script in which to prepare culturally responsive educational materials. The major issue was whether it was better to promote literacy in what was considered by some to be the traditional orthography of Father Pacifique, despite its limitations, or to develop a fundamentally new writing script founded on current knowledge of linguistic principles.

In 1974 the Micmac Association of Cultural Studies, serving the Nova Scotia Micmac communities, developed its own script with the help of Native and non-Native linguists. The system initially met resistance. Many elders feared the loss of the literacy traditions established by Pacifique, and thus the loss of important cultural and spiritual traditions. When the Association finally brought the script to the Grand Council, explaining the merits of their system and seeking their acceptance, some Micmac communities adopted the script for their centres.

In some Micmac communities, where loyalty to the Pacifique script was strong, modifications to the script were required. Mildred Millea, an energetic mother of eleven children and fluent Native speaker, began her linguistic and educational work without materials other than a language master machine and the prayer book from which her mother had taught her to read. Without formal linguistic training, she launched a new, modified Pacifique script and prepared Micmac language materials for the classroom. With as many conflicting views as there were linguists working on Micmac writing, Millea resolved to continue modifications of the Pacifique orthography until the issues were resolved. Millea's work and her popularity as a teacher became well known among Micmac communities in New Brunswick and Nova Scotia. She was frequently recruited to conduct workshops and courses to teach others her new modified script.

In other Micmac communities in Newfoundland and Quebec, more modifications of existing scripts prevailed. However, with most of the communities' efforts put into teaching new script usages, little progress was made in materials development. By the beginning of the '80s, four different roman scripts existed, each having its proponents and some introductory literature devised for it. But each program had its script preference and operated independently; duplication of efforts and lack of resource sharing resulted. Generally, the programs produced neither sequential literacy materials nor consensus over which script to use for educational purposes.

Conclusion

Although the forms of Micmac literacy have differed, the functions of writing have remained strikingly similar over time. Literacy has served the spiritual, cultural, and social needs of Micmacs, being maintained by tribal families for spiritual, secular public, and personal needs. Informal, supportive, but rigorous instructional contexts have characterized the modes of transmission of Micmac literacy. However, since colonial contact with Europeans, Micmac literacy has been manipulated for governmental and missionary interests, often to the detriment of Micmac language and culture.

Coercive methods of cultural assimilation through education and literacy must now be replaced with Micmac-directed education for cultural transmission and development of adaptive strategies founded upon a choice of systems and knowledge. Culturally sensitive education must be the foundation upon which different knowledge bases and cultural processes are met with respect and chosen. Early Algonquian literacy processes have demonstrated that any system can work as long as the people value it and have use for it. Pre-contact forms of literacy served a function for Algonquian society: universal symbols represented concepts and ideas, not sounds of language, and their legitimacy for contemporary tribal society has not been replaced. Euro-Canadian missionaries and government education have attempted to assimilate Micmacs to the functions of European literacy rather than to foster the transmission and adaptation of true Micmac culture. Contemporary assessment of Micmac education suggests the need for the continued development of traditional and contemporary functions of literacy and knowledge through adaptation of traditional, historical forms.

References

- Bock, Phillip. *The Micmac Indians of Restigouche*. Bulletin No. 213. Anthropological Series 77. Ottawa: National Museum of Canada, 1966.
- Buisson, Rev. R.P. *Quelque Traits Caractéristiques de la Tribu des Micmacs*. Québec: Congrès International des Américanistes, 1907.
- Canada, Administration of Indian Affairs. *Department of Indian Affairs Annual Reports, 1843 - 1873*. Ottawa: The Queen's Printer, 1843 - 1873.
- Cole, Michael and Sylvia Scribner. "Literacy without schooling: Testing for intellectual effects." *Harvard Educational Review*, 40:4 (1978) pp. 448-461.
- Clammer, J.R. *Literacy and Social Change*. Leiden: E.J. Brill, 1976.
- Copperman, Paul. *The Literacy Hoax*. New York: William Morrow and Company, 1978.
- Dauzat, Sam and Joann. "Literacy: In quest of a definition." *Convergence* 10:1 (1977).
- Ganong, William (trans. and ed.). *New Relation of Gaspesia*. Toronto: The Champlain Society, 1910.
- Graff, Harvey. "Literacy and social structure in the nineteenth century." Ph.D. Dissertation, University of Toronto, 1975.
- _____. *The Literacy Myth: Literacy and Social Structure in the Nineteenth Century*. New York: Academic Press, 1979.
- Gray, Vivane. "A visit with Mildred Milliea of Big Cove, New Brunswick: Her research and developments in teaching the Micmac languages." *Tawow* 5:2 (1976) pp. 47-49.
- Heath, Shirley Brice. "The functions and uses of literacy." *Journal of Communications* 30 (Winter 1980) pp. 123-133.
- _____. "Protean shapes in literacy events: An ever-shifting oral and literate tradition." In *Spoken and Written Language: Exploring Orality and Literacy* (Deborah Tannen, ed.) Norwood, New Jersey: Ablex, 1982, pp. 91-118.
- Hewson, John. "Micmac hieroglyphics in Newfoundland." In *Language in Newfoundland and Labrador*, Preliminary version. (H.J. Paddock, ed.) St. John's, Newfoundland: Memorial University, 1977.
- Johnston, A.A. *A History of the Catholic Church in Eastern Nova Scotia II*. Antigonish, N.S.: Francis Xavier University Press, 1960.

PROMOTING NATIVE WRITING SYSTEMS

- Koren, Henry. *Knives or Knights: A History of the Spiritan Missionaries in Acadia and North America 1731 - 1839*. Pittsburg, Pa.: Duquesne University Press, 1962.
- Maillard, Antoine Pierre. "Lettre de M. l'Abbé Maillard sur les Missions de l'Acadie et Particulièrement sur les Missions Micmaques". *Soirées Canadiennes* 3 (1863) pp. 291-426.
- Maine Historical Society. *Collections and Proceedings*. Second Series, 8. Portland, Maine: Maine Historical Society, 1897.
- Oxenham, John. *Literacy, Writing, Reading and Social Organization*. London: Routledge and Kegan Paul, 1981.
- Rand, Rev. Silas Tertius. *Micmac Tribe of Indians*. Halifax, N.S.: James Bowes & Son, 1850.
- _____. *A Short Statement of the Lord's Work among the Micmac Indians*. Halifax, N.S.: W. MacNab, 1873.
- _____. *Legends of the Micmacs*. New York: Longmans, Green and Co., 1894.
- Scribner, Sylvia and Michael Cole. *The Psychology of Literacy*. Cambridge, Mass.: Harvard University Press, 1981.
- Speck, Frank. "The double curve motive in northeastern Algonkian art". *Memoir* 42. Ottawa: Government Printing Office, 1914.
- _____. *Beothuck and Micmac*. Indian Notes and Monographs, Miscellaneous series 22. New York: Museum of the American Indian, Heye Foundation, 1922.
- _____. *The Nanticoke and Conoy Indians. With a Review of Linguistic Material from Manuscript and Living Sources: An Historical Study*. Historical Society of Delaware Papers, 58:1. Wilmington, Delaware, 1927.
- Spolsky, Bernard, Guillermina Englebrecht, and Leroy Ortiz. *The Sociolinguistics of Literacy: An Historical and Comparative Study of Five Cases*. Final Report on Grant #NIE-G-79-0179. Washington: National Institute of Education, 1982.
- Walker, Willard. "Notes on native writing systems and the design of native literacy programs." *Anthropological Linguistics* 2:5 (1969) pp. 148-166.
- _____. "Native American writing systems." In *Language in the USA*. (Charles Ferguson and Shirley Brice Heath, eds.). Cambridge, Mass.: The M.I.T. Press, 1981.

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In a few minutes, the harvesters' vehicles were stopped and searched. A government helicopter circled the area, reporters and film media mingled between officers and harvesters. The line of vehicles with harvesters stretched as far back as the eye could see down the mountain road. The day would be a long one. One by one the cars were searched and weapons seized. The officers even seized the harvesters' identification and sanction cards issued by the Grand Council.

Six of our harvesters were charged under a provincial law. Despite the tension, the armed confrontation provoked no retaliation, and was peaceful.

This day marked the beginning of another long struggle for the Mi'kmaq to exercise a right. But the story does not begin with that day; the story goes back far into our history—a time when a chain of covenants was made.

B Richardson ed., *Drumbeat: Argy and Renewed in Indian Country* (1989),
Summerhale Press

The Covenant Chain

Grand Chief Donald Marshall, Sr.,
Grand Captain Alexander Denny,
Putus Simon Marshall,
of the Executive of the Grand Council of the
Mi'kmaq Nation

Protection and allegiance are fastened together by links, if a link is broken the chain will be loose. You must preserve this chain entire on your part by fidelity and obedience to the great King George the Third, and then you will have the security of this royal arm to defend you.

I meet you now as His Majesty's graciously honoured servant in government and in his royal name to receive at this pillar, your public vows of obedience to build a covenant of peace with you, as upon the immovable rock of sincerity and truth, to free you from the chains of bondage, and to place you in the wide and fruitful field of English liberty.

The laws will be like a great hedge about your rights and properties. If any break this hedge to hurt or injure you, the heavy weight of the laws will fall upon them and punish their disobedience.

—Nova Scotia Governor Jonathan Belcher addressing the Mi'kmaq at Halifax, 1761, at ceremonies renewing the Treaty of 1752.

Freedom and liberty... confrontation... subjugation... resistance
—all of these words describe the current situation in Nova Scotia

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as it relates to relations between the Mi'kmaq people and our settler neighbours. Despite protections afforded by international and domestic law, a people are forcibly dispossessed of their land and resources, their governmental institutions are intentionally destabilized, their children condemned to a bleak future based on poverty and dependency—all so that others can reap a profit. Some backwater Third World dictatorship? No, Canada (Nova Scotia). Such has been the history of the Mi'kmaq people.

A youth is convicted of murder and sent to prison. After serving eleven years of his term, it is found that he has been wrongly convicted. Could this have anything to do with the fact that he was a Mi'kmaq?

It took this event to spark the public outcry that led to the establishment of a royal commission to study the Nova Scotia justice system. Although at time of writing, the Royal Commission's final conclusions have not been made public, much of the testimony given during the course of the proceedings pointed to consistent and racist discrimination against Mi'kmaq citizens on the part of the state's police forces, provincial politicians, and the judiciary.

Solemn and binding treaties are signed between nations. These treaties are recognized and affirmed in the Royal Proclamation of 1763, the Constitution Act, 1982, and upheld in a landmark 1985 Supreme Court of Canada judgment. But when the citizens of one of those nations attempt to exercise their rights according to the terms of the treaties, they are arrested and harassed. Could this have anything to do with the fact that they are Mi'kmaq?

The treatment of the Mi'kmaq has only recently been the subject of media and public scrutiny, but that is not to say that previously all was well. It just goes to show how little Canadians

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know about what actually goes on in their own country. It also explains why Canadians have traditionally let their politicians and governments get away with so much. In this chapter, we intend to introduce you to our history and to our current struggles, as a way of shedding some light on this dark corner of the public's consciousness. To understand how things got to be this way, we will have to take you back a few hundred years, to the times when there were no great numbers of non-Mi'kmaq in our traditional territories. It is only by taking the journey back that one can really get a balanced understanding of what is happening now and where things are going.

Self-Reliance and Self-Determination

The Mi'kmaq are used to dealing with other peoples. Prior to the arrival of the Europeans, we carried on relations with other indigenous peoples throughout North America, among other things for the purposes of trade, alliance, and friendship. All such dealings were based on mutual respect and co-operation, and formalized through the treaty-making process. The Mi'kmaq called this international law, the law of Nikanaman. Treaties are spiritual as well as political compacts that confer solemn and binding obligations on the signatories. The spiritual basis of the treaties is crucial to an understanding of their meaning, since it represents an effort to elevate the treaties, and relations among peoples, beyond the vagaries of political opportunism and expediency. They are intended to develop through time to keep pace with events, while still preserving the original intentions and rights of the parties.

About six hundred years ago, the Mi'kmaq people were invaded from the west by the Haudenosaunee (the Iroquois). After a number of fierce battles, the invaders were beaten back, and a treaty of peace was concluded. With peace restored, the nation reorganized itself: all of Mikmaki, our traditional lands, was divided into seven sakamowit (districts), and each of these in turn was subdivided among many wikamow (clans). Each clan

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was led by a sakamow (chief); a sa'ya (spiritual leader); and a kepin (war chief). [see map]

Together, the sakamow and kepin from each district formed one national council, the Sante' Mawi'omi (grand council or "holy gathering"), whose purpose was to advise the people and defend the country. This national confederation was first created in the tenth century. It was called Awitkativik ("many families in one house"). The ancient symbol of this union, which can still be seen carved into the rocks around Kejimikujik Lake, is a ring of seven hills (the seven districts) and seven crosses (the seven chiefs), surrounding the sun and the moon (who together represent Niskam, the Creator).

The Mikmaq Nation is an alliance of many aboriginal peoples who inhabited Mikmakik. The meaning of "Mi'kmaq" is "the allied people"; "Mikmaq" is singular. "Mikmakik" means "the land of friendship," and covers present-day Newfoundland, St. Pierre et Miquelon, Nova Scotia, New Brunswick, the Magdalen archipelago, and the Gaspé peninsula of Quebec.

The leadership of the Grand Council is made up of three positions: the Kjisakamow (grand chief) is the ceremonial head of state; the Kji'kepin (grand captain) is the executive of the council; and the Putus (wisdom) is the keeper of the constitution and the rememberer of the treaties.

Mi'kmaq economy was based upon hunting, fishing, gathering, and farming, as well as trading surplus resources with other nations. This economic regime was founded upon the overriding principle of sustainable, responsible development to ensure long-term self-reliance and prosperity for our people. Through economic self-reliance we were assured social and political self-determination: the freedom and liberty to decide for ourselves the future of our people. We were also great travellers, having learned the art of sailing centuries before the arrival of the Europeans. In our boats we explored the North American sea-coast from the frozen ocean beyond Newfoundland down to the Gulf of Mexico and what is now known as Florida.

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The Norsemen may have ventured onto Mi'kmaq lands a millennium ago, but it was not until the 1600s that we experienced any sustained contact with European peoples. This was when the French established tiny settlements within our territories to engage us in the fur trade.

The relationship that developed between our people and the French was based on mutual co-operation and respect, and we had no reason to perceive any threat to our lands or our sovereignty. However, there was one very serious consequence of this contact: disease. It is estimated that at our peak, there were 100,000 Mi'kmaq. Once the new diseases and sickness brought to North America by the Europeans took their toll, however, our numbers on the coast were substantially reduced, and we began to move inland.

One other important change that came out of our contact with the French was in the spiritual realm. On June 24, 1610, our Kjisakamow, Memberton, was baptized as a Catholic, and a covenant was made to protect the priests of the church and the Frenchmen who brought the priests among us. A great wampum belt 2 metres (2 yards) in length records this concordat. On the left are the symbols of Catholicism: the crossed keys of the Holy See, a church, and a line of text from the gospels written in our own language. On the right are symbols of the power of the Grand Council: crossed lances, an armed kepin, a pipe and arrow, and seven hills representing the seven districts. At the centre, a priest and a chief hold a cross, and in the hand of the chief is the holy book. Over the course of the seventeenth century, the whole of the Mi'kmaq people became Catholics, and took St. Ann as their patron.

Perhaps it was inevitable that we would be drawn into the imperial competition between the English and the French that took place throughout Europe and North America during the seventeenth and eighteenth centuries. In any event, the Mi'kmaq did become key players in this struggle as it affected our territories: because of our strength, we could not be ignored.

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In their haste to destroy French settlements, British forces crossed and devastated our country, and the lands of our allies of the Wabanaki Confederacy (the Penobscots and Passamaquodians of what is now northern New England, and the Malecites of the St. John River valley in New Brunswick) were the core of this confederacy; from time to time the Mi'kmaq Nation coordinated foreign policy with its members). As a response, we permitted the King of France to erect fortifications on our soil, and for a number of years we harassed British shipping from north of Casco Bay to the Grand Banks.

The tug of war began as early as 1691, when King James I of England "granted" part of the eastern seaboard to a Scotsman, Sir William Alexander, and it was dubbed "Nova Scotia." However, this action met with stiff resistance from the Mi'kmaq; we refused to enter into any treaty relationship through Alexander. The French convinced England to relinquish its claim soon afterward. In 1689, war was declared between Great Britain and France, and the following year the French at Port Royal in Mikmakik surrendered to English forces.

Neither the Mi'kmaq nor France's other indigenous allies recognized British sovereignty, however, and we continued the war until 1699. We believed that it was a matter of religious as well as political freedom, because at that time we were of the understanding that the English were "pagans." It was many years later, in 1761, that Kjisakamow Toma Denny told the British: "I long doubted whether you was of this [Christian] faith.... I declare moreover that I did not believe you was baptized, but at present I know you much better than I did formerly."

By 1713, with the Treaty of Utrecht, France was compelled to give up its claims to the Acadian peninsula in favour of the British, but it retained claims over Cape Breton, Prince Edward Island, and Newfoundland until 1763. Despite a drastic decline in our population during the previous century, the Mi'kmaq still had superior numbers to the Europeans that were present in our territories in 1713. At that time, there were maybe three thou-

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sand Acadians, a few hundred British and French soldiers, and almost no British settlers in Mikmakik. As a result, our loyalty was sought by the French, who depended on our help to harass the British, and by the British, who needed our co-operation to protect themselves from French attacks.

The Treaties: Formalizing the Relationship

Because Anglo settlement began in earnest on the eastern seaboard of what is now the United States, relations between the British and the Mi'kmaq were profoundly affected by earlier developments in New England. Around 1640, the Massachusetts Bay settlers, who perhaps numbered in the thousands, began to expand into present-day New Hampshire and Maine. These lands were the traditional homeland of the Wabanaki Confederacy and the Mi'kmaq Nation.

Britain's professed policy was that it had to formally purchase tribal lands before settlers could take up legal estates. But repeated encroachments by growing numbers of settlers disrupted tribal land-use patterns, ownership, and economics.

It appeared that the colonists and the colonial governments were attempting to ignore the imperial instructions relating to the protection of indigenous land and resource rights. As a result, hostilities broke out during the 1670s. The Imperial Crown was forced to step in and provide assurances to the affected indigenous nations that their rights, under the stated imperial policy, would be respected. These assurances were formalized in treaties of peace, eleven of which were concluded with the southeastern Wabanaki tribes by 1717.

These arrangements, however, did not bind the Mi'kmaq, or respond to their concerns regarding their territories in Mikmakik. In 1719, Great Britain appointed a governor for Acadia ("Nova Scotia"), and instructed him to engage our "friendship and good correspondence" through treaty. He was governor in name only, though, since he kept his office in Boston, 100 km (600 miles)

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away. In any event, at this time, the Grand Council refused to enter into any treaties with the Crown.

But the ongoing problem still existed: the Imperial government and its laws could not maintain discipline among the land-hungry colonies. By 1722, armed confrontation once again flared up with the Wabanaki Confederacy. The Mi'kmaq joined in the battle and, in that year alone, our warriors took twenty-two British ships. England clearly had to focus its efforts on securing a more lasting arrangement. This was accomplished in 1725, when the leaders of the Wabanaki Confederacy, the Penobscots, Malecites, and Passamaquoddies, signed a treaty of peace with the British in Boston.

While they accepted nominal British sovereignty, they refused to surrender any more of their lands, and only agreed to cease and desist from disturbing "existing" Anglo settlements that had been created in the 1690s. Subsequently, the members of the confederacy ratified this compact, including a distinct treaty of the Mi'kmaq district, Gespogoing (identified in the 1725 Treaty as the "Cape Sable Indians"). However, having made no former treaties with Britain, and wishing to remain non-aligned, the Grand Council of the Mi'kmaq Nation did not formally adhere to the Treaty of 1725.

The terms of the Treaty of 1725 conform to a pattern that had been established earlier. It was built on the law of *Nikamanen*. But it was the first formal treaty between the Wabanaki and the British Crown. For us, it served as a fundamental agreement on the nature of our relations, and it was to be renewed at appropriate intervals.

Parallel to this development, we continued to maintain our relationship with the French. Annual meetings with their representatives took place on Ile St. Jean (now Prince Edward Island), and France retained its naval base at Louisbourg, in Cape Breton, which had been constructed after the "loss" of Acadia in 1713. In 1743, hostilities were renewed between the imperial powers once again, ending with the defeat of the French at

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Louisbourg two years later. By that time, Louisbourg had become a vital French military and commercial base, with a population of about 3,000 souls. With the Treaty of Aix-la-Chapelle in 1748, England was required to return Louisbourg to France, and, as a result, the British began to build Halifax at Chebucto Bay on the Atlantic coast.

The Crown appointed Lord Cornwallis to "govern" Nova Scotia in 1749, and directed him to make peace with us. That same year, a Royal Commission of Inquiry into the legal rights of the indigenous nations in North America established the legal principle that the "Indians, though living amongst the King's subjects in these countries, are a separate and distinct people from them, they are treated as such, they have a policy of their own, [and] they make peace and war with any nations of Indians when they think fit, without control from the English."

Apart from the stationing of a few hundred soldiers at Annapolis Royal and Canso, almost no British settlement had occurred in Atlantic Canada prior to the establishment of Halifax. But this initiative, as well as British designs on other Nova Scotia locations, made it clear that they were intending to do in Mikmakik what they had already done in Maine and New Hampshire. On September 24, 1749, the Grand Chief of the Mi'kmaq declared war on the British, stating: "It is God who has given me my country in perpetuity."

By October of that same year, repeated attacks on British ships led Governor Cornwallis to issue a general order to "annoy, distress, take or destroy the Savages commonly called Micmacs, wherever they are found." But the Lords of Trade, Cornwallis's bosses, thought "gentler Methods and Offers of Peace" held greater promise, providing that "the Sword is held over their Heads." In August 1751, Malecite, Passamaquoddy, and Penobscot representatives met with British commissioners at Fort St. George, objecting to unlawful settlements on their lands. The commissioners stated that the governor's "intention" all along had been to renew the Treaty of 1725, and went on to invite the tribes to meet in Halifax with Cornwallis.

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Grand Chief Jean Baptiste Cope and his delegation came to Halifax in November 1752 to meet with Governor Cornwallis's replacement, Peregrine Thomas Hopson. After long discussion, it was agreed that the Treaty of 1725 would be renewed. Grand Chief Cope also said that he desired a new compact between England and the Mi'kmaq Nation. Hopson agreed. The Eikawake ("in the King's house") Treaty acknowledges the Mi'kmaq as British subjects, and confirms their separate national identity within the United Kingdom. It also guarantees the Mi'kmaq the freedom and liberty to hunt, fish, and trade under the explicit protection of His Majesty's Civil Courts.

The Mi'kmaq agreed not to "molest" any existing British settlements, but did not consent to any new ones. The symbol of this treaty, in our traditions, is an eight-pointed star representing the original seven sakamowit and the British Crown, with the Union Jack at its centre.

In the Mi'kmaq view, the Mi'kmaq Compact, 1752, affirmed Mikmakik and Britain as two states sharing one Crown — the Crown pledging to preserve and defend Mi'kmaq rights against settlers as much as against foreign nations.

During the course of the next few years, various of the districts in Mikmakik ratified the treaty of peace, but things were far from over. The French continued to be in conflict with the English over commerce and settlement in North America, and Halifax was under siege by the Mi'kmaq and Wabanaki. Fort Beauséjour, a French fortress on the Chignecto isthmus, was taken by the British in 1755. At the same time, French Acadians who did not swear allegiance to the English Queen were deported, and many Mi'kmaq rose up in arms to protect the rights of their francophone neighbours. As a result, in 1756, Lieutenant-Governor Lawrence offered rewards for Indian scalps and prisoners.

The imperialist struggle between France and England over North America, however, was in its last phase. The French fort at Louisbourg fell to the British in 1758. The capture of Quebec

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in 1759, and Montreal in 1760, put an end to France's designs in North America. With a view to consolidating their "winnings," the British acknowledged that relations with the indigenous peoples would have to be normalized. In Article 40 of the French Capitulation, Britain formally promised to protect the Indian property and rights in the New Prerogative Order. The Lords of Trade in London were keenly aware that the safety and future of English settlement in North America depended on the friendly disposition of the Indians. In 1760 they stated that settlement must "be done with a proper regard to our engagements with the Indians" (i.e., the treaties).

With European tensions resolved, the accessions to the Mi'kmaq Compact, 1752, began. Many of the Mi'kmaq districts again reconfirmed their commitment to the 1725 and 1752 treaties. By royal instructions issued to colonial governors in December 1761, British settlers were required by the Crown to remove themselves from any and all lands not lawfully obtained.

The new governor of Nova Scotia, Jonathan Belcher, announced in a 1762 accession meeting with the Mi'kmaq district chiefs who resided in areas that had been occupied by France that the King was determined "to support and protect Indians in their just Rights and Possessions and to keep inviolable the treaties and Compacts which have been entered into with them." Belcher's proclamation explicitly identified and reserved the territories still occupied and claimed by the Mi'kmaq, including the sea-coast of the Unamaki, Epikovit, Piktokiok, Sikiniktuk, and Gaspetikok sakamowit — altogether about two-thirds of the province as it was at that time.

Through the Royal Proclamation of 1763, King George III consolidated all previous policies related to the settling of Indian lands and settler conduct with the Indian Nations. The proclamation stated unequivocally that the tribes were not to be disturbed in their use and possession of their traditional lands, and that the only way in which such lands could be acquired was through treaty with the Crown. This statement was an early

articulation of the Crown's trust responsibility to ensure that the Indian Nations' rights and interests were safeguarded in the face of increasing settlement and competition for lands and resources.

Despite all of these commitments and guarantees, the settlers did not necessarily possess the willingness or the ability to ensure that the New Prerogative Order was implemented by the colonial governments and settlers. The reality that Britain was intent on settling North America, and reaping profits from its resources, undermined its stated policy of protecting the integrity of our nation. To this day we have been faced with the same schizophrenic approach to our rights as a people: in law, and at the level of rhetoric, our rights are recognized and protected; but in practice, because of immigrant self-interest, we are treated as if we do not even possess the most basic of human rights.

Treaties Broken: Distorting the Relationship

The appropriation of our land and resources continued. While France had come among us primarily to trade, the British planned colonization. There were no permanent French settlements in Míkmaq before 1605, and as late as 1686 the European population of Acadia was scarcely 900. Britain established its first major colony in our territory in 1749, and within a century Europeans outnumbered us in Nova Scotia. Many Míkmaq migrated to their ancient islands of Cape Breton, St. Pierre, Prince Edward Island, and Newfoundland to maintain their way of life. France had been, to a large degree, a guest who had never asserted any overt control over our affairs; Britain at once set about seizing our lands.

The commitment to let us retain the Catholic religion was also broken. All of our priests were expelled, and we were forced to rely on the French at the island of St. Pierre, off Newfoundland, for religious books. Our own keepings assumed the role of priests for many years after.

At the outbreak of hostilities between the American colonies and Great Britain, General George Washington, commander-in-chief of the revolutionary army, wrote to the chiefs and captains of Míkmaq Nation requesting military assistance.

On July 17, 1776, a mutual defence treaty was concluded at Watertown, and the Míkmaq became the first nation to formally recognize the United States, which had proclaimed its independence just two weeks earlier at Philadelphia. By 1779, relations with Britain were restored and reaffirmed with the Crown at a meeting of the Grand Council that took place at Piktokiok.

But the peace between America and Britain left the English with only one naval base in North America, Halifax. To strengthen their strategic position, and to accommodate the many loyalists who moved north from the thirteen colonies, the British intensified their colonization of Míkmaq. This activity disrupted our economics, and began to severely restrict our people's access to the land and resources that were so essential to their survival. By the 1790s, many of our communities were starving, and the commitments made by the Imperial Crown that settlement would only take place after lands had been formally surrendered by us seemed to be forgotten by the settlers.

At the same time, however, both Britain and the United States continued to recognize the special status of the indigenous nations, including Míkmaq. The first commercial treaty between the two states, known today as the Jay Treaty (1794), guaranteed our continuing rights to pass across the new border and engage in trade, as we had always done. This element was of particular relevance to us and to other nations such as the Haudenosaunee, whose traditional territories were split by the imposition of the international border.

Again, in 1814, when Britain and the United States concluded a treaty of peace to end the War of 1812, they guaranteed the restoration of all the rights and privileges previously enjoyed

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In the nineteenth century, the confiscation of protected Mi'kmaq hunting grounds began in earnest. Squatters, tolerated if not actively aided and abetted by local authorities, took up large tracts of our traditional territories without our consent or any form of compensation. Repeated representations to the Crown regarding these ongoing breaches of the terms of our treaties were either stalled or ignored.

Finally, in 1841, Kjisakamow Penninawit submitted a petition to the Colonial Office in London, and as a result, they reminded provincial officials that the Mi'kmaq had "an undeniable claim to the Protection of the Government as British subjects," and that we should be compensated for any losses. The province of Nova Scotia responded by agreeing to set aside 50,000 hectares (125,000 acres) of land as "Indian Reservations" for our use in 1842. Most of these lands were already recognized Mi'kmaq family estates.

We are still uncertain as to how this amount of land was decided upon, but it is clear that it had little to do with the actual areas of land that we were using and occupying at that time, and nothing to do with our economic and social needs as a people. In any event, well aware that it had no authority to force us into abandoning our existing settlements, the province told London that it would "invite" the Mi'kmaq chiefs "to cooperate in the permanent resettlement and instruction of their people." We continued to live where we had resided and where we could, refusing to be confined to areas that we had not participated in selecting.

Soon it became clear that even this attempt at fulfilling the Crown's obligations of political and legal protection was inadequate. Only half of the 50,000 hectares were ever set aside and, by the 1850s, even this small remainder of our homeland was being settled illegally by Europeans. This had a catastrophic effect on our economies, since without adequate access to land and resources, there was little chance of putting food on the table or of generating surplus with which to trade.

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Instead of expelling the squatters, as was required by the 1762 and 1763 proclamations, and by its own 1842 legislation, the province in 1859 required some of them to pay for the land they had illegally taken up. Few ever did. The Grand Council of the Mi'kmaq Nation wrote to the governor in Nova Scotia, challenging the constitutionality of "this extraordinary proposal to deprive them of th[eir] rights by entering into compromise with the violators of them," but it was not heard.

The wildlife resources that were the basis of our economy were hunted and fished out by settlers, our few farms were stolen, and we were reduced to living as itinerant woodcutters and peddlars of handicrafts. We suffered the same fate in Prince Edward Island and New Brunswick, which became separate provinces in 1769 and 1784, respectively, and in Newfoundland. New Brunswick began selling lands that we still reserved or occupied in 1844; in Prince Edward Island only one tiny island was left for our use by 1838. None of these actions was undertaken with our consent or formalized through imperial legislation, as was required by the Proclamation of October 7, 1763.

In fact, the imposition of borders and new administrative regimes had the effect of separating our people and undermining the Grand Council's ability to act as a cohesive unit. Our nation found itself confined within boundaries that had nothing to do with the way we had organized ourselves historically. But, despite the problems that this situation posed, we retained our tribal authority, and continued to maintain the political structure of the Grand Council.

We retained our language and religion in the face of an overwhelming Anglo-Protestant majority, and continued to meet as a whole people at Poutoloteg (Chapel Island on Cape Breton) on St. Ann's day each year. On the whole, we maintained our traditional communities, although their number decreased as our lands were seized by settlers or sold outright by local government officials.

The British North America Act, 1867, united most of Britain's North American provinces under a single federal government.

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and entrusted Canada with responsibility for "Indians, and land reserved for Indians," as well as "treaty obligations." However, it also appeared to give the provinces authority over the lands and resources within their boundaries that had been properly ceded by the relevant tribes.

In our case, this had a prejudicial effect on the matter of our traditional territories, since, from that time onwards, although Canada had the responsibility for upholding the treaties and protecting our rights and interests, it was the provinces (the successors to the land-grabbing colonies) who asserted that they held "title" to the land. To this day, the division of powers established by the BNA Act has been used as an excuse for non-fulfillment of the Crown's treaty commitments and as a pretext for preventing serious discussion on the land question.

Political Repression

The remainder of the nineteenth century was a very difficult period for the Mi'kmaq people. Our collective attention was focused on day-to-day survival, with little time for anything else. During this time, the federal government began using its "powers" under the BNA Act not to protect our rights and interests, but to destabilize our nation and to make it over in the image of the European. The twentieth century has proven to be a continuation of this trend, at least in terms of federal government policy.

"Elected councils" were introduced, in spite of the authority and jurisdiction of the Grand Council in New Brunswick, PEI, Quebec, and Newfoundland, and a host of administrative procedures, which were intended to complete the destabilization program, were imposed. Although the government intended to undermine the Grand Council's authority with this initiative, we have adapted and developed a co-operative approach along with the elected councils. However, interference by outside agencies in Mi'kmaq internal affairs became even more pronounced than it once was, particularly on the part of the federal Department of Indian Affairs. Bureaucrats at the local, regional, and

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headquarters levels took it upon themselves to determine who was and who was not a Mi'kmaq; when houses would be built; how meagre reserve resources were to be utilized; how elections would be conducted.

This attempt at imposing an irresponsible and irrelevant form of indirect rule upon our people has proven to be an unmitigated disaster, made the worse because the unelected bureaucrats who continue to wield these powers are not accountable either to the Mi'kmaq or to the Canadian people.

At the same time, outside enforcement agencies began aggressively to restrict Mi'kmaq citizens in the exercise of their economic rights, particularly as they related to hunting, fishing, and commerce. We were told that any treaty rights we "may have had" were extinguished, and that we had no legal basis on which to pin them. No recognition was given to the many and positive assurances we had received from the Crown regarding our rights, or even to our economic needs as a society.

From 1941 until 1953, a "centralization" program was initiated in which our citizens were coerced into moving onto two "recognized" reserves in Nova Scotia: Eskasoni and Shubenacadie. The intent of this program was ostensibly to make "administration" easier for the non-Mi'kmaq bureaucracy, but its effect was to take more Mi'kmaq citizens off the land, and to further undermine their self-sufficiency. The school at Wycocomagh and many Mi'kmaq farms were burned down by Indian Affairs as a means of ensuring that our people would relocate to Eskasoni. In the end, over 1,000 Mi'kmaq were displaced from their farms in various parts of the province, and compelled to reside on what had become two acutely overcrowded containment centres.

Our youth were taken away from their families and forced to attend residential schools, where they were beaten to prevent them from speaking their own languages or practising their culture. The aim of the residential school system was to wipe out any sense of national identity on the part of youth, and replace it with European values and culture. It did not succeed in

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completely fulfilling these objectives, but it did serve to disorient and demoralize three generations of our people.

These efforts at dismantling our nation accelerated in 1960 when the federal cabinet decreed that the Mi'kmaq in Nova Scotia were to be divided into twelve separate "Indian Bands," to be dealt with as individual entities instead of a collectivity.

The ill-conceived and unconscionable strategy to destabilize our traditional forms of government, eliminate our culture, and ravage our economics has clearly been intended to terminate our rights, and our existence, as a people. But it has been met with ongoing resistance on the part of the Mi'kmaq. We have, of necessity, adapted to the new forces with which we must contend in our traditional territories, but always within the context of our collective aboriginal and treaty rights. Beginning in the mid-1960s, our people began to mobilize in new ways to defend the nation.

The unilateral imposition of policies and legislation affecting our people had to be dealt with. They needed assistance in coping with the morass of bureaucratic procedures and policies that were being spawned by the federal and provincial governments. In 1969, the Union of Nova Scotia Indians (UNSI) was formed to do just this. Since its inception, UNSI has worked closely with the Grand Council, the Mi'kmaq communities in Nova Scotia, and with other Mi'kmaq institutions to preserve and enhance our collective rights.

Six years later, in 1975, the Native Council of Nova Scotia was established to represent the specific interests of those Mi'kmaq citizens who are not recognized as "Indians" by the federal government. It has always been the position of the Mi'kmaq that we know who we are. However, successive federal governments have seen fit to decide for us who is, and who is not, a Mi'kmaq, and this has had the effect of dividing our communities and creating a "second class" of Mi'kmaq citizens. The Native Council was formed to address the special needs of these people.

The Grand Council, UNSI, and the Native Council of Nova Scotia have developed a close working relationship with the

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objective of revitalizing the Mi'kmaq Nation and undoing the damage that has resulted from hundreds of years of outside interference and discrimination. It is only by building a strong institutional base that we can hope to renew the prosperity and self-sufficiency that our people once enjoyed.

However, the struggle has also been taken up on a number of other fronts. One of the most important of these is the exercise of our political rights as a people. The United Nations international covenants on Economic, Social, and Cultural Rights, and on Civil and Political Rights, both state very clearly that "in no case may a people be deprived of its own means of subsistence." Yet this is precisely what has been done to us.

Hunting and Fishing Rights

The protection of our rights to engage in hunting, fishing, and commerce as embodied in the Treaty of 1752 is entirely consistent with the intent and the letter of these covenants, and yet, over the years, federal and provincial governments have made a conscious effort to deprive our people of their means of subsistence. The effects of these efforts are visible in all of our communities, where one of the primary sources of income is now welfare, and where many of our citizens continue to be arrested and convicted for engaging in traditional economic pursuits and commerce.

The Treaty of 1752 is unequivocal when it speaks of hunting and fishing: "It is agreed that the said Tribe of Indians shall not be hindered from, but have free liberty of hunting and fishing as usual." We sought protections for our traditional economies so that we could provide for our children as we had always done. Today, we do not hunt and fish for sport; we engage in these activities to put food on the table and to generate revenue for our people. The recurring problem was that federal and provincial legislation was being used to prevent us from exercising our rights, and to wantonly harass the breadwinners of our communities.

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Repeated efforts at negotiating this issue with the federal government had failed, and so a decision was taken by our leadership to pursue the matter through the courts. The case that was chosen involved James Mathew Simon, a Mi'kmaq citizen resident at Shubenacadie. In September 1980 he was stopped by members of the federal police, the Royal Canadian Mounted Police, and searched. Mr. Simon had in his possession a type of shotgun and shells that were not "permitted" under the Nova Scotia Lands & Forests Act, and was charged with offences under that legislation. In defence of these charges, Mr. Simon cited the Treaty of 1752, and its hunting provisions.

The attorney-general of Nova Scotia argued that whatever treaty rights "may have" existed had been extinguished. Since settler governments had succeeded in ignoring their treaty obligations to the Mi'kmaq for almost two hundred years, we assume he considered those treaties to be irrelevant. The Nova Scotia provincial court apparently agreed with the attorney-general for the province, since they convicted Mr. Simon. His appeal was dismissed by the Nova Scotia Supreme Court. Ultimately, he sought, and was granted, leave to appeal to the Supreme Court of Canada.

On April 17, 1982, Section 35 of the Constitution Act came into force. It states that "existing aboriginal and treaty rights" are "recognized and affirmed." Although generally the constitutional amendment process was not satisfactory to the Mi'kmaq, it is acknowledged by us that constitutional recognition of the treaties was a positive step. In fact, it did have a bearing on the outcome of the *Simon* case.

On November 21, 1985, the Supreme Court rendered judgment, and acquitted Mr. Simon on all of the charges laid against him. For the province, it was a significant defeat. For us, it was a vindication of many of the things we had been saying all along. The court found that the Treaty of 1752 is still a binding and enforceable agreement between the Crown and the Mi'kmaq people, and that its protections regarding Mi'kmaq hunting

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rights override provincial legislation that interferes with these rights.

As important, the court ruled that the treaties must be interpreted in a flexible manner that takes into account changes in technology and practice. For instance, Mi'kmaq hunters could not be limited to using spears and handmade knives, as they once did, and as the attorney-general of Nova Scotia had argued. It was also made clear that this right extended not only to subsistence hunting, but also to hunting for commercial purposes.

As a result of this decision, we knew that we were in a much stronger position to proceed with formalizing the exercise of our rights to the hunt. On Mi'kmaq Treaty Day, October 1, 1986, the majority of our leadership in Nova Scotia ratified a set of interim hunting guidelines as a first step towards this end.

The basis of these guidelines is a Mi'kmaq concept, *Netukulink*, which includes the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community at large. The guidelines covered safety and conservation considerations, as well as stating clearly that the treaty rights of Mi'kmaq citizens to hunt override existing provincial restrictions related to seasons, quotas, licenses, and tagging and hunting gear and methods. At the same time, it was made clear that only those Mi'kmaq who followed the guidelines would be protected by the terms of the 1752 treaty.

As a result of these events, attempts were made to negotiate a more formal arrangement with the other levels of government. However, they did not bear fruit, and today, the Mi'kmaq hunting guidelines are still in effect. Recent actions by the province of Nova Scotia do not lead us to believe that they are committed to dealing with this issue in good faith, and recent inaction on the part of the federal government to ensure that our rights are protected leads us to the same conclusion. In 1987,

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six Mi'kmaq citizens were charged with fishing "violations"; twenty-three were charged for hunting deer and moose; and three were charged in connection with commerce and taxation matters.

In the spring of 1988, Nova Scotia announced that the annual moose hunt would be taking place from October 3 to 7. Licenses were to be granted to two hundred hunters by lottery. The Mi'kmaq were excluded from having any input into the development of this approach to the harvest. It totally ignored Mi'kmaq rights to the resource, and in fact, only two Mi'kmaq citizens won the "privilege" to hunt moose under the lottery system.

After much thought and discussion, our leadership decided to stage a separate Mi'kmaq moose harvest, to ensure that our communities had adequate access to the resource, and that the harvest would be carried out according to the interim guidelines that had been developed.

Our moose harvest took place from September 17 to 30, 1988, in Victoria and Inverness counties. It was supervised by the Mi'kmaq, and its focus was to provide Mi'kmaq citizens with the opportunity to harvest the resource for subsistence use.

The government of Nova Scotia took the position that this harvest was "illegal", and promptly initiated a propaganda campaign to discredit and intimidate our citizens. The harvest did proceed, but a total of fourteen Mi'kmaq hunters were charged with violations of the provincial Wildlife Act. Their cases are now before the courts. Subsequently, the province escalated its provocation by unilaterally announcing that any Mi'kmaq engaged in hunting anything pursuant to the 1752 treaty would be prosecuted.

This experience calls into question the ability of the courts and the present political system to address the matter of our rights in a meaningful and lasting way. Despite the protections afforded to our treaties as a result of Section 35 of the Canada Act, 1982, and despite the enormous degree of effort that went

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into vindicating our rights at the Supreme Court level, we still find ourselves confronted by settler governments that refuse to recognize their own laws and their own courts.

The situation raises the question: if they don't play by their own rules, then should we? Although Canada prides itself on being one of the world's leading "democracies" and an advocate of human rights, we do not find much evidence of these things in our dealings with federal and provincial governments. Beyond this, it is clear to us that the problem is far more complex than court decisions or political will. It has to do with systemic discrimination and racism that are deeply rooted in the consciousness of the Canadian public and their institutions.

Justice for Who?

One important element of the 1752 treaty had to do with the matter of justice. We knew that something had to be done to regulate relations between our citizens and settlers, but we also knew that the traditional Mi'kmaq justice system had to play a continued role in our own internal affairs. This called for a "two-legged" justice system based on the concept of co-habitation.

For incidents involving Mi'kmaq citizens on Mi'kmaq territory, the traditional Mi'kmaq justice system would apply. For situations involving settlers, the English justice system would be used. And finally, for matters that involved both Mi'kmaq citizens and settlers, the English civil justice system, with input from the Mi'kmaq, would come into play.

The Mi'kmaq refused to be administered under the political authority of the local settlers or under criminal law in connection with the administration of justice. Instead, the Civil Law of England — the fundamental principles of contract, property, and torts — was understood to be the appropriate basis on which to measure the conduct between Mi'kmaq and British people in Nova Scotia. This understanding is reflected in the relevant section of the 1752 compact and in the accession treaties that were ratified by the various districts of Mikmakit.

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As with other understandings reached that had been confirmed by the terms of the treaty, this arrangement was implemented, but proved ineffective. In fact, with centralization in the 1940s, our traditional justice system was usurped by outside institutions and law-enforcement agencies, and even in the settler courts we found that we were not permitted to enjoy "the same benefits, advantages, and privileges" as others, even though they had been guaranteed in the 1752 treaty. This situation is most graphically illustrated by the experience of Donald Marshall, Jr., at the hands of the Nova Scotia "justice" system.

Late one evening in 1971, in a Sydney, Nova Scotia, park, Sandy Scale, a black youth, was fatally stabbed. At the time, the incident aroused emotions throughout the local Mr. Kmaq, black, and white communities. But it was only much later that the real implications of what followed would come to light.

Donald Marshall, Jr., was eventually charged in connection with Sandy Scale's death. But, from the beginning, the conduct of the investigation into the killing was questionable. The two "eyewitnesses" to the crime gave testimony that appeared to be too consistent, and questions were raised about whether or not they had been coached on what to say. After the "eyewitnesses" had testified, other individuals came forward to the authorities, stating that one of them, John Praico, was nowhere near the scene of the crime on the evening it occurred. These concerns were dismissed, not only by the Sydney police department, but even by one of Donald Marshall's own defence lawyers. However, in the end it was indeed confirmed that both of the "eyewitnesses" had been coached by the Sydney police, and that they had given false testimony.

It later turned out that the two lawyers initially engaged in Marshall's defence did not make all reasonable efforts to fully investigate the possibility of his innocence: they did not carry out their own investigation, and did not even conduct interviews with the alleged witnesses. No one seemed to doubt the fact that, since Donald Marshall was an "Indian," it was probable that he

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had committed the crime. He was finally convicted of manslaughter, and sentenced to life imprisonment. Despite his insistence, even after his conviction, that he was innocent, no appeal was allowed, because of the two "eyewitness" accounts.

Meanwhile, there were some people who were not satisfied with the outcome of the investigation or the trial. For instance, there were many unanswered questions about one Roy Ebsary, an old, eccentric character known to many residents of Sydney and its environs. He had been in the vicinity of the crime the night it occurred, and had told then chief detective John McInyre not only that he had been with Sandy Scale and Donald Marshall night of the incident, but that he had taken a swipe at Scale with a knife. John McInyre did nothing to follow up on this admission.

Three years later, in 1974, Donna Ebsary, the old man's daughter, approached Sydney police with information that her father had indeed killed Sandy Scale. She spoke to McInyre, who refused to even listen. The same information was provided to the RCMP, who, apparently, did not follow up either.

The attitude of many of the officials who were handling this case is perhaps most succinctly illustrated by comments that were made by Robert Anderson, who was the director of criminal matters in the Nova Scotia Attorney General's department at the time of Marshall's trial. Eleven or twelve years after the conviction, and after being appointed a county court judge, he was approached by Felix Cacchione, who at the time was working as Marshall's lawyer.

Cacchione was concerned about some aspects of the investigation, and was seeking information from Judge Robertson concerning the 1971 investigation. His response to Cacchione's presentation was: "Don't put your balls in a vise over an Indian." The implication was that Cacchione stood to compromise his future career prospects in Nova Scotia if he became known as an advocate of Indian rights and interests (Mr. Cacchione is himself now a judge in the province).

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Ironically, Cacchione's experience and Robertson's comments were consistent with a pattern that had been observed way back in 1849. At that time, the Indian commissioner reported to the Nova Scotia Legislative Assembly that the justice system and the political process in the province could not be counted on to "protect" Indian interests and rights: "Under present circumstances, no adequate protection can be obtained for Indian property. It would be vain to seek a verdict from any jury in this island against the trespassers on the reserves; nor perhaps would a member of the Bar be found willingly and effectually to advocate the cause of the Indians, inasmuch as he would thereby injure his own prospect, by damaging his popularity."

The striking similarity between these events, separated as they are by over a century, demonstrates a certain insidious continuity in settler culture and attitudes, and the degree to which discrimination and racism are part and parcel of the day-to-day reality in this province.

The criminal justice system is made up of a number of institutions and players, each a part of a system of checks and balances that is supposed to ensure that justice is served. All of these checks and balances failed Donald Marshall, Jr. Some of this malfunctioning might be seen to be bad luck, but the consistent failure of the system in this case cannot be dismissed as merely coincidence. The fact that the system performed so miserably in this instance stems from one common thread: Donald Marshall, Jr., was an Indian.

It was not until eleven years after Donald Marshall's incarceration that things began to change. At that time, Steven Aronson, Jim Carroll, and Harry Wheaton became involved in the case on his behalf, and began uncovering the evidence that finally led to his release and to Roy Ebsary's arrest and conviction.

Even with this turn of events, the system still did not serve Marshall well. Compensation for the eleven years spent behind bars on a wrongful conviction was, at first, refused, then later

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granted after public opinion was brought to bear on the Nova Scotia government. Early calls for a royal commission into the whole matter were at first rebuffed as well, until finally the public outcry was so great, among Mi'kmaq and non-Mi'kmaq alike, that the province had to comply.

The evidence that came out during the course of the Royal Commission on the Donald Marshall, Jr., prosecution damned not only the individuals involved in the case at all levels, but the Nova Scotia "justice" system generally. It appeared that latent racist sentiments among the principals involved in the investigation and the prosecution played a large part in Marshall's wrongful conviction.

It also appeared that no one cared whether he was guilty or not, because he was a Mi'kmaq; certainly the evidence showed that many officials did not take the care in his case that they normally did in the course of their duties. The fact that he was an "Indian" made it easy for all to accept the likelihood of guilt, and to slough off his personal situation as if it was of little importance, since after all, in the scheme of things, he was "just another Indian."

In effect, the cumulative body of evidence presented to the Royal Commission became an indictment of the whole Nova Scotia justice system. This is borne out by much of what emerged during the course of the commission's work, but in particular by the statements made by Judge Felix Cacchione.

He testified that the province did not display a sense of sympathy or responsiveness to Donald Marshall's plight, but instead, played "hard ball." No one involved in the administration of justice came to his assistance. Cacchione testified that one of the factors that led to this malaise on the part of the system was Marshall's race. He said that if Donald Marshall had been a prominent non-Mi'kmaq Nova Scotian, he would have been treated differently, and the whole matter would have been handled differently.

Eleven years after Donald Marshall, Jr., had been convicted of manslaughter in the death of Sandy Scale, authorities were

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forced to admit what many had known and stated from the beginning: that he was innocent, and moreover, that he had been cruelly victimized. The so-called justice system failed him miserably, and his experience typifies what we, as a people, have been subjected to over the past few generations.

We trust that the outcome of this exercise will be a complete overhaul of the Nova Scotia justice system, and a return to the arrangements originally contemplated in the Treaty of 1759. Tentative recommendations have been made to the Royal Commission regarding the ways and means of developing and implementing a Mi'kmaq justice system, and how it would interface with the non-Mi'kmaq system. Our next steps will be determined by the Royal Commission's final recommendations, which are still in the process of being completed.

Unresolved Land Rights for Mikmakik

A final word on the deviate nature of the justice system, as it affects the Mi'kmaq, has to do with the federal and the provincial governments, and their approach to the land rights of our people. Earlier in this chapter mention was made of the guarantees that were obtained from the Crown regarding the maintenance of our land base, with particular reference to the effect of increased settlement on our territorial integrity and traditional economies.

Since almost immediately after the signing of the 1759 treaty, the Mi'kmaq have been seeking to resolve the matter of the ongoing theft of our land and resources. We met with little success, since clearly any steps that would lead to a more equitable sharing of land and resources in the Maritimes would be costly to those who now take for granted the benefits of their ill-gotten gains.

As recently as 1973, the government of then prime minister Pierre Trudeau insisted that there was no such thing as "aboriginal title" — after all, who could conceive that non-whites would have land and resource rights to the territories they had inhabited since time immemorial?

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But this position changed in the wake of an aboriginal-rights case that originated in the Nass River Valley of British Columbia, with respect to the traditional territories of the Nisga'a people.

The Supreme Court of Canada considered the matter of aboriginal title in the *Calder* case, as it was called, and although the final judgment was inconclusive regarding that matter, it did become clear that the prior rights and claims of the indigenous peoples in Canada could no longer be dismissed so lightly, or in a cavalier manner. As a result, the federal government rethought its position, and, in August 1973, released a policy statement on the "claims" of Indian and Inuit people.

It now appeared that finally we had an opportunity to negotiate the issues that, for so long, no one except us had wanted to deal with. Because of the lack of treaty surrenders in Atlantic Canada and southeastern Quebec, the Mikmakik claims were considered "claims of a different nature" than the common-law aboriginal claims of British Columbia and the North. In 1977, the Grand Council, through the Union of Nova Scotia Indians, made a formal application for land and compensation under the 1973 policy. This initial statement of claim has led to twelve years of fruitless discussions and countless pages of correspondence and documentation.

The reason is that, although all parties agree that we never surrendered title to our lands and resources, the federal government insists our rights have been somehow indirectly "superseded by law." The application of this nebulous and racist concept to the matter of our aboriginal rights can only be seen as one more example of the systemic and consistent discrimination that we, as Mi'kmaq people, have had to endure for centuries. The continued validity of the treaty and the Royal Proclamation of 1763 deny the possibility that the concept of "superseded by law" can be applied to us.

At the beginning of this chapter, we outlined how the initial relations between the Mi'kmaq and the British Crown developed and the many guarantees that we sought and obtained

from colonial authorities regarding our traditional land and resource base. There is no need to repeat them. The point is that, despite these guarantees, the dispossession of our land and resources and the marginalization of our institutions was allowed to proceed.

The province of Nova Scotia passed certain laws regarding the subdivision and sale of our lands, and indeed subdivided and sold our lands, but these actions were contrary to treaty commitments and to constitutional protections (the Royal Proclamation of 1763, for instance, has never been repealed, and is appended to the Constitution Act, 1982).

In fact, "responsible government" did not exist in Nova Scotia until 1867; until then, the province was entirely controlled by prerogative instruments of the Crown, such as letters patent, instructions, and imperial proclamations. Today, Canada tells us that, because Nova Scotia sold off our lands pursuant to various legislation, our rights have been terminated by these actions and these laws. It does not seem to matter to them that the province's actions were outside of its competence and that they were inconsistent with, and contrary to, imperial directives of the time.

The reality of the matter is that our people have been forcibly dispossessed of their land and resources, and had their economic institutions destroyed, without their consent and without any form of compensation. Meanwhile, others have benefited tremendously, and when they are called to account, they insist that because they carried out these acts, the acts themselves must be legitimate. The blatant hypocrisy evident in this kind of reasoning is astounding even to us, who have been compelled to deal with these attitudes for hundreds of years.

It should be of serious concern to Canadians that their elected representatives are so brazenly violating not only the treaty rights, but the *human rights* of the Mi'kmaq people. Canada insists that our rights can be superseded by law. If indeed this is the case, then it must be a law based on genocide and exploitation, not on justice and equity.

This reality has serious consequences, not just for the Mi'kmaq people and other First Nations, but for *all* Canadians. On the one hand, if only aboriginal peoples' rights can be superseded by law, then Canada's public posture as a champion of human rights and equality rights is an exercise in deception, and subject to a cynical and selective application based on race. On the other hand, if it has nothing to do with race, and any government of the day can reserve the right to ignore its own constitution, treaties, and courts, then sooner or later they will do it to *you*.

Either way, the implications should be shocking to any reasonable Canadian. We are glad to have the opportunity to bring these matters to the attention of the public, since, as we mentioned at the beginning of this chapter, for too long the truth has been suppressed.

It is time that these matters be brought out into the open, so that Canadian citizens can gain a clearer understanding of the conduct of their government, and perhaps realize how unacceptable and arbitrary their "democratically elected" leaders really are.

There are many other issues we could mention, issues related to the fisheries, commerce, health, shelter, and education, but suffice it to say that there is much unfinished business between the Mi'kmaq Nation and Canada. After centuries of alternating neglect and oppression, we demand that our rights and interests be dealt with in the spirit of equity and justice. We aren't asking for anything unreasonable, or anything that would be unfamiliar to the average Canadian.

However, regardless of whether or not Canada is ready to deal with us, we will proceed with the renewal of our nation, and we will continue to prepare for what must be done. In March 1989, an historic summit took place between the leaders of twenty-nine Mi'kmaq communities, representing over 18,000 of our citizens in the four Atlantic provinces and Quebec. This was the first time since 1776 that so many of our communities had come together to develop a common approach to land and treaty matters.

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What came out of this summit was a Declaration of Mi'kmaq Nation Rights, which reaffirms the Mi'kmaq commitment to the principles of self-determination, sovereignty, and self-government. The declaration also states that our children have the right to be brought up in the knowledge of their language, history, and culture. And finally, it points to the fact that, as Mi'kmaq people, we must have a fair share of the natural, economic, and fiscal resources of this land called Canada. We are renewing the strength of our nation, which has for so long been in bondage, and we will succeed.

What we are seeking is the freedom and liberty to contribute positively to the future of our people and to our common future as neighbours in this great continent. What we require to do this is an equitable share of our traditional lands and resources, and recognition of our inherent right to govern ourselves.

These are not alien concepts, and they are not threatening, as some would argue. They are based on the reality of the historical record, and on the prevailing norms of international law that guide the conduct of nations in their relations with one another. The facts speak for themselves. We will let you draw your own conclusions.

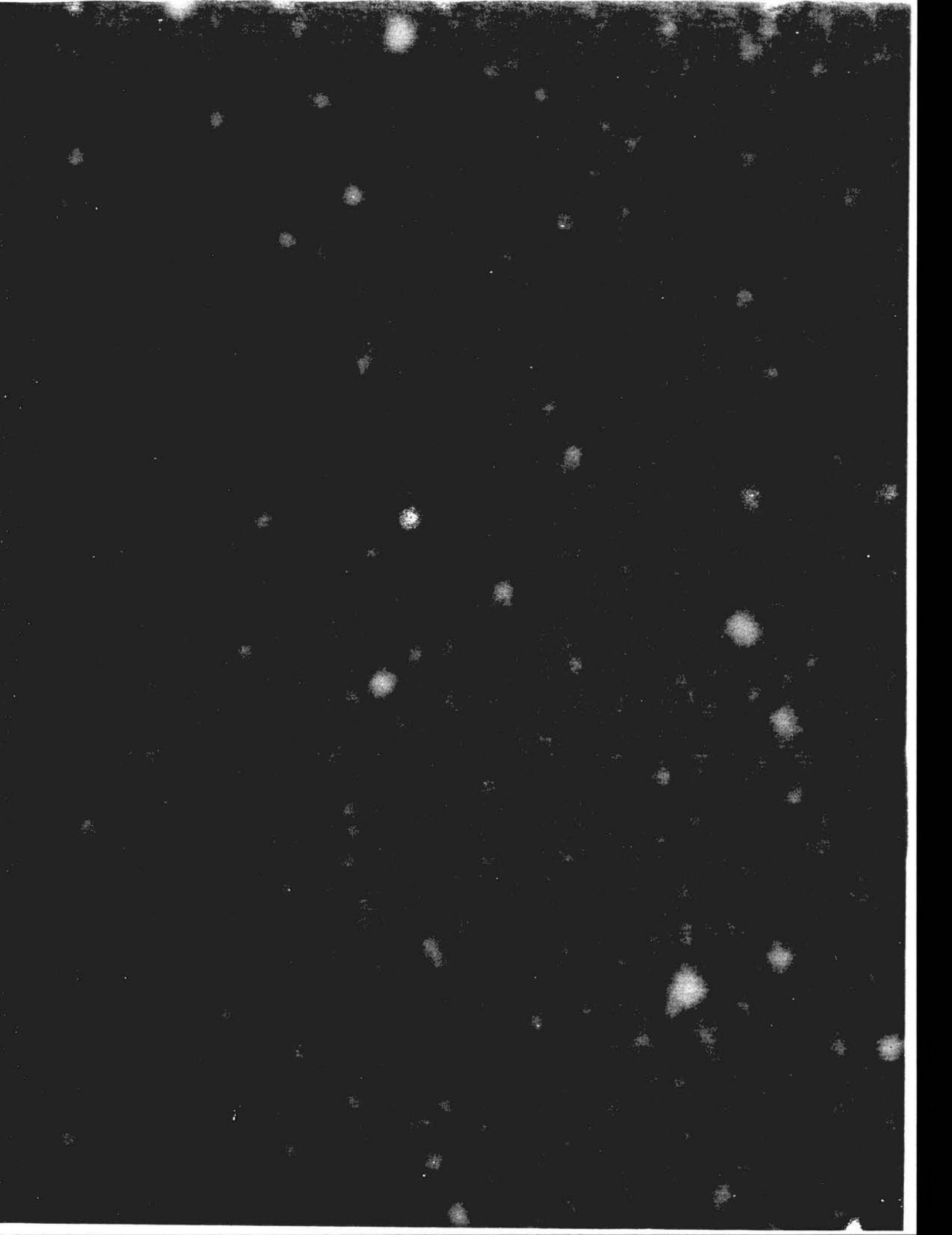
AKWESASNE

THE CONFRONTATION

December 18, 1968, fifty Mohawks from Akwesasne were arrested for blocking the International Bridge near Cornwall, Ontario. The arrests came as a result of Canada's decision not to recognize the border-crossing rights of aboriginal people in Canada. One of the Mohawks who organized the blockade, and one of the first to be arrested, was a National Film Board student named Mike Mitchell. In the ensuing years, confrontations between the Mohawks and Customs officials repeatedly flared up.

In March 1988, Chief Michael Mitchell of the Mohawk Council of Akwesasne was arrested as he attempted to take a truckload of groceries from one part of Akwesasne to another, crossing the international border. He was exercising border-crossing rights confirmed in the Jay Treaty of 1794. He is fighting the case in the Canadian court system.

On October 13, 1988, 250 police officers from Ontario, Canada, and New York State invaded Akwesasne. With vehicles, helicopters, and patrol boats, they searched for duty-free cigarettes alleged to have been brought illegally across the border. It was almost certainly the biggest attack on a First Nation in Canada since the Red uprising in 1885.



ONTARIO FEDERATION OF INDIAN FRIENDSHIP CENTRES

ELDER'S GATHERING

BIRCH ISLAND, ONTARIO

RAINBOW LODGE

MAY 14 - 17, 1985

ACKNOWLEDGEMENTS

THE ONTARIO FEDERATION OF INDIAN FRIENDSHIP CENTRES WISHES TO GRATEFULLY ACKNOWLEDGE THE MANY PEOPLE WHO CONTRIBUTED TO THIS SIGNIFICANT EVENT FOR THE FEDERATION MEMBER FRIENDSHIP CENTRES IN ONTARIO.

WE RECOGNIZE, WITH SINCERE APPRECIATION, THE PARTICIPATING ELDERS WHO SHARED THEIR GUIDANCE AND WISDOM; THE ELDERS GATHERING PLANNING COMMITTEE WHO PLANNED AND COORDINATED THE EVENT; AND THE FINANCIAL SUPPORT OF THE NATIONAL ASSOCIATION OF FRIENDSHIP CENTRES AND NATIVE COMMUNITY BRANCH.

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JOE MORRISON

Good morning. Not everyone understands the Indian language, but everyone understands sign language either. The purpose of this meeting is for the Elders to give you some knowledge about this place called "Dreaner's Rock" you see behind me. This is where our grandfathers used to meet, they used to stay here for a time until the holy spirit came to them and gave them knowledge of what they were seeking. So this kind of historical place directed by a fellow, it was for a purpose, all country has and that is why it is called "Dreaner's Rock". There are huge stones over there, and many years ago, found the rock they used tobacco on that rock and they washed for whatever the first You could hear that rocks as far away as Manitoba and when the miss as miss over there to this point they gathered around this rock and they blessed these rocks so that everyone of them if you go over there early, you can see the low spots here, for many years, whiteman, traditional area around here and in quest for this country. I'll open up here with suppose you are all familiar with it.

DAY 1

LIL BEAVERS

JOE MORRISON

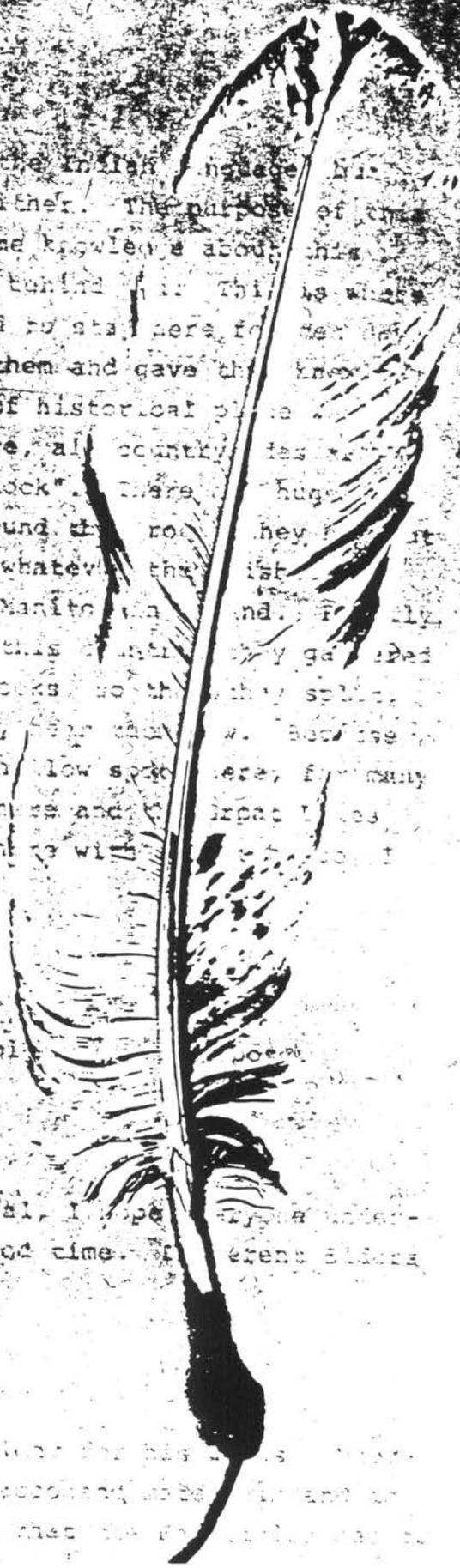
Welcomed everyone to the gathering and explained

ELI MCCREGOR

Most of what he is saying about this material, I hope everyone understands, and we thank you all and have a good time. Elders will speak and so will I.

WAGNER BROTHERS

Good morning. I would like to thank the Elders for their participation. Thanks to Elders for accepting responsibility and we will have to discuss the Program and how that the Elders can help.



ELI MCGREGOR

Good Morning. Not everyone understands the Indian language, but not everyone understands sign language either. The purpose of this meeting is for the Elders to give you some knowledge about this place, called "Dreamer's Rock" you see behind you. This is where your grandfathers used to meet, they used to stay here for ten days at a time until the holy spirit came to them and gave them knowledge of what they were seeking. So this kind of historical place was directed by a fellow, it was for a purpose, all countrysides around, and that is why it is called "Dreamer's Rock". There are huge stones over there, and many years ago, found that rock, they had put tobacco on that rock and they wished for whatever they wished for. You could hear them rocks as far away as Manitoulin Island. Finally, when the missionaries came over there to this country, they gathered around this rock and they blessed these rocks, so that they split, everyone of them split. So you can hardly hear them now. Because if you go over there now you can see the hollow spot where, for many years, whiteman, traditional area around here and the Great Lakes in quest for this country. I'll open up here with this tobacco, I suppose you are all familiar with it.

JOE MORRISON

Welcomed everyone to the Gathering and explained its purpose.

ELI MCGREGOR

Most of what he's saying about this material, I hope everyone understands, and we thank you all and have a good time. Different Elders will speak and so will I.

JEROME BERTHELETTE

Good morning. I would like to thank the Elder for his words. Meegwetch. Thanks to Elders for accepting tobacco and materials and to be here to discuss the Programmes and jobs that the Federation has to offer.

I'm looking forward to and excited by the prospect of listening to what you have to say, and the direction you have to offer. I'd like to tell you that I've spent 21 out of my 30 years in the whiteman's schools and did not have the traditional teachings. And I grew up off reserve in a town where we had no elders. I had nobody to give me direction, and help when I needed it. It was something that was missing. For me, this is an experience to be here today at "Dreamer's Rock" with the Elders and to listen to what you have to say for next few days. It was very exciting and I'm very thankful for it and I look forward to the directions you have and our future. Meegwetch.

JOE MORRISON

I guess we can get right into the meeting and I guess we can start off with regular agenda that was set for the day. And what we wanted the elders to talk about. What we have in the Centre is the Li'l Beavers Programme and the purpose of that programme was to teach the young children in the urban community or towns that do not live on reserves, the value of their culture and traditions. For them to understand who they are and for them to begin to be proud of being a Native person, whether it be Ojibway, Cree, Mohawk, Cayuga. These are the things that young people face with problems that they have. Lot of young people have negative images of themselves. And this causes alot of problems, and that is why we wanted input from the Elders as to how that Li'l Beavers Programme should work, and operate and there are alot of staff members here from the Friendship Centres that worked on this programme. (He then spoke in Indian)

One of the Elders doesn't understand english and I was trying to explain to him or trying to translate the best way I could of what I said before about the Li'l Beavers Programme, and I ask for forgiveness from the elders. I don't know if I made myself clear, I have a hard time trying to speak my own language. I have a poor command of the english language so I guess that makes for a poor Indian.

I was telling the elders to go ahead and speak as to how they feel the children should be brought up; and what they should be taught particularly in the Li'l Beavers Programme. Does everyone understand the Li'l Beavers Programme? and how it works?

FLORINA WHATMORE

I've learned alot from our Friendship Centre in London. The Beavers are pretty active and we have Li'l Beavers, but I think that parents should be more involved and grandfathers as well. I think they should make up a schedule where the parents, grandparents, brothers and sisters could be involved. The problem in N'Amerind is that they are too much by themselves. I myself go to the Centre, but I never saw what they do in the programme. I don't know what they do what? what it is they do? Are they teaching sports, or maybe someone knows how to sing; is that what they are trying to bring out? I really don't understand what the programme is. When we get our newsletter and on the calendar it says activities, activities, activities. But it doesn't say what activities. As far as I am concerned, I'm in the dark about what they do when they have activities; what does it involve? Is there someone here from the Programme that can explain to us what the programme is?

JOE MORRISON

We have Gertie Beaucage here. She's been with the Li'l Beavers Programme for a long time. She used to be the Li'l Beavers Coordinator in Sudbury for about seven years, and now she's working here in Toronto at the Federation office as the Li'l Beavers Programme Trainer for all Friendship Centres in Ontario. She works with the workers in the Centres.

FLORINA WHATMORE

Maybe she can explain to us what they do. What are the activities? And it is never really mentioned. I don't know about the newsletters in your Friendship Centre, but I know in ours it doesn't say - just the word activities.

JOE MORRISON

Does everybody have the same problem? The Friendship Centre you represent here today, do you have that kind of a problem of understanding of the Programme? Of understanding what the programme is all about?

NORA CHAPAIS

I don't understand the programme. It is hard for our children; we live about 24 miles from our Friendship Centre; we live in Longlac; and the Friendship Centre is in Geraldton. So I guess in Geraldton they pick up mostly white kids, so they get involved. There are a few Indian kids around I guess, but it is mostly white kids. When we went camping there were 12 white boys that showed up instead. So I don't know. If we can get one going in Longlac, or if we can get transportation for our Native kids; maybe they can get involved. We have two reserves in Longlac. There are alot of kids maybe they don't want to go, but all they do is bust windows and wreck homes. They got nothing to do just like the lady said, we get the newsletter, it says activities, there's activities alright, but we don't know what they are doing. What we know is mostly white, they learn in schools, what they learn there we want them to learn the Indian way.

JOE MORRISON

Maybe we can get Gertie to come up here and explain what the Programme is about. Most of the people that work in Friendship Centres were given packages. Paper that talks about all the different programmes that we are going to be asking about for your direction on and that was the responsibility of the Friendship Centre to explain what we are asking for out of these programmes.

when I worked in the programme, there were some non-Natives coming in, but not a whole lot, and it was because our Native children do that to anyone else.

I also believe, that if we have too many non-Native children in the programme, they would take over and we'd lose it, it is still Li'l Beavers, but it is not the same thing; and it is too bad that's why we are asking for direction from our elders. What can we do? What can we do to bring that back to our Native children? That's a concern that we see; and I know that with other Li'l Beavers Coordinators that I've worked with have the same problem/concern. They don't know what to do, some of them it is a situation that they walk into, it has always been there, and we need to know what to do about it; I don't know if that answers your question. But I believe that our children are ours and our communities have to know what we want to do with them because it is there, and we have to use it. One of the things I've been told and I think it was a Native way of speaking - that programme is there for our children and we can't waste it - does that help?

FLORINA WHATMORE

It is helping me a little bit now, but the problem is how do we get our children to come to these things? But as I said, the programme should be so that our parents come out - instead on sitting around watching the children playing around - shouldn't there be something the kids could be doing - something special - I'm not saying every time, maybe once a month - or like they do at the school - maybe at the end of the year or at the end of June. Maybe have something real special - like saying that is what they've accomplished.

GERTIE BEAUCAGE

I know that in all the years that I've been involved in that programme, the biggest problem that our Coordinators had to deal with is how do we get the parents involved? We've looked at it from so many different angles - what can we do to get these parents involved in their children's programmes?

FLORINA WHATMORE

Another thing is the person doesn't have time to get in touch with all parents, she should have volunteers to help out.

GERTIE BEAUCAGE

That is our second biggest problem, those are the things that we need direction on - how do we do it? Coordinators are always looking for volunteers. Sylvia has been working with the Li'l Beavers Programme since it began in terms of the development of the Programme - the development of the philosophy and the chapters of the programme - maybe she can help really zero in on the some of the issues.

SYLVIA MARACLE

I'm going to take a couple of minutes because I want to cover a couple of things about the Programme that Gertie has brought up, but I think are important for you to know. When making major decisions, the reasons for a children's programme in the Friendship Centre is the very reason for the Friendship Centres themselves. Some of us for alot of reasons come to the cities, to the urban centres, come from places like Moosonee and Sioux Lookout, when we get there we don't see other Indians we are too far away from home, from other people who speak our language, and get scared, we come there because they teach us in school, Dick and Jane, everything is going to be good in the city, Dick and Jane are there. Nobody fights, nobody drinks, everyone has a job, everyone has two cars, it is nice. They still teach that in school today in those books. Some of us come to the city when we were very young; I came here to go to school when I was 18; some kids are born here, very young. But the children didn't have the time, so these people came to the city in the very beginning in the 1950's and 60's, after the war; after they changed everything; they took our land; our resources; there was no where to go; we had to go to school; they passed laws; we came and we wanted to see other Natives; because we got lonely; nobody can make macaroni soup like at home; meet other people; so the people started where they met other Natives; they reached out their hands;

Bojou; sago; whatever your word is for "hello", and in extending that hand to those people became more; that is why there was those Centres in the beginning; because we got homesick. Nobody can make soup and bannock like at home; we are making them different. Nobody can speak like at home; and you wanted that brotherhood; that Friendship so they started the Indian Centres; the Centres are going along, a long time by then, we had come along way, we had gone to school, we saw the younger children; didn't have the things we had at home; they were tired; they didn't always have the time; they didn't have the time for the little ones; to do the things that we had when we were small, because our parents were right there; and so that reason for extending that hand in friendship was bringing those people in urban areas into the Friendship Centres. We thought that we'd better reach out to the children and that in reaching to the children in 1975-76, we said for whatever reasons we are going to call it the Li'l Beavers Programme; we are going to call it all kinds of things; there was a competitor and we called in the Beavers; they said okay, everything has to balance; the elders have said yes, we have to do something for the children; and that there has to be harmony in what we do with the children and that culture that's the most important thing that programme should do and that we have to balance the spiritual side of the children and the mental side of the child; that was the way that we were taught, the balance was there. There has to be balance in the programme; recreation stuff to take care of the physical needs, and that may mean softball, maybe canoeing, or trapping; or snowshoeing, that could mean all kinds of things and that we have to do some things for their mental wellbeing, so that we do educational support, that we do things that will teach them stuff so that they expand their minds. We have to worry about their emotional side, are they to come from a home where there is alcohol, where there is only one parent, are they living away from their parents because they are away at school; what are their emotional needs; how can we take care of those; what balance do we need. Then the last side was the side that Gertie, Joe and I think is the most important side and that's the spiritual side. How can we teach the children the way-the way of the Nishnawbe so that it is not lost; so that it does not end with this generation or the next generation, but so that those of us that are around could pass it to

the seventh generation, but so that those of us that are around could pass it to the seventh generation so that we do remember; that they have respect, so we said that's the way the programme will go so that the programme will have those four components; culture, recreation, education and social service support - supporting the child socially, so we started that we worked real hard at that for a long time, and then as Gertie said the years went by and the Freindship Centres grew - they were going on their way, they were experts in the community and so they took over the porgramme in 1980-81 and as Gertie said, that programme, what happened then, each Centre said they can go their own way, but the Centres, alot of time, they don't have the time for the children's programme; the Centres alot of times are so busy running around with money, government and doing administration, and they forget why we started, that is why we put our hands out in the beginning, for the small ones, What we are trying to do and what Gertie tries to do in training is that we try to teach the Coordinators what his primary responsibilities are is to allow the children, as Gertie said, to be proud of the fact that they are Indians. To be able to be Indian in the city and not give anything up. Ernie Benedict who will be here tomorrow, said that we can be Indian and we can survive anywhere. And that we can have the best of all worlds without giving up any of our survival instructions; any of our original teachings from the creator; and that is what we had hoped to do but was has happened. Ernie said that it is hard work looking after all those needs for the 10-20-30-40 or 50 children, and because it is hard work, some of those Coordinators take the easy way; they take them tobogganing or bowling instead of doing that hard work; howing the row, teaching the cultural stuff; what has happened is that many of our Coordinators, they're too young, they don't know that's why we bring you here, so that we can learn; they are shy and they think the elders are too busy worrying; the constitution, the aboriginal rights, the Indian Self-Government, that you don't have the time to worry about the children and we try to tell them that you are not too busy that they have to come; they have to take the children to Longlac or wherever; that is good for the children to go out and see that, but the Coordinators, because they are so busy, I guess they are tired.

The other thing that we have done and I think alot of people that know me think I'm racist, but I'm not, but I think that Indian people have to be responsible for Indian People and the Friendship Centres, maybe, they get caught up in the law, in employment standards, and hiring so that we have non-Native people work in this programme; how can they teach the culture to these children; how can they reinforce cooperation; reinforce the language; how can they open every time the children are together in a traditional manner; they don't understand those things themselves; so that takes them one step further away, and maybe those are the kinds of things we have that are problems now. But in the very beginning, where we started, we started by giving the children all of the things that we had when we were young, and maybe we have to look now again with your help, if that is where we started, in the beginning, you as Elders; another said that is good, that is balance, harmony, it isn't there now, and that is why we are asking you what should be done with these children, how should we be responsible, what can we do, what can we tell the Coordinators in the Friendship Centres about how that Programme should be, what we should look at. That is all I know about the Li'l Beavers Programme.

WILFRED PELLETIER

I don't know too much about the Programme, but I do know a little about Friendship Centres and that is not very much. I've been away from them quite awhile. I have some good new and some bad news. But the good news is I heard the other day was that none of the funding with all the cutbacks, nothing is going to be cut from the Friendship Centres. They are going to get their share. We don't have to worry about that. Alot of other programmes are going to be cut and soforth. But that is alright. Because I think it is time alot of us got on our own feet. The things we are supposed to do. That is knowing ourselves. The people. I was born here. I left here along time ago and I travelled across the country, and finally went to other countries - China, Japan, European Island, all of North American. Our people here always have been and grown from the land. We are the land. But our cultural background is very very important. I'm using culture loosely here.

I cannot define it as being anything specific, but except a way of life. The old Crees in the North, out in Quebec, I sat with them they talked to me, and they wanted to know what culture was; they said they hear this all the time, culture, culture, culture. What is that? A fellow who worked here in this area from Buckwheat and Wabano, was from that reserve. But these old people from Thunder Bay the crees, someone was a translator, so he would translate from bush cree into English ---- and we had another translator, who was a Sioux, that were there and the Crees and the Sioux began to understand each other after a couple of days.

I told Buckwheat what I told them when they asked me about Culture, Buckwheat said don't tell them, it will ruin their lives. That night Buckwheat and I stayed at camp, and talked about it and they said that is who we are, a way of life. So if we are a way of life, then what the hell is culture? Is it a part of something? abstract? part of who we are supposed to be? no, we are a way of life. We are the lion. When we look out and see other people, some are black, white and us red people, the red, black, yellow and white, signify those four groups of people who live on this earth. Now our problem is if we have on in our Friendship Centre. Sylvia was talking, she was right, right on the nose, she hit it when she said they are too busy with political things; they are forgetting about our young people, they are forgetting about what is happening to us, our identity, the holy land; keep that within us, unless we pass that onto our own young people, but if our Friendship Centres and organizations we built out there came all across this land, and they want them to do the job, we want them to do the job for us with our children in urban centres, we can't do that, there is no way. If our Friendship Centres don't get off their damn asses and start taking care of our people and never mind playing these political games, and they take programmes and who gives them those programmes, that they sponsor, government, white people, and if programmes like the Li'l Beavers Programme, and any of those other programmes are instilled into those Friendship Centres it is Trudeau's government who okay it. Then it is an assimilation programme; and we don't want our Li'l Beavers to go through an assimilation and lose their identity and it is alright, it is fine, if white kids join our

Programme, because they will become Indian, more Indian if they learn, I wouldn't reject them and push them aside, I don't reject the blacks or the yellow; all on this earth and that is who we are people of this earth, and that is the difference we know, we are of the earth. They are lost people, they have built so many churches across this land. I was visiting in Quebec and there are 120 churches in that city. There running over there one day in seven. Where we celebrate our life as the sun rises each day, and as the sun sets and we ask the direction, the four directions to give us our blessings, we have our identity, and our culture. It is the white people who are lost, not us, but we are losing and because we are too busy trying, playing that goal with the government in order to get the funding and everything else. Now those are not bad people, there is nothing wrong with those people who are there, they are trying to their best, but they have been there for so long, they get caught up in that entrapment, that enslavement. They get fenced in by all those programmes that have happened to them and now are happening to their children and I think it is very important that we take a really good look at redesigning our Friendship Centres across this country. So that things can start happening with our people, our people come to Ottawa now, where I live, who meets them, a cree came there from Saskatchewan the other day. Nobody met him at the airport. I remember years ago, there was never a failure. We met every Indian that came into town, and welcomed them. And there were men and women who participated in and welcomed that man into the state or a group of them saw that they got lodging and food and took care of them, fed them, did everything for them. That is all gone. We have to start redesigning our Friendship Centres. Is there a Friendship Centre here who has an elder, not one that I know of; if they want to do something about funding, they ought to bring elders over here, whether it be for two or three months at a time, so not only can they service the people and give them guidance, guidance to young people that are working on the programme, who don't know their background or have lost it through various institutions, bring them in here for a while and they can go back home again, not only that but they would help those Indian people in the cities who have flipped out; lost their minds, their wantings to kill themselves, there getting drunk, their falling down

all over the place, those people need help, but there is no elder for them to talk to. In Ottawa everyday someone calls, "Wil, some young girl out here in trouble, can you come and talk to her?" So I go down to the Indian Centre, I don't feel that comfortable there, too many people around, so I go talk to her some place else, try to get her back together again, on the right track. Sometimes they come to my place we sit down and talk. You know the girl came the other day to talk about dreams, and I told her, while I'm up here, come up here this summer, spend some time over on the rock and dream. She said every day that has happened to her. She sits quiet and she has two children, or something, and she said she's just sitting there wondering about what is happening to her. Where are these visions coming from? So I asked her about them. She told me that some of these visions are scary. She was scared because she doesn't understand, she dreams alot of eagles, she told me, she's not Indian. She said why do I always dream of eagles? The eagle will come and just go with that eagle, I hang onto its tail sometime, now I don't even onto its tail anymore I just fly with that eagle, and I soar to the skies, she said. Those are the kinds of dreams we used to have; our old people use to have those dreams, any tribe any place, and they still can, lot of them across this country. You can just go like that, not come home if they want. Anywhere they want to go, come from west, go east, go back there again, maybe only takes 15 seconds, half a minute, they are gone when they leave their body, and they are gone, we don't want to go. Airplanes, there are nice girls to look at on planes. Well I see that as a very important factor, the Li'l Beavers Programme. I think I will ride itself and take on its full meaning; every sense of the word, fills meaning if we bring our elders and put them in the Friendship Centres, and bring the man and his wife, put them there and h will be the guidance counsellor to talk to everyone in town. There are alot of white people that go to-- Friendship Centres to find out about Indians, while the white people most of them have been through institutions, schools, and so they think differently, they deal differently, they don't understand that well; I say just accept it; why are you digging that hole? why do you want to know? and if there's an answer to this it is because it is people, and you can go on saying because, for every "why" there is a because; I know I used to go for

walks along the road, I'd come across somebody who is digging a hole, I'd get in there and talk to him; I'd dig the hole for awhile, and then leave to go downtown. Go back down to Wikwemikong, and they would say have you seen Fred? I'd say yeah, he's up there digging a hole. What's he doing digging a hole for? I don't know, he didn't tell me, but I helped him dig it. You don't have to know just accept it and from there on if it takes 20-30 years to understand, give it time, but all those stories I've heard. You know Native People/Indian people are the best bullshitters in the world, they can tell you a story and they got you really believing it and five years later you found out they were just telling you nothing but a bunch of b.s., but in the near time, when you see them, they are laughing at you and you are laughing with them, because you believed in that story. I know I grew up there on the reserve, In Ottawa, when I was here in Toronto, alot of people up there and now from Kenora way, Longlac all down through, and I go talking to these people in my language, and they'd answer in english - all the young people now are just talking english, and if they are learning french, and they are talking french. What about their own language. They can speak that alot better than I can. Because I've lost that, haven't been that much around my own people to be able to talk it everyday, so I lose out too. We are concerned about what is happening, we have to take a good look at the kinds of programmes that will be coming out of the Friendship Centres without designing, our people either into assimilating our people with white people, or we can run our own programmes the way we want to run them, but you are not going to do with city Indians like me. I'm in the city, so my mind half the time is there, what is happening, the other half, I get into my own Indian way and I remember that. All that is a way of life. Our People, who are totally related to the land, now there is no one else and no place on this earth, where people are as close to the land as the Native people that is why government is having such a hard time with us. Because they have no idea what we mean when we talk about land. Another thing is we are the only race on this earth that can't marry our own people. Now that is a pretty rough statement to make, white people marry us in their churches, white people bring our people, the last time I went to

Wikwemikiong, I went there for a funeral, I'm always going up there for funerals, after it was over, the church is now coming to understand the strengths we have, the people, after the priest was finished, the people came and said it is alright Wilfred, I came over took out my sweetgrass and tobacco, and I do a ceremony with the drum going behind me, they sing the songs of farewell for the one that is gone, I fill my pipe, I light it, turn it four times, I lay it on the coffin, you see sweetgrass is sacred, that is a sacred grace, no animals eat this grass, only accidentally, that is a sacred grass, grass is for blessing, like our pipe, our tobacco, that you are not supposed to buy or sell, you go pick it yourself or its given to you, I have no pipes, I have never bought a pipe from anyone, all my pipes were given to me, now I only have 3 pipes left. But all those pipes were given to me. I accepted them. Sweetgrass has been given to me. Last year I went to pick sweetgrass myself, but I picked it in August right after the pow-wow so it turned brown. You are supposed to pick that in July, so I go pick and I get some medicine off the maple tree for my eyes, so I can see better, if my vision goes it goes, but if it goes I see just the same without my eyes, I can hear the man that walks, the man that talks, and I can tell you I can see right through that man or that woman right off the bat. I know how to deal with that person. I know if I should walk away and I just do that, backwards. Then turn around after and walk. So it is very important to know how I was brought up, to remember what it means as a child, growing up as a child. How I was never rejected by anyone. Because you soon learn that rejection, in the white society the kids they don't let you pick up their kids unless it face is wiped and has got a clean diaper on, and its fixed up nice, then they let you take it, but the Indian kid, there with the snotty nose, it doesn't matter, if stuff is all over its face, and body, just pick that child and hold it, it is never rejected. You cannot reject that child. I live in many homes down here, all of them were my father and mothers, oh yes, I had a father and mother, I used to stay there once in a while too. I used to go to my grandfathers and stay out there, I used to stay at different peoples homes, and I moved about. I carried water for them, I brought in wood and cut wood for them. Whatever I could do as a young man. I learned from these people, they taught me what to do, but our children in the city are not

getting any of that, the people are too busy, the parents are too busy. They don't have the time to volunteer, if they get volunteers you only get a few. Sometimes get white people coming in, but you can't reject them, but perhaps you should make it clear to them that we want our children to learn our ways, because it is important. That is what makes us who we are as a people. Our ways. Our traditional ways. So as you swing through life, remember your relationship with the earth for your identity. For the young people in American to know who we are, we are the only ones. The white people know who they are, some of them think they are doctors, engineers, they have got all kinds of names for all these other people all attempting to become somebody, or something. Indians don't have to worry about that, he is who he is, these are all categories. That is who we are. They are out there somewhere, and all of us people we are all in here inside, that is who we are. That is our relationship with the earth. One in the same. Not two just one. We are one together. So all you people I embrace you because you are all who I am, and I'm all who you are, and I'll tell you more another time. I shake all your hands. Meegwetch.

RITA MATTINAS

(taken in point form, take inaudible)

- most non-Native children in programme, children should be taught about Nature, sun, behaviour of animals.
- should be taught how to tell about the whether by the sun
- teach about winds, about dreams.

JOE MORRISON

I'm saying that when we are trying to find elders, sometimes they can't speak english too well, not to feel shy to talk their own language. By all means do that. We have translators here that can interpret the language. When the elders are talking, stop and give that person the opportunity to interpret. Because if it is way too long, he may forget some things that the elder was saying, when you are trying to translate the Indian language into the english language, sometimes you don't get the same meanings, it comes out different ways, that is why we are asking you, the elders, if they want to speak to go ahead and speak their own

language, but think about the person that has to translate for you.

You know that Centres have all kinds of problems and no community. We know that our people must work at the Centres, sometimes don't know how to deal with their work in the Centres; don't know which elders to approach in the community. And it would probably be good if you would talk in the community so elders can get together sometimes and talk about it. It is very difficult sometimes when you are trying to work in the community and you think you are always working by yourself. Because you don't seem to get the support and particularly people who work with other people. And it is not because that they are dumb or anything, you know how they feel, shy, they don't feel knowledgeable about approaching elders. It has to work both ways, the communication has to stand. You know that there are certain customs that we follow when people want to come and ask you for your knowledge. Something that you have. That you want to share. The thing that people work Centres even young people they don't know how to approach an Elder. How to ask and they always feel embarrassed about asking because they are Indian people. They don't know. They think they don't have to be told, they are supposed to know about these things, half of them begin to lose their own identity, lose who they are, they try to become like whiteman too much. They forget about your relatives and the community know your starting to be yourself too much. And we ask our Elders for support in these things. To give us the direction that we need. I know there are certain customs that we have to follow, but sometimes we have to visit people in Centres and Indian organizations that are trying to make better ways for our people that are living in the cities/towns. That is why we are all here for you to give us that kind of direction and substance for programmes. I know as we talk, a few suggestions have come out already. You know the possibility of having our own elders in each Centre. A group of elders that could do right to work at the Friendship Centres, those are the kinds of direction that we need. I feel in talking about learning more in survival skills, contact with nature, beginning to go back to that, so these things that we are asking for - your direction.

LUNCH BREAK

JOE MORRISON

This afternoon, we will go back to what we were doing this morning, talking about the Li'l Beavers Programme and how that programme should run and what you would like to see happening in your own communities about that programme. We'll give everyone a chance to get up and speak about that programme. We'll give everyone a chance to get up and speak a few words and later on I want to tell you a story about an elders gathering we had one time back home. After one of the had got up to speak, he had spoken for quite awhile, and the elder next to him was his turn to speak and got up and said "I'm saying the same things as you and sat back down, we've been given direction already this morning from some of the elders that talked about the possibility of having an elder working in our Friendship Centre, possible, but possible a couple in your own community and approaching, an another thing or teaching survival.

ELIJAH HARRIS

Spoke in own language. (Tape inaudible. Done in point form.)

- everyone makes mistakes
- culture means our beliefs, means everything what Indians should be; means what we believe in
- myself, I've been in the service for six years, never seen another Indian, went overseas, really didn't have to, man has own rights, can do what you want
- own language, never lose it
- today all younger generation can speak Indian, but they don't try
- teach our children to speak Indian
- myself, I'm a Seneca, can speak Onondaga, Cayuga, Seneca, never lost this
- while in service never spoke Indian, when I left the service, I could speak Indian just as good
- In my opinion, once you learn how to speak Indian, you never lose it

ARNOLD BOMBERRY

(Tape inaudible, done in point form)

More parent involvement; ensure that culture is taught as such we have today; sad to say that we are losing children of today; be proud of heritage; your culture; I speak to my children in Indian, but they don't understand; I'm sorry this has happened; my family, I used to speak in Indian language but they laughed at me; someday someone will walk up to you and speak Indian, you will not be able to respond; Li'l Beavers learn more about Indian ways; grandchild can speak Indian to he: brought up by my mother, spoke Indian; my wife never spoke; teach them at home, better chance to learn; have elder there; coach them.

JIM DUMONT

I think that the aims and objectives - you have to be there at times - has to be here right at the beginning - helping people, counselling people, making sure that people have a decent chance at life, decent chance at work, all those things are important for survival but it has to come from our ways otherwise it is not really Indian. That is what I believe it, and to me that is the most important thing that I think we have to come to and if we see that for Indian Centres, then we sit down and try to talk about it, what about various programmes, one per Centre and this is about Li'l Beavers Programme. We heard some of these old people say about what we should be teaching about the land, about Indian Culture, about the language, about how to survive out there - an even I'll have to teach them about the Indian way of life. That is the bigger thing that just surviving in the bush, the Indian way of life. Now if the Li'l Beavers Programme, let's say what it is going to be all about, that is what we want to teach the children, this includes Indian language, it includes the culture, it includes how to survive out in the bush, how to understand the trees, the wind and the animals, it includes all these little things that our way of life. Now if that is the first most important thing, that is why the Li'l Beavers Programme is going to exist. That is why the Li'l Beavers Programme is going to do that, we need somebody to coordinate that, first of all, that is our vision. You got to have a vision of what you are going to do, if you don't have the vision, you have to have a vision of what

you are going to do, all you are going to do today, well what are we going to do today? Well today, we are going to take them boating and maybe even make a schedule for the next five days and maybe bowling Tuesday night, and maybe on Wednesday night we'll take a trip out to the reserve and we'll talk to this old lady who knows about these dying fish, and maybe on Thursday night, so you are just kind of planning those things. So you exposing them to different aspects of culture and recreation. But you don't have anything in mind, they are not tied together. They are not coming to do something that you want for them. You have to have a vision of what you are doing; by the time we get to the end of a couple of years of this programme. Those kids should be taught to speak a little bit of their language. They should know stories; that is when you start saying, well this week we have to do this much, and it requires a lot of dedication and it requires belief in what you are doing. And accidentally they might have a chance to go out and be an elder or a fisherman. See what is happening has been good, because they are learning something which is better than anything at all. The one who is the Li'l Beaver worker is the Coordinator. Doesn't mean the Coordinator has to know everything, but the Coordinator has to know who is out there who knows about fishing, trapping, teachings about what it means to be an Indian. Nishnawbe. How he learned things. The same thing you are going to have to do when you go out in that bush and try and survive. The first man that was put on this earth had to go through that same thing. He had to learn, he had to find out from the animals around him, trees, birds, that's how he learned to survive. That is all in the teachings in those stories. But those teachers are out there. Those are the Elders. That is people who have been hunting all their lives. They are the ones who know they are the teachers. Where are all the resources, the porcupine? the power, that's your resources. You need hides, you have to know how to take care of them. That is your resources. Everything is out there, but you have to go and find those things. You have to make it available for those kids to get to those places and to those people who can teach them. If that is what we want for our children, is to teach them that way of life. And that is where the teachers are. That is where the resources are. I don't know maybe

its a different thing that other people want for their children. But for my children that is what I teach them. I want them to learn that way of life, and if they don't have much opportunity to do that, some of my neices and nephews who live in the city, the don't much opportunities to do that and we should make available programmes where they would have that opportunity to experience that. I'm just going to finish here by talking on this thing - balance - because it does that in the Li'l Beavers Programme, balance for their lives. The reason I want to talk about this is because for me Nishnawbe Life, that comes first. If you start out talking about that we have to balance all these things. We have to balance living in the city. Living the Indian Way. We have to balance Indian thinking with white-man thinking. If we are going to be able to survive in this society. I will give you an example of that, I know alot of people, one parent knows how to speak their language and the other doesn't. Alot of parents know how to talk Indian. And they try hard to speak to their children. They can't. The reason is why is they have a T.V. in their home, that T.V. does the talking to them, when they go to school they got those books, those books, that T.V. aren't Ojibway. When they go and play with their friends out there, they don't speak Ojibway. If we are going to teach them that, we are going to have to teach it and be really strong about it. We don't have to worry whether they are going to be able to learn, english or not. They are in school so much, they can't help but learn. I don't know why we worry about them so much, you say be careful about teaching them all Indian stuff. How are they going to survive when they go downtown. We live in a community where that is the way we chose to live. We built out own community. And we that Indian way of life. We have our own ceremonies. We have our own laws. We have our own schools, our children have never gone to another school. They don't learn to read or write until they are nine years old because we are busy teaching them that culture; that tradition. But my son, when he was 7-8 years old, he had to go and visit his grandmother for the weekend, 3 day long weekend. He'd come back and he could sing me every jingle and every commercial. He could tell me the latest that was happening on football. I wasn't interested but he'd tell me anyway. He could tell me what programmes were on Friday nights and all the programmes that followed it.

The ones he liked the best were on Saturday, starting with cartoons in the morning, and go through the weekend. He didn't have any problems out there in that society, he survived pretty good. So if we start talking about balance, start talking about our way of life. We don't do anything about that. And I don't think that we should be afraid to say that the Li'l Beavers Programme, Courtwork Programme, to say that it is the first and most important thing to us. We are Nishnawbe, and that is our way of life. It worked in the past and it works today. Meegwetch.

JANE PEGAHMAGABOW

Speakers have already said what I was going to say. Well it is true. I had a big long list when I left home. And I see that they have all been eliminated, so I don't have to say that much. One thing I'm happy about is to see that Friendship Centres see now that they do need our help. A few years back when I did see that they did but they never reach out to us. So now that they do we can talk about it. I'm very proud of our staff. They are very hard workers. And I have elders go in there and they treat them real good. So I know they are ready to take advice to listen to whatever we have to say, so I think that's where I was going to say we have to start from, the staff and board. We have to learn how to go and talk to the Elders. Make i' know that they want to come in and talk once in awhile. Or the staff will stay in their offices, how will we know we are needed. Most of these speakers have say everything. Start from staff and go from the I don't think that there is any problems with the programme, it is ju that the leaders are tired from doing all the work, she feels that she's doing it all by herself. That she doesn't have any help. Maybe the Board or whoever can come in for two hours you know and come in and talk to them. They could schedule some programme, where it can work into it. Maybe one could be dancing, maybe one could be singing, maybe one could be wildlife. But like you said, you have to have something to work with. You can't just walk in there and start talking. The children are going to sit there and not know where they are coming from. So the leaders have to sort of give them the right setting for it. Well that is what I would like to see in our Centre.

MIKE MEEKIS - Joe Meekis translator
(tape inaudible, done in point form)

I'm from Sandy Lake; I enjoy listening to the Elders talk about the Li'l Beavers Programme in general; we have children who don't know way of life; we don't know how to deal with these children, how to approach life and not destroy life; I'd welcome ideas on how to approach these problems; these children who are being spoken to are taught, but don't listen to what Elders are telling them, only listen for a short time and that's it; we try and do things that will make them aware and understand what we are saying, like giving them things; they don't show it in a way that is lasting; it is our responsibility to try and make these children understand their role in life, it would be interesting to know what, we as a group, could come up with at the end of the discussions; that is what I wanted to say about these children; another thing, I'm going to talk about is about Indian life, the way Indians live. Sure it is well and good that we sit around and talk about Indian life, but practising it is the ultimate, for myself, I try to practise what I learned, normally I don't talk about how I live in a traditional sense, I'm going to put my two bits in; that is what I tell my people whenever you look around and see these things, you were given all these things to live and survive; if there is no trees you would have problems; you hear the wind, see the results of the wind, again you were given the wind to live off; that is how trees survive, moved by the wind and from the wind that is how the lake survive, if it doesn't move it won't survive. Sometimes when it rains, everything under the earth survives from this rain; sometimes with our own lives, we were brought down here to survive and we were given tools. Look around see all kinds of roots, grasses, herbs, we know how to survive if we have medical problems. I know what types of herbs and roots to use for medicinal purposes. People in my own community have seen the medicines I use, I don't try to hide my potions and herbs. There are certain people who don't like to use these medicines. Christians, and others who don't believe. They see me burning these medicines, I really don't care what they think, as long as there is a purpose. That is what I try to do, live in a traditional way. Don't want to say I'm living in a traditional way and not practise it, you asked me how we can that way of life.

We practise and do what we talk about, then we will know a traditional life, like I prepare one potion and give to a sick person, even though that person doesn't believe or like that person; If the medicine works; practise what we preach, then we will live the life we are talking about. Again I stress it. We just talk and talk, we don't practise it.

JOE MORRISON

I know it is very difficult for people to attend, particularly people that have lived in the city most of their lives in an environment where they have not been taught traditional ways and when we have traditional people being to talk about the way of life, you being to wonder if they are really telling us things straight, and I know the way that I've learned from elders. As a matter of fact, I travelled with different elders when I started being involved with Friendship Centres. But that is the way it is. I know that a lot of young people are going back and trying to find out about their traditional ways, and a way of life we talk about. Try to find out who they are, trying to find some balance; meaning to their life, and when we get to talk about young children ages 7-14 and the problem of the age that they are in, too young to be able to make them aware of that; there are some people that value their traditional ways. People like Mike, that they are able to come and talk. A lot of us have lost our language, due to the system that we live (society). The elders have a lot of good things that they would like to share, and for the benefit of young people, try to understand. To get that understanding is very difficult. Elders have lived through and have gone through that life and they want to share that with you.

LINUS DORE

(tape inaudible, done in point form)

Children should learn how to follow their grandmothers/fathers; they should learn the Indian way and not get mixed up with the white ways; grandmothers/fathers should bring them up and also teach them; Friendship Centers should welcome people.

JOE MORRISON

Indian people always laugh at each other, laugh at themselves, have fun no matter where they are; alot of white meetings than Indian, don't laugh at each other. (Joe told story while he was travelling, tape inaudible).

RON PROULX

(spoke in own language)

I'll just explain something in english. One time I was called up in a programme - Alcohol abuse. They wanted me to speak on life. So when I got there, I went and got some elder to sit around with me in case I made a mistake. I said I want you to correct me so I spoke in English first, because alot of children don't understand. It took me a day and a half in english, so I seen my elder. They were getting tired so I said I'll quit for now and I'll come back and do it again in Indian. So they asked me when, I said tomorrow. You could see the elder, a great big grin on his face. I came back the next day around 10:00 a.m., I was done in 1½ hour to speak in Indian the same thing I said before took me one and a half days. So I said, it was a great honour for me to be able to come here and listen to our elders and teachers, if in doubt of what I say, and do, that's who I go to. Because there is a saying not too long ago, they've lived a cycle of life; cycle of life saying, you go talk to an elder that is 80 years old, all the knowledge that person knows, so that is who I look for these things, and that is why I'm here today, to get teachings from our elders. A very good feeling when you come in here, grateful, I spoke on children. I talk about my own children when I talk about their schooling, the only I heard from the principal was when they were getting kicked out of school. And this has been going on and so I finally approached him and said, hey what is going on here? my daughter is sitting here, and I asked him what are you doing? When I put my children in your hands, I expect you to look after them, I said you call me here, you tell me this thing, you shouldn't do that, and in a sense, but to learn what you are teaching and try to teach. He said "no". I expected that because the only time I ever hear from you is when you are kicking them out or locking them out of school. So I told him who they were. I said they are Indians,

regardless, so I said what I am going to do is take them out of here. So I approached a different school. I spoke to the principal and I explained to him what we are and what my children are and I wanted them to be treated as such. I said they find it hard to come in here, the atmosphere itself, the feelings, that is what ruins our kids. They don't want to learn and I talk to my kids and I told them the very same thing. I said that is what you learn. What I want you to do is walk straight and tall. Keep your head up be proud of who you are. That is what I told them. If not, I'm taking you out of these schools, and I'm not putting you in another one. They said okay. I get across to them when I speak to them. I speak of myself of what I feel of what I went through. So six months in there (highschool), different high schools, they came out top students. They were going to the other school for a year and getting kicked out. So when we speak to our children, that is what we are trying. Down home we don't have too much of it, trying to get across to other small children, not to be sarcastic about the other race. I don't like to hear that from the children. I just want them to understand who they are, once they understand who they are, then they'll get after their language. I got another girl at home, 14 years old. My wife doesn't speak Indian, my wife was raised by Toronto Indian people, real Nishnawbe. I just suppose she didn't take it, sometimes I call her down, because I got that over here. I can speak Indian, sometimes I'll just put it in, like I said it is kind of hard.

When I listen to elders I know that they are talking about life. Wild ones we had. I forgot I started to tell the elders how foolish I was to laze around till I was 40, and I got into a car accident, and I died for one week - 8 days - and I was with all our people, Nishnawbe- All I could see, spirit of people, my grandfather, my dad, my mother, and all the rest of them looked at me, and they told me, I wasn't going to come here, at that time, they were going to send me back. They were going to give me a job, and they would watch me, look after me. So I was sent back. I didn't tell them of what happened to me, when I did come back. There was a doctor there, and I was watching him. I was up here, and I was watching him but I didn't know that was me there at the time. I didn't talk to him in Indian. So he made a mistake, so he went to my head here, nursed it, so when I came to he came by and said

you are finally awake. I said, yeah. I'm awake but I'm awfully tired. I want to go to sleep. I want to have a good sleep. He grabbed me and he was hanging onto me and he said, no, you can't go to sleep, I said I want to go to sleep. I'm tired, he said you've been sleeping along time. I said no, I've been watching you, he took two steps back, what did you see? There are these little people you made a mistake in my arm. Then you started tapping my head. He let me go to sleep but he made me promise I'd wake up.

JIM BOSHKAYKIN

(Tape inaudible done in point form)

Friendship Centre in Atikokan asked me a couple of months ago to work with them as their elder, so I did. I have told them things I learned from my grandfather and I'm going to help them as much as I can. He said what this white society is doing, before Native people had no problems, what is happening now? I guess that is how young people learn language and the rest of it. What I do when I'm working with Friendship Centres, I like to help them, learn the language, in order for them to understand about culture. Little kids don't actually listen to you, when you speak. I've been with National Health and welfare for the past 15 years. I've learned alot from this, I was told by a guy out west, as soon as a child is born, young mothers feed them cows milk. Before the whiteman came, all mothers breast fed them, and the children listened to the elders speak. These conferences I go to, I learn alot of things, when children don't listen, that is because we were fed cows milk. These young mothers also do this so they can go out I'll do my best to help the Atikokan Friendship Centre, they told me in five yeras time, I won't be able to work with government anymore, so I'll work with these people who don't understand the Native language/life.

BERT YERXA - Joe Morrison translating

The reason I chose not to speak English, but I've learned english when I was a young boy, we used to play on ice and when I was about six, a whiteman came, catholic priest, and he asked me why we were running around out there and he said he din't like what he heard, the way that

priest talked to them, he said Indian people that live here, their just like god, he didn't like to speak english. And I thought about trying to learn as much as I could about the way Indians lived. And he talked about his wanting to learn from his grandfathers. Teaching him to trap, everything that Indians have done to live, to survive, with nature, that is what I wanted to learn, when he lived with this grandfather. His grandfather taught him everything he needed to know to survive. My grandfather knew more traditional ways of medicine, taught me to doctor myself with medicines. He was up in Fort Frances on the trapline, stays in the bush, but has never missed a winter or summer going up to his trapline. He then started talking about children. Some of them are hard to handle, hard to talk to now that summer is coming. People are going into town and start stealing. They start getting into alcohol, drugs, and the people that work with don't know how to handle them; to deal with them; that's what they have to learn. The people that worked in the programme, thinking about how good it would be for somebody to take these kids out. Lot of kids go into town, where they don't learn much, feels good to have somebody take the kids out into the bush, where they would learn about nature. The Indian way of life. The way of life we were given, all life that Indian people have lived. Some of these have passed an area and they were given a vision, to make a picture on a rock. Sometimes they see a painting, a man sitting on a rock. But all these findings that we've talked about, like everything you have to offer. Tobacco, when you go buy these rock paintings, very spiritual paintings. One time when he was paddling or gone off to the lake, he'd offer tobacco to the water. A man came again to offer more tobacco. But these are the things that you'd like to see young people told about. He talked about an experience that he had, he always been out in the bush, by the elders in the community. His grandfather, his uncles, taught him all those things. Never get lost in the bush. In the winter time, snowing, fog, he never got lost, by the way the ground when he goes out in the bush, he looks at his surroundings, picks out some landmarks. He talked about an experience he had, an American came up to fish, all the time in Canada. I guess he was going out Moose hunting, or something. it must have been in the fall that they were getting ready to go out, so they went out in a plane. Until the American didn't tell him where they were going, I guess he told the

pilot before they took off, but he didn't tell him where they were going, because they were trying to get him lost. I guess when they were flying around he looked at the land they were flying over. Tried to memorize all the landmarks, so when they landed, they were there a couple of days, they got there a day before the moose season, they wanted to do something, so they can go duck hunting, he told him well go to the river in the Bay, and the guy looked at him and said you never been there before, so how are you going to know? They didn't know that the he had eyes to look around while they were flying around. And that's the thing that relays the importance of keeping your eyes open when you are going some place strange. When you go out into the bush, you can never get lost. He told them, if you take me to Chicago you'd put him in the middle of the city, it is easy for him to get lost in the city. But it is very hard to get lost in the bush. Because that is the way he was brought up, and he also said again, that is very important for the people that work in the Centres to remember and try to get the children out in the bush, for them to learn, get someone who is willing to take them out, maybe take six kids out at a time. To teach them all these things that he talked about. The way Indian people live, begin to respect Native ways, that we have in order for us to survive. He talked about at home, Friendship Centres have a lady that works and she has quite a few Li'l Beavers, but often wonder how she was able to work with the group of kids. The place was too small, sometimes have nine large groups, and it is hard to get all the kids and keep an eye on them. Very little room to work. (I guess he's trying to tell us we have to find a different place, trying to get as close to what he said in English - forgive me if I missed anything.)

OLIVER WISCHEE

One thing I've really noticed in the last few years, anyway, I was talking to the Hudson's Bay Manager, of Moosonee, and he told us as the years go by there is less and less handicraft work by Native People. And it seems that it is not being passed onto the younger generation. Maybe they haven't got time to learn, I don't know. And the same old generation, they used to do a lot of handicrafts. Tobaggon, today you go the store; you pick up a snowshoe, where does it come from?

Hong Kong, Japan. So this programme that is coming up, called Li'l Beavers, I think about it alot. They should get help from the Elders, take advice on how to go about it. How to make those handicrafts. I'm not one. I sure don't know how to make them, but I sure can go and learn, ask the elders, get all the information, I can and pass it onto the younger children and we have to start somewhere. I think from there can't keep hopping from one thing to another. I was thinking about maybe get some representatives from the Li'l Beavers, get an elderly person to talk with them. Sit with them, and ask questions. How do we go about this? Some idea on how that may work with small children. I have a little boy of my own, he goes up town, I ask what he did, just kinds of mumbles. With this programme, he can learn to talk english. I'm an Indian, whatever and he'll keep that and how him all this trapping and fishing, through this programme. He I think the programme Li'l Beavers, is a very good thing.

Meegwetch.

RILEY ROOT Joe Morrison translating

In order to gain more knowledge and for our children, go back to speaking Indian, as a reminder of the past. (Joe translating). I don't know if I can translate everything for him. He talked about his bad leg, World War I, talking about inaction. Talked about school, the children going to school, high school. Talked about reserves, some of the band councils, talked about people that aren't members of the band. Accepting those people. Native people that are not treaty. Don't have a status number. But they are still people. The children that belong to the reserve. So they go to school, not knowing where they belong. Talked about starting to accept these people in the community. He mentioned alot of education. People very important. Also important for people to retain their own language, Indian ways. How Indians live. Hope I did justice in trying to translate for him. Different dialect.

MARIUS SPENCE -Nicole Spence translating
(notes taken from staff)

It is only through the Elders' life and experience that the younger ones will learn; By learning, listening, watching, the way they give and treat others is how young people will learn. Somethings being discussed today are critical problems for the people. Everybody should be concerned with the problems we are facing, make it your business to get together and talk about these problems. Main concern is the 16-18 year olds. Should all try to look for ways to help these ones, as they are causing stress for the whole family. A lot of them are being sent away and when they come back they do the same things. Friendship Centres should develop programmes for these adolescents. Tomorrow he will present his concerns about these problems, the situations we are facing.

BARNEY BATISE

Left my Centre looking for an elder. So I sit on my desk and I'm wondering who I might have coming to this. Because of elders are appointed that way. Lou who is recovering from cancer, my staff members of the Li'l Beavers Coordinator, and some of the other people recognize me as being able to teach so they seen that. In reality, I was the first elder at the North Bay Indian Friendship Centre, so anyway hving done that, and having my tobacco there, I ran around one side of my desk put my tobacco there and I ran around to the other side, took it, and here I am. Now my mother often told me when I was very young "watch out that you don't lose the way you were taught", keep that and look after it for awhile. That is all I'm giving you. I try. It is very difficult for me, but I'm still trying. I'm trying very hard. When we talk about children, I also like to share something else with you. Years ago, my great grandfather was a medicine man. My dad was a man that they used in the ceremonies that were performed, so that some of this, I suppose was handed down and it rubs off, now my great grandmother whenever my grandfather was in the death bed, he took a handkerchief and tied her to a chair. He told her to stay and look after the children. I often think about that to this day. What's the meaning? what's that mean? Somebody was trying to tell us something.

Then sometimes I wonder, I think it is really hard, sometimes it means to me that we are tied to a job. There is absolutely no way around it. none. There is not a person in this room that can give me an excuse of why we should not look after our children. There is no excuse. None. It is our responsibility - ours - sometimes that is the way it comes to me. That story, when she was tied down. Other times when she was tied there was because she was a mother. Grandmother. It is a very heavy responsibility for a woman. But woman must do that job. When you go down for the women to look after that job then the man must do his job, and so on. The whole thing comes as one big package. And we can't give up our responsibility. Father tied my grandmother down and say you look after the children. That is what was on his mind, and so some of that was passed onto me and I know the story very well, so I share that with you, and that is what we must do.

When I look at the Li'l Beavers Programme, the children's programme, and I know one thing for sure, pretty well everyone including ourselves, in North Bay, we are running out of room we are running out of room in two places, we are running out of room in our hearts for those people; sometimes there is only a half a tribe. So both things have to be patched up. Both things have to be sorted and like I said there is no excuse. At our place, we have now 50 children, have to be looked after. And there's 58 more waiting on the waiting list. And I have no excuse but to do something to capture the others and in terms of looking at our language, our traditions, and things of that nature, also sometimes what we don't do, what we do, we got there to use. Things that we do that's right there sometimes, we pass that. I often see the Friendship Centre bring in a person from Manitoba, Saskatchewan, however, to speak at their Friendship Centre, when that person speaks at the Friendship Centre, you listen to that person. So we must use the people that are around. We must use them. So I think that is important. Very important. When we talk about our Friendship Centre we talk about life at the Friendship Centre. It is life for our people. Gives life to a lot of people. A lot of good things develop. A lot of things that were started. But needs now to be looked after. Now are hard times. Believe me I'm really really glad that we are having this now, because I don't think from the things I hear and the things that I need that there will ever be

harder times coming for Native people in this country. So we are going to have to be there together. You know we hear things about us, but it is the thing that we listen to the story sounds. One time there were a couple of people on the shore line, and a fellow was looking into the lake, just looking around and he had a little dog wit him. And another Indian came along, standing side by side, looking into the lake. And the guy didn't know the other Indian person, so trying to make small talk, the little dog sitting there, and the guy asked him "what's you dogs name?" he said, "Listen", he said I don't hear anything. So the guy said come on Listen, let's go home.

The other one that I heard is translation. What's lost in translation, and what happens to our children? Courtworker in Thunder Bay, not there anymore, and she was telling me one day she had to go to the hospital to translate for a doctor. An Indian patient (old fellow), asked him when he had his last bowel movement? So she asked in Indian, simply meant what's the last time your bowels moved?", so he said whenever I walk."

But for whatever I can help out in this place, I'll be around. They have sent me here or I sent myself. However it happend, I'm here from the North Bay Friendship Centre. I still have alot to learn, but I'm here. I'm like everyone else. I've had my problems with alcohol, I've had my problems with family life, I've had my problems with children. Share with you, I have four children, 3 grandchildren, they are up in James Bay, now moose hunting. I had three boys and as they were growing up, I know for sure, they are the end of the Batisse line, the other one is a Technologist. The other going to school. So I thought to myself if I didn't treach my children the Indian way, have to dig a hole, once that I'm the one who carries the ball. I was talking to to a friend of mine, this Indian woman, I was telling her my story, my problems, what I felt and in her wisdom she said you just be patient. Sure enough, my granddaughter who is six years old can speak cree and is now learning ojibway. And is just as Indian as Indian could be. Black eyes, the whole thing. The oldest grandson, is the same. You take him into the bush and you are talking to a different person. He sees things that other children don't see.

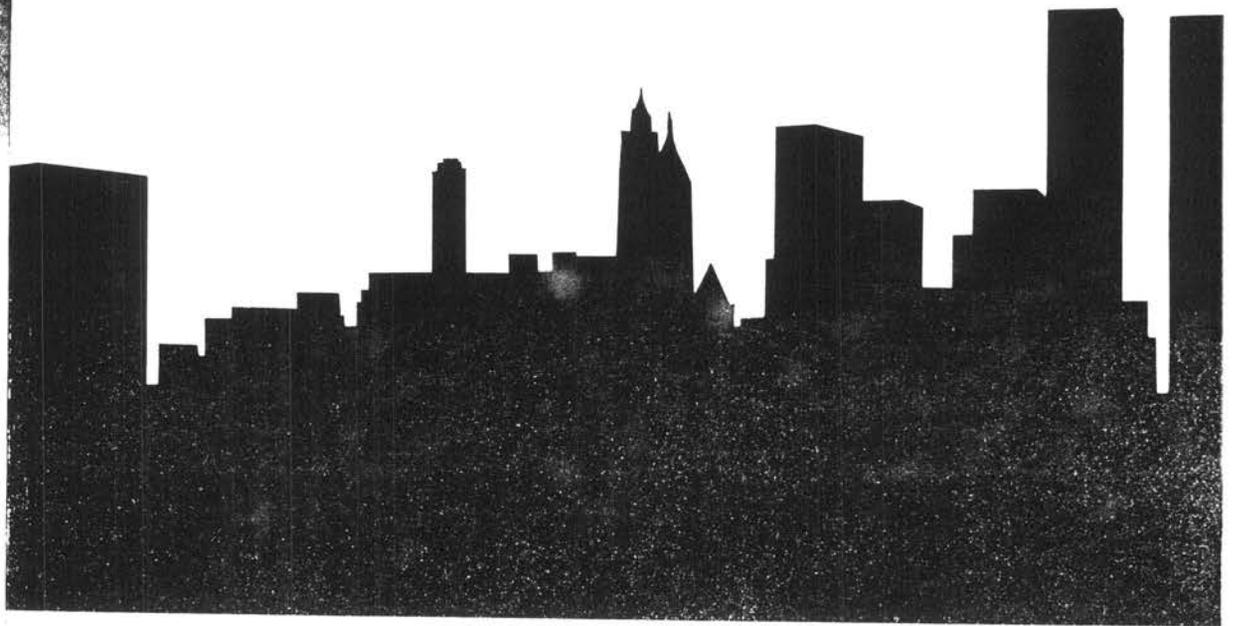
It is just amazing. So it is showing up and then my youngest grandson, Barney, he's carrying on the traditional family name. So I guess it is showing up now. If I can get young Barney looking like old Barney!

JOE MORRISON

It is just about time we break for the day, but I'd just like to reflect on the things that we've heard from the Elders that were, talking, in regards to the Li'l Beavers Programme, is that we need to change the direction or focus of activities of the Programme. They need to first of all begin teaching or showing the children the Native ways. Also in regards to the whole Friendship Centre that we need to do that. When we talk about the just one programme, very important thing that we need to do is show and teach and start following Native spirituality. Code of ethics. It is a very good thing that we are reminded again, and I heard elders talking about the need for going back to Nature. Taking children out. Showing them how to survive in the bush. And I guess there is a reason for that. When we listen to the elders talk, they talk about coming to an end. End of age to come soon. It is not the end of the world. It is the end of an age that is coming to an end. People that belong on this island that live on this island need to go back to the ways, original teachings that we hear a lot of people talking about. Teachings that help elders to help children to survive this end of age to come. Listen to a lot of spiritual people that talk about the buffalo. When all the hair comes off the buffalo, that is when the end of age comes. Listen to when elders speak. Cree elders. Ojibway Elders. Sioux elders. So it is very important that we begin to teach our young children to learn about surviving in the bush. What to do, nature, and also hear the need to begin to learn our own language; the need for having elders right at the Friendship Centre, to be right there. People have those kinds of problems. They want to learn, have some knowledge. Also hear the need to expand. The people that are working there have more than one. People that are really overworked, have large numbers of people involved in the programme, need more than one programme working there. These are things that we ask the elders to give us direction. Future directions

for the programme and that are the things that we have to focus on when we go back to our Centres. Talking about overall organization. Something to keep in mind. One thing before we go, mention to the elders to think about, tonight, the future direction of the Native Courtwork Programme, ways that we could improve our services before the court. Also the new Programme, which the Native Family Courtwork Programme, that deals with the children going to court. The new Young Offenders Act that is coming into effect. Problems with their children, problems with Children's Aid Societies, very important that these workers are given some kind of direction and how to work in that area. We shall ask the elders for direction tomorrow.

Native people in urban settings



Native people in urban settings

Problems, Needs and Services

By Frank Maidman, Ph.D.

A Report of the Ontario Task Force
on Native People in the Urban Setting, 1981.

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Preface

This is the first public report of the Ontario Task Force on Native People in the Urban Setting. The report is a compilation of research undertaken by the joint government/Native Task Force and reflects aspects of the situation of approximately 3,000 Native people who participated.

In addition, the report presents a general analysis of government and community services being provided to the respondents. In an honest attempt to avoid the broad generalizations that have historically colored provincial government/Native relations, the research findings represent the situation of the respondents, and should not be regarded as representative of the reality of the total urban Native population. The report reflects fairly, however, the problems of urban Native respondents in gaining access to, and using, community and government resources.

In the four years since the research was undertaken, there have been unforeseen constitutional, social, political and economic developments in the urban constituencies, which are not evidenced in the analysis of the data.

In order to be placed in a realistic perspective, five major characteristics of the Task Force research process must be recognized.

1. The demographic characteristics of the urban Native population are not consistently identified in relation to Indian-Metis specific differences.
2. The research sample of urban Native people interviewed during the research was heavily biased toward status Indians.
3. The "participatory research" aspects of the research program were not completed, in that it proved financially impossible to have the collected data verified by the participating communities.
4. The political status and concerns of urban Native people were not clearly identified in the data collection and were consequently minimized in the analysis of the data.
5. In the development of the Task Force research design, the subsequent significance of aboriginal and/or constitutional issues was not foreseen and is therefore absent from analysis of the Task Force findings.

Having expressed these concerns, the Task Force participants wish to assert the value of this report. Although the respondents have been aware of, and have articulated for many years, their problems, unmet needs and service requirements, the report succeeds in documenting them in a way that is objectively useful.

Should this exercise initiate positive co-operative policy, program and legislative change, the value of the Task Force research process will far outstrip the shortcomings outlined here.

As participants in the Ontario Task Force on Native People in the Urban Setting, we look forward to Era II of the project. In the context of continued co-operation, the Task Force partnership reaffirms our commitment to completion of the Task Force goal: that of improving the quality of life for all urban Native people, through self-identified social, economic and political change.

James W. Ramsay, Chairman
Barney Batise, Chairman

*Steering Committee
Ontario Task Force on
Native People in the Urban Setting*

sociological factors. Native respondents, however, clearly see social conditions as causing alcohol abuse among their people.

A point that was consistently made throughout Task Force studies was that alcohol abuse should be viewed as a symptom of urban Native social conditions, particularly in the areas of unemployment, limited education, inadequate housing, and discrimination.

Alcohol abuse was also seen to result from peer pressures and the lack of social and recreational opportunities for Native youth. A number of negative consequences of alcohol abuse were identified: fighting, involvement with the law, removal of children from the family, violence, and personal and family crisis. Finally, many Native organizational staff members, discussing the problems of Native women and youth, commented on the prevalence of alcohol abuse.

People don't respect it when you try to quit drinking — they tease you. It's good to have someone with you.

When you have nothing to work for, you figure, "what the heck."

Of particular note is the possible circular effects of alcohol abuse on other urban Native respondents' problems, particularly unemployment, negative public images and discrimination, and trouble with the law. It is known, for example, that most Native legal infractions involve alcohol-related crimes (Task Force Literature Review).

Cultural Awareness

Previous writings have noted the desire for a Native identity among urban Natives in Ontario and across Canada. Signs of this desire are: Native events, newspapers, cultural awareness programs, strong desires for Native children to learn their own languages, participation in Native organizations, visits to reserves for cultural activities, etc. Accompanying these activities is the notion that it is not an easy task to retain a sense of being Native while living in an urban environment.

Despite the variation in Native cultural background, there was a considerable need expressed for cultural awareness. This concern takes a number of different directions in urban Native thinking. On the one hand, for many Native respondents, a good quality of life involves the continuation of such traditional practices as powwows, Native crafts, drumming and dancing,

eating traditional Native foods, and observing familiar spiritual values. There is, as well, strong support for the recovery of Native heritage through opportunities for learning Native history, language, and cultures. Of equal importance, though, is that *non-Native society* should reflect an awareness and a sensitivity to Native culture and traditions. This shift would require more than attitudinal changes, although they remain important in themselves; over one-fifth of Ontario residents apparently hold negative images of one kind or another (Price, 1978). Fundamental *structural* changes and reinforcements are wanted, such as broader-based inclusion of Native studies in school curricula and elimination of negative images from the mass media. Human service organizations were criticized for their lack of cultural sensitivity in both their service criteria and staff-client relations. More will be said about this, and suggested solutions, in later sections.

The importance of cultural awareness to Native respondents is reflected in the weight it received, along with such basic needs as housing, employment, and education. There were two sets of findings. One was drawn from Native agency staff sample responses and the other from community sample responses. When asked to identify the most serious needs still unmet in their communities, 15 per cent of the staff responses identified those related to the enhancement of cultural awareness, particularly:

- children and youth programs,
- community friendship and resource centres,
- dancing and drum instruction,
- language classes,
- Native arts and crafts,
- pride and self-awareness,
- spiritual and traditional needs information.

(... Key Informant Study, 1981)

When non-staff members of the Native community were asked to name the most serious problem facing themselves or other Native people in their community, nearly one-quarter of the over-all sample gave answers related to cultural awareness and Native identity. In northwestern locations this statistic exceeded 40 per cent. In particular, these people made the following points:

- that there was a lack of Native culture and programs to enhance Native culture;
- that knowledge of a Native culture was lacking;
- that in some communities there was limited interest in cultural awareness by Natives;
- that additional barriers to the development of a Native culture were: the educational system,

which transmits non-Native values; the general difficulty in maintaining culture in the city; and the difficulty in knowing the true meaning of cultural awareness by Native and non-Native people.

(Urban Natives and Their Communities, Vol II)

Native agency staff responses reinforced these findings, raising further concerns about the social, political, and economic problems in developing cultural awareness opportunities.

- Friendship centres are heavily involved in serving the socio-economic needs of their people and have little time or resources for building cultural awareness.
- The goals of Native cultural-awareness programs and activities are not clear. Should they emphasize traditional Native culture or build an emerging culture, which bridges the old and the new?
- Although financing is a problem, there is considerable apprehension over sharing control of Native cultural content with government. On the other hand, a lack of government support is viewed by some as a sign that government is encouraging assimilation rather than a strong Native community.

In meetings with Native agency staff, 14 out of 20 meetings involved discussions of cultural awareness issues (... Key Informant Study, 1981).

What are the implications of cultural awareness for Native people? A content analysis of some lengthier and more thoughtful discussions revealed the following themes:

- The twin themes of cultural and identity "loss", which threaten the "survival" of an indigenous people.

For Native people in the city, staying Indian is very difficult. If you don't stay Indian, socially, in your leisure time, you become nothing and fail.

- The importance of cultural awareness and the psychology of pride and identity.

Cultural awareness is important to the Native students to help retain self-identity.

- The importance of cultural awareness to the individual's goals and purposes.

Indian people need to find out who they are; it can help them find out what they want ...

- Native cultural awareness can help them make contributions to society.

Only by remembering who we are (culture) and gaining knowledge of academic skills (education) and personal care (health and nutrition) can we live in the modern world with the pride and confidence to contribute positively.

- Cultural awareness is interdependent with other facets of Native life.

There can be little long-term improvement in Native family life, employment, etc., until there is a broad and profound basis for cultural pride and personal identity.

- Language is an important part of cultural awareness.

Strong self-identity is crucial to one's life, and intimate familiarity with one's culture, particularly language, is the key to this identity.

As a result of the considerations in this and last sections, two hypotheses may be advanced:

- that lack of cultural sensitivity in the dominant institutions makes it difficult for Native people to avail themselves of urban resources;
- that one solution to the alienation, problems, and frustrations experienced by many Natives is the recovery or reinforcement of Native culture.

This last hypothesis should *not* suggest that the recovery of Native culture has *only* problem-solving values, for it is clear that cultural awareness is important for its own sake. Nevertheless, it also seems true that the *meaning* of cultural awareness is becoming increasingly complex for many Natives, while providing some basic stability to lives otherwise under stress.

Discrimination

The paper, Strangers in Our Own Land, identified **discrimination against Native people as a significant factor in impeding their integration into urban communities.**

This observation was confirmed in Task Force studies.

What are the areas of living in which a sense of discrimination occurs?

The Task Force survey shows that discrimination is most likely experienced when trying to obtain housing or employment, in involvements with the justice system, and in the educational system.

Also mentioned, but less frequently, were instances of discrimination encountered in social welfare and other agencies, retail and financial institutions, health care systems, public facilities, and government discrimination between status and

staff, and consulting with Native people; these measures were particularly recommended for the employment offices, programs for drug and alcohol abuse, the school system (Native teachers and counsellors), family services, social welfare office, the judicial system and services to senior citizens;

- improvements in the *access to information*, particularly about programs and services in employment, housing, cultural awareness, recreation, preventative health care (particularly nutrition), and family life.

In addition to these, *other changes* to improve access to and use of resources were:

- quicker and more open access to housing and housing programs through reduced prejudice and discrimination, removal of local politics from the selection process, more flexible eligibility criteria, shorter waiting periods;
- integration of youth services;
- improvement in the access to educational programs and services through financial aid and housing for out-of-town students, and more flexible entrance criteria to training programs;
- equal job opportunities through the reduction of discrimination.

A number of general themes are suggested in the details of resource needs as listed in Figure 9.

These themes cut across all functional areas and will now be enumerated since they provide bridges both to general policy-development and to the discussion of future directions in a later section.

- *Cultural awareness and sensitivity*: the enhancement, within Native and non-Native communities, of awareness and respect for Native culture, heritage and culturally-influenced behaviors; changes required in individual knowledge, skills and attitudes, as well as in institutional service organization practices.
- *Additional programs, services and material resources*: particularly in housing, cultural awareness, drug and alcohol abuse (north), social welfare, recreation and day care.
- A more even *balance between* programs specializing in *crisis intervention and rehabilitation*, and those oriented towards *prevention*. This is particularly true in drug and alcohol services, family services, health care, youth services, and the judicial system.
- *Training*: including specific job training, upgrading, and general life skills (budgeting, home ownership, preventative health care, child-rearing).
- Improvements in the *circulation of information* about programs.
- *Financial assistance*, and the general provision of more affordable resources in housing, social welfare, recreation, training and education.

Figure 9

Urban Native resource needs identified by Task Force research

1. Housing

- | | |
|--|--|
| ● <i>more housing: decent and reasonable</i> | ● <i>emergency or short-term housing programs</i> |
| ● <i>financial aid: home repair, maintenance; low interest loans</i> | ● <i>special residences for students, elderly, women, men single-parent families</i> |
| ● <i>low-rent housing and housing programs for low income people</i> | ● <i>increased awareness about existing government and other housing programs</i> |

2. Employment

- | | |
|--|---|
| ● <i>jobs for men and women</i> | ● <i>information concerning service and jobs</i> |
| ● <i>retraining: upgrading, job training and life skills</i> | ● <i>more adequate funding for Native organizations to enhance training and job opportunities</i> |
| ● <i>job and career counselling for adults and youth</i> | ● <i>financial assistance for training</i> |

3. Cultural awareness

- | | |
|--|---|
| ● <i>language classes</i> | ● <i>opportunities for practising traditional activities (arts, crafts, drum, dancing)</i> |
| ● <i>opportunities for spirituality and elder involvement</i> | ● <i>opportunities to share information about different Native life styles</i> |
| ● <i>Native studies in school curriculum, and other ways to promote non-Native sensitization to Native culture</i> | ● <i>opportunities for learning cultural heritage and developing pride and self-awareness</i> |
| ● <i>cultural resource centres</i> | ● <i>cultural awareness programs for youth and children</i> |

Figure 9 (Cont'd.)

Urban Native resource needs identified by Task Force research

4. Drug and alcohol abuse

-
- *preventative work: education about drug and alcohol abuse, the possible relationship to health and nutrition*
 - individual and group counselling
 - special facilities for women, youth, inmates
 - *more programs in some geographical areas*
 - follow-up and rehabilitation programs
 - assessment centres
-

5. Education

-
- *Native studies (also mentioned in resources to enhance cultural awareness)*
 - *alternative Native schools*
 - adult education, upgrading, on-the-job training (also mentioned in discussions of employment needs)
-

6. Family life and childhood

-
- *family counselling*
 - *family life education: particularly parenting skills, hygiene, nutrition*
 - improved health plans and care
 - public information on Native problems
 - *Native foster and adoptive homes*
 - information on child placement, child welfare rights, available services
 - family crisis-intervention services
-

7. Social welfare

-
- *alternatives to welfare*
 - supplementary counselling or educational services: counselling, social work, crisis counselling, life skills training, parenting skills training, employment offices
 - *financial increases or supplements, particularly for those in transient or crisis situations*
 - priority to families in supplement programs
 - material assistance: housing (e.g. hostels, residences for transients or those in crisis, subsidized maintenance), clothing.
-

8. Youth

-
- *leadership training and development*
 - *organized recreation*
 - opportunities for interaction between youth and elders
 - Native-oriented programs in a variety of areas; employment, recreation, cultural awareness, etc.
 - *drop-in centres*
 - *counselling in drug and alcohol abuse*
 - life skills programs
 - follow-up counselling services
 - life awareness speakers (e.g. ex-criminals, unemployed)
 - employment services and work projects for youth
-

9. Recreation

-
- *more diverse recreational opportunities*
 - training opportunities for Native leadership in recreation
 - recreational programs to reflect Native cultural and social needs; traditional dancing and drumming; clubs and programs for Native women, seniors; cultural and historical identity seminars and workshops; national Native recreation and competition
-

Figure 9 (Cont'd.)

Urban Native resource needs identified by Task Force research

10. Women

- | | |
|---|---|
| <ul style="list-style-type: none">• day care• counselling• financial aid• crisis centres• housing for Native women students | <ul style="list-style-type: none">• alcohol abuse services• rehabilitation• Native women's groups and centres• job and employment services |
|---|---|

11. Health and nutrition

- | | |
|---|---|
| <ul style="list-style-type: none">• opportunities for preventative measures, particularly education and information about nutrition• traditional Native foods and herbal medicines | <ul style="list-style-type: none">• increase and improvements in health facilities and the means of access to them, particularly in the north |
|---|---|

12. Justice

- | | |
|---|--|
| <ul style="list-style-type: none">• improvement of Native Courtworker Program through additional staff, expansion of juvenile and family court, staff training, and the development of procedures to assure client access.• adequate after-care for rehabilitating Native ex-inmates | <ul style="list-style-type: none">• improvements in employment opportunities and training• alternatives to prison (e.g. community service fine options)• information about rights, the justice system, service resources |
|---|--|

13. Senior citizens

- | | |
|---|--|
| <ul style="list-style-type: none">• more programs for elderly (e.g. homes for the elderly)• medical services• transportation: cheap, emergency information• housing: low-rent homes, senior citizen apartments, home maintenance assistance• nutritional advice | <ul style="list-style-type: none">• opportunities for involvement in the Native community (interaction with young Natives to enhance cultural awareness: social and recreational activities)• home assistance services: nursing, social workers, Native homemakers, meals-on-wheels.• financial assistance• resources to strengthen Native family unit. |
|---|--|

Conclusions

The main points of this section are:

1. Although there are many Native and non-Native organizations providing various services in cities and towns of high Native concentration, these are apparently insufficient resources to meet the needs and demands of Native service users.
2. Additionally, the current programs are not providing their services in the most effective way.

An explanation of the possible reasons for service ineffectiveness is the next important task. This is pursued in Section Five.

Appendix II: Native Ideas on Self-Help Changes

While many Native respondents have a sense of hopelessness because they have been needy for so long, or their hopes have been dashed so often, there still exists a strong and deep feeling among many that getting together and getting the right information will lead them closer to solutions. The self-help suggestions running throughout the interviews and meetings cover all the areas of concern from housing to discrimination. Suggestions include such simple acts as getting together to talk, and complex tasks such as a Heritage Day holiday. Many ideas present themselves as new ideas in some localities and well established programs in other places.

The following self-help suggestions are presented from the perspective of the people with the needs. Some live in towns and cities with Native friendship centres, and some do not. While this affects the nature of some suggestions, the intent of the speaker is communicated as closely as possible.

The 154 activities or projects listed below are first divided into major categories of need. Within each need category, there are further subdivisions. The first set of activities are those that can be done with little or no group organization or gathering of resources. The second is mostly based on the time and energy of those who will benefit, but in some cases, other people and resources are necessary. The third set of projects within each need category are suggested activities for organized groups.

Cultural awareness

Activities calling for individual or informal group resources:

1. Set up a drum group.
2. Form local women's group to share cultures and solve problems.
3. Get involved in the Windsor Multicultural Centre.
4. Get Native elders involved in teaching group.

Activities requiring only Native resources:

5. Write and perform a theatrical play focusing on Native life style.
6. Set up cross-cultural programs with several tribes.
7. Have more Native gatherings (from a city without a friendship centre).
8. Have traditional Native activities (e.g. powwows).
9. Have cultural gatherings in the wilderness.
10. Get a newsletter going to let people know of Native events (a very strong sentiment in Windsor).
11. (Reactivate MNSIA local or) start other Native culture and rights organization.
12. Get Native elders involved in teaching young.
13. Get elders to teach classes in Native culture.
14. Get elders actively sharing talents in the community.

15. Develop courses in Native language instruction.
16. Teach treaty history, trapping, fishing, wild rice production.
17. Younger people should learn their language and learn about traditional ways of life.
18. Set up a network for obtaining traditional Native food and supplies.
19. Set up a Native food co-op (supply food at discount prices) and also supply a place to buy traditional Indian food and supplies.
20. Give a workshop for cultural awareness open to the public.
21. Set up public Native awareness programs. Show films on Native culture, issues, etc., and invite guest speakers, e.g. Xavier Michon, Richard Lyons.
22. Set up a powwow for the summer and invite the whole community and tourists.

Activities using only Native resources to set up a liaison with non-Native groups and institutions:

23. Spread cultural awareness through the school system with local Native people doing displays.

Activities organized by local Natives seeking the co-operation and/or resources of a provincial or federal Native organization:

24. Have heritage programs; for example, the Saskatchewan Indian Federated College's program.
25. Arrange for films to be made by Natives.

Activities organized by local Natives seeking the co-operation and/or resources of a provincial or federal non-Native organization:

26. Windsor should have a friendship centre for cultural purposes and for social services.
27. A special Native Awareness Day throughout the whole educational system to promote cultural awareness about Native history, culture, etc.

Suggestions to organized groups that they organize projects and activities:

Local Native organizations:

The Native centre should do the following:

28. Offer courses on old ways and on other Native nations.
29. Have evening and weekend programs in Native culture.
30. Arrange for young people to visit elders.
31. Have a homemaker's course to teach traditional cooking.
32. Have more dances.
33. Have community programs for non-Natives.

Roles and Responsibilities of Those Teaching or Interacting with Children:

The following list was presented by faithkeepers, elders and traditional people of the Haudenoshanee, for those who have responsibilities for teaching, working or interacting with children. They are not meant to be a definitive list but are presented to encourage all who interact with children to examine their own attitudes when addressing the Creator's special gift.

1. Teach the children in ways they can comprehend, don't overload them.
2. Teach the children in the ways of nature, so they will be able to identify and understand the ways of nature, step by step.
3. Teach the children about plants, animals, etc., so that they know they are alive and respond to affection and other such emotions as humans do.
4. Teach the children that all is sacred and has a spirit.
5. Teach the children that the extinction of one kind of life whether a plant, fish or animal means that the extinction of many other types of life will follow.
6. Teach the children the thanksgiving address and explain it to them in a way they will understand irrespective of their age.
7. Teach the children they are the Haudenoshanee, Anishnawbe, etc. and to recognize themselves as such and not as "Indian" people.
8. Teach the children to respect all life - people, nature, grandfathers, elements, etc.
9. Teach all who have contact with children that they have the responsibility to practice discipline where young children are concerned.
10. Teach the children to learn from their experiences so that they will understand and reason why things happen the way they do.
11. Teach the children values and traditions and teach all who have contact with the children that these are better understood when taught at home.
12. Teach the children to learn from the elders. Don't exclude the children from sessions with the elders, they listen and learn easier from someone other than their own relatives.

VALUES, CUSTOMS AND TRADITIONS
OF THE MI'KMAQ NATION

BY

MURDENA MARSHALL, B.ED., ED.M.

Introduction

In every nation, tribe or a group of people there is a set of rules which that certain group functions by. These set of rules can come in forms of values, customs and oral traditions. In some nations these are known as code of ethics. Under one or more of these titles, a society recognizes and utilizes these modes to better themselves to function within their own world. It is from these rules that one can become useful and productive as an individual within their own tribal world. It is from these rules that one's perspective on world views are so unique.

In the Mi'kmaq world, these set of rules are known as oral traditions. It is from these oral traditions that one can view the world through the window of tribal consciousness. It is through this window that our behaviour has been governed, a behaviour which is acceptable within our own tribal world. It is crucial that we are accepted in our world initially. It is vital in order for one to survive in this world, to learn these set of rules that have been given to us by the Creator.

Since our traditions, our knowledge of Mi'kmaq history and our secrets of life are oral, these set of rules which govern our daily activities must be taught by our elders. No one actually learns by verbal knowledge but one learns through observation all during

your lifetime. As you grow to adulthood you will have experienced most if not all of them. As you go through life you are exposed to certain situations which calls for a certain rule to monitor one's behaviour and also the behaviours of others.

In the Mi'kmaq world the philosophies of these rules are not considered important during your childhood. As you mature you begin to rationalize the philosophies yourself. Sometimes as an inquisitive child you may feel a certain rule is irrevelant to the positive contribution of your well-being, then you must no doubt ask questions. An elder will take time to listen to you as to why this certain rules seems worthless to you. In all cases you will be listened to and your case will be aired. The elder will point out all the instances where this particular rule has worked in his lifetime and your case doesn't stand firm with all the positive attributes constituted for thousands of years by the usage of this rule. In all cases, your doubt will be transformed into newly acquired knowledge.

These set of rules which I believe should be termed "Oral Traditions" are the foundations of our tribal consciousness. It is the feeding ground of tribal epistemology. It is the beginning and end of Mi'kmaq life. Without these set of rules we would not be any different from all other human beings and we would lose that uniqueness of being Mi'kmaw. We would lose that ability to perceive the world from a diverse perception.

There are many in numbers than what is listed in this writing. Since the author is Mi'kmaw, there has been much contemplation whether tradition should be broken by recording them on paper or whether they should be left as they have been for generations. The advice of the elders was sought and it is with their wish and blessings that they are to be recorded. Their rationale at the time was to give the teachers in schools the opportunity to relay these sacred messages to our children. There is great appreciation expressed by this author to the wisdom of our elders, without their understanding, this would not have been possible. The general feeling of the elders is that they are pleased to have these sacred messages be recorded by a Mi'kmaw therefore the fear of misinterpretation is not present. These are being recorded with the intent of spreading Mi'kmaq wisdom and to preserve and strengthen tribal consciousness in our youth, the Mi'kmaq of the future.

Values, Customs and Traditions of the Mi'kmaq Nation
by
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1. The Spirit is Present in All of Nature.

Given the Mikmaq view that all things in the world have their own spirit, and all things must work in harmony with each other, Mikmaqs show respect for the spirit by extending certain rituals to our interaction with nature. Just as we send off the spirit of our dead with proper rituals and ceremony, we extend a certain amount of recognition of the spirit of the tree, animal, plants and elements we disturb for our own use. When we cut a tree for basket weaving or a Christmas tree, take roots from the ground for medicines or our lodges, there are gestures we must follow to keep our minds at ease. We do not apologize for our needs but accept the interdependence of all things.

2. Respect for the human spirit from birth to death

In the Mikmaq world, all things have their own unique spirit. The trees, the water, the birds, the animals, and our children all share equally in the Great Scheme. Having their own individuality, these creations must learn their place in the world through their interaction with it and the guidance of their elders.

In the daily lives of Mikmaqs, children become part of the adult world by being an active listener and participant in it. They are included in all activities of the community, seen at all social functions. Children are encouraged to search, explore and discover their world.

Often we are accused of not disciplining our children, but discipline in Mikmaq society is different than in the dominant society in methods and practice. We use more indirective methods than directive teaching. We would rather encourage the child to observe, explore, and make judgements using their observations to reach a conclusion. In cases where a wrong has been done to another either another child or a family by a child, restitution must be made by that child. In this way the child is very much aware of his wrong doings

and usually will never forget that incident or the events that led up to it.

3. Respect for Elders

Mikmaq society holds this value with the highest esteem and considered most important of all. Elders not only hold the knowledge of our ancestors, they have the language through which the knowledge must be imparted to the youth. Their years of searching, listening, experiencing, and understanding all that is bodily, emotionally and spiritually possible, grants them the wisdom and strength needed by our youth to become good Mikmaqs. Elders are the keepers of the sacred lessons of tribal and global harmony for all living things within the environment.

4. Mikmaq Language is Sacred.

We believe our language is holy and sacred. The Creator gave it to the Mikmaq people for the transmission of all the knowledge our Creator gave to us and for our survival. Our language has its origin in the Maritimes, in the Land of Mi'kmakik, and it is here that it must remain to flourish among the people or we become extinct. The sacred knowledge within our language provides wisdom and understanding. It focuses on the processes of knowledge, the action or verb consciousness, and not on the nouns or material accumulation. It has no curse words, but rather only words to describe all of nature. When one wants to curse or damn anything or anyone, they must use the English language.

5. Sharing

Being Mikmaq gives the unique ability to have an eagle's viewpoint of sharing of yourself, your resources, your time, your knowledge, your wisdom freely without being asked or expecting anything in return. This value is universal among all Native people. The reciprocal giving and sharing enables all people to survive equally. This sharing is expressed in daily life in daily dialogues among Mikmaqs, sharing stories of self and others, reconfirming the spirit of the Mikmaq. Mealtimes are open to all who come and denial of food as polite gestures is discouraged.

6. Death is as natural as birth.

The concept of death in the Mikmaq world is as natural as birth and is talked about daily in the home. In the large Mikmaq network of people, death occurs frequently, and most Mikmaqs go to the wakes and funerals no matter how far away they appear to be. If a Mikmaq dies in a distant city, they are sent home to their kin where they will be given the proper final rituals for entering the spirit world. Children are encouraged to visit the wakes in the homes of the kin, to ask questions, and to experience the grief and the sociability of the group. Because death is accepted as a part of living, we are frequently reminded that we are here for a short time; therefore, one must make the best impression on others.

7. Individual Non-interference

This is one concept that baffles non-natives the most. They cannot understand how one can be counselled if there is no verbal direction to take. A Mikmaq counsellor will use the metaphorical approach instead to show another Mikmaq how a situation and the consequences occurred. Making one aware of behavior and consequences of another enables one to see the patterns of similarity and provides necessary information to make judgements accordingly.

8. Respect for the Unborn.

In the Mikmaq language there is no word for fetus or embryo. From the time of conception, a baby is called a Mijuwajij (baby). A mother's behavior and attitude are important elements during the growth of that child, so certain precautions are taken and certain behaviors are expected of the mother.

9. Aging is a Privilege.

The older one gets, the wiser one becomes and the more respects one accrues. When a person receives the title of an Elder, s/he is called "Ami" (our grandmother) or "Ami tey" (our grandfather). In this respected position, elders are the teachers of our children in everyday life as well as the spiritual life. They are the orators whose knowledge about Mikmaq life and history are critically important to our present and future.

10. Spirituality

Native Spirituality is rooted in the world view of the Mikmaq people, reinforced by the deep faith and beliefs of our elders. It maintains their vision for this world, and provides hope in the next. It provides security and peace to the person, and is evident in the soft, accepting nature of our elders. While our elders are Catholic, the old traditions and customs associated with our traditional spirituality are now blended. Elders have a special ability to make one be pleased with himself because there is no anger in the way they teach.

11. Belief in the Supernatural

Mikmaqs have learned about the two worlds from their Creator and how one can obtain knowledge, wisdom, or powers from the other world. Supernatural powers are thus transmitted through special endowed people who can go between the two worlds. One, however, goes for good (Kinap) while the other goes for evil (Npuoin). Both are able to overcome the most difficult feats and are greatly feared, especially the npuoin. Kinaps were males who used their powers for the well-being of the society. Our language tells us that there were no female Kinaps, since the word "kinape'skw" (female Kinap) does not exist, although there was known to be a "Npuoini'skw".

12. Humility and humor

Mikmaq have their own unique sense of humor. They can withstand any wrongdoings, misgivings, and shortcomings brought on by another society, or a quality amongst themselves, and be able to laugh about it. We accept our own fallibility by laughing at ourselves and poking fun at others. No human event is so serious that does not include humor, stories and jokes. Mikmaqs can take a situation which might seem hopeless and transform it into lively piece of conversation complete with the jokes and puns.

13. Labeling: Understanding the Spirit

First impressions is important to a Mikmaq. What spirit that persons carries will become known immediately to the Mikmaq greeters. Such a spirit in a person may become known through his behavior, clothing, body language or speech, and immediately the

Mikmaq will know this spirit and thus name it, giving a unique name to the person which may stay with him through life or be short-lived. This labelling is a process common among Mikmaqs, and accounts for the many unique names given to individuals.

14. Sweet Grass Ceremony (Pekitne'man).

Sweet grass is sacred and is kept in all Mikmaq households. Fresh sweet grass incense lingers in the air all the time. In earlier days, Mikmaqs burned braided sweet grass as an offering to the spirits. The elders have had great respect for sweet grass as evidenced by their respect for it and giving it special presence in their homes. They advise us against misuse of the sweet grass other than for baskets or pekitne'man.

15. Indian Time

Time is known in the tribal Mikmaq world as the biological rhythms of nature. It is not clocked in a linear spiral, but is known as a space with no beginning and no end. Thus, when our people meet, the meeting begins when the people greet each other and begin the long curious explorations of each other and their families and kin. Elders believe that there is a time for every thing and that time will be right and known when it approaches, for instance when your body tells you it is hungry or tired.

16. Time for Healing

There is a time set aside for healing all pains, physical and mental. When a misunderstanding develops within a family or group, one of the persons in the dispute will leave the household and seek refuge in the extended family. S/he will be given shelter and will not be pressured to go back and make amends immediately. Instead, ample time is given while s/he makes a mental evaluation of the situation. Judgements are reserved for those involved. When the anger has subsided on both sides, s/he will make the first move and try to be reinstated in the household.

17. Child Care

On a reserve or a village, children are visible everywhere. Each adult had and still have that obligation of keeping an eye on children and warn them of potential danger. That danger may be in the form

of an approaching stranger, thin ice, an on-coming car, or an animal. It is one's duty to make an effort to protect all children. It is also appropriate to scold or lecture children other than you own when you see them doing something wrong. Children who speak or understand the Mikmaq language know when a stranger who speaks to them in English is not to be trusted and they will turn away from the stranger.

18. Ritual for Death and Dying

When a person is dying or even dead, Mikmaqs believe that person should not be left alone. One does not come into the world alone, and therefore, should not be left to die alone. Since light was given at birth, so also at death there is light, signified by a candle that remains lit and lights left on to help you in finding the path to the Spirit World (wasoqnikewi). All the family members are encouraged to go to the hospital and be with that person. Each member of the family must seek peace (apiksiktuaqn) with the dying person even if one feels that there is no ill feelings between them. Elders feel that it is important one enters the Spirit World completely at peace with everyone and everything.

19. Rituals for Mourning

While a person is dying and on threshold of death, elders will tell the people in the room to reserve their tears until the person has passed on to the Spirit World. They feel that the dying person will have an easier time making that transition if tears are not shed. When the person has finally expired then tears flow freely. Everyone, men included, are encouraged to cry. Elders tell us that the only thing that will help will be to cry and to cry until you cannot cry anymore. Once the tears are gone then you will have an easier time coping with death.

20. Richness of Body Language

Mikmaqs and Native people, in general, have the ability to use non-verbal signals to warn of danger, to signal indifference, to ridicule and to give directions. Most people know the signals since they have used them or have seen their parents use them. Some signals are universal among Native people and some are unique to a tribe. Without uttering a word, a Mikmaq facial expression can ridicule or express feelings and laughter will be spontaneous.

21. Honoring Ceremony for Elders (Pestiewa'ltimk)

This ceremony was celebrated in conjunction with the annual Christmas season. In the years gone by, elders were honored during the days from Christmas Day on through to January 6 or the Feast of the Three Kings. Since Noel came from the Christmas day itself, all the Noels would be honored first, followed by second day of honoring all of the Stephens since this day was also the Feast of Saint Stephen. All male members of the village or reserve would be honored. The honored person's family prepared a feast for the entire community, and the community brought a gift of a cross upon which a gift of a tie, shirt, or scarf might wrap around the cross. The food was abundant and it was an ideal time of year to rest from hunting. A different name was honored each evening so eventually everyone of these names, regardless of age, had the opportunity to be honored.

22. Ceremony for Individual Accomplishment (Wi'kipaltimk)

This honoring ceremony is intended for people of different ages to honor individual accomplishments or feats. It is performed when a young boy has made his first kill, whether animal or fish. His household prepares a feast, cooking what he has brought home for food. The entire village or neighborhood is invited. The young boy sits at one end of the table and watches as the elders eat what he has provided. Each elder that comes in brings a small gift for the youth. The young boy does not eat but only enjoys the company and the compliments of his good hunting skills. In the contemporary sense, this ceremony is now used to honor educational accomplishments or acquiring a position.

23. Dreams

Our Creator advised us at our beginnings to listen to our dreams, and thus for ancient millenniums, our people have been able to interpret their dreams and understand what knowledge they bring. Some dreams had no meaning while others cautioned or provided guidance. No dreams were taken for granted and each one was carefully analysed for a possible message from the Spirit World. While this is a skill fast disappearing from our Nation, it is still maintained among some of our elders. There are those who have the ability to see the meaning and content of the dream and provide valuable assistance or guidance.

24. Ability to Function in Separate Worlds

In order for Native people to be happy and productive during their lifetime, they must be able to function in what is perceived as the two and sometimes three worlds. One must be productive and happy in his tribal world, but also one must also be able to accept and live harmoniously with all his brothers and sisters on the earth, including those in another society. Thus it is important then for our children to learn of other cultures and peoples, recognizing that they are not forced to be part of those environments but do so from choice. Education offers that realm of knowledge and choice. The Spirit World thus is the other realm that we must come to know, accept, and from which we seek guidance and nurturance.

25. Customs and Beliefs Affecting Women

The female of Mikmaq society is a powerful force, well-recognized among its people. She is a strong force for transmitting the values, culture and language of the people since she is the main agent of the culture. In every Mikmaq unit there is a strong female presence. The power of the woman and the cycles of her body are so strong, they could affect the spirits of the male so as to diminish his ability to hunt or fish. Certain customs are thus followed by women: they must not ever step over a male's legs, or his fishing pole (smkwati), his bow and arrows, his gun, or anything else associated with hunting and fishing.

26. Customs for Visiting

When an elder visits a home, it is generally understood that the visit is meant for that gender to which that elder is. If a male elder visits, the wife may leave to give the elder men privacy in their conversations. The same procedure holds for a female visiting the home.

27. Belief in a Forerunner

Elders have the ability to distinguish a forerunner from a coincidence. The message of an pending death is represented by a bird, an animal, or a peculiar incident. Some elders can even name the individual who will die because of the message they received. When the elder is visited with a forerunner, s/he will not become

frightened or feel threatened. It is a very spiritual foretelling and is well-respected among our Nation.

28. Feeding of Grandfather (Apuknajit)

The feeding of Apuknajit is a time of giving thanks to the Spirits during the most difficult time of winter. It is a ritual which is performed on January 31. When darkness has settled, food is put out into the night preferably on an old stump or near a tree and offered to the Spirits. In days gone by, eel skins and fish heads were offered. An elder would lead the family to a stump, give thanks for surviving thus far and ask for additional assistance until spring.

29. Behavior modification of children

Not all children's behavior was corrected by modeling and metaphors. Children on certain occasions needed something more concrete than words to correct their behavior. This is a time when the parents will ask the child to go into the bush and select your switch (npisoqnn). The indication at the time is that the child is going to be disciplined with it. The psychological effect in securing your own form of punishment is sometimes greater than the actual beating itself. Most of the time parents would consider your efforts and obedience in going into the bush and together with a stiff lecture as sufficient for any misbehavior, although if you had the misfortune of being switched then you will never forget the misdeed that warranted such punishment.

30. Respect for Food

The rituals for food, food preservation and behavior while eating that are rigidly reinforced. First, food is sacred and as such we bless ourselves before we eat to give thanks and offer respect to food. Secondly, one is never allowed to play with food or throw food around. One is never permitted to sing, play games, or use any abusive language when referring to food. Food similarly was never put into a fire, but always returned to nature. It was also not wasted, and each person took only what they could consume.

NATIVE CHILDREN IN TREATMENT: CLINICAL, SOCIAL AND CULTURAL ISSUES.

Terrence Sullivan.

ABSTRACT: Five consecutive admissions of status Indian adolescents to a children's mental health program are reviewed from their initial apprehension by child welfare authorities. A review of the high incidence of Indians in care in Canada follows along with an argument that the child welfare authorities in Canada are devaluing native culture, and assisting the process of social disorganization in Indian communities. Some innovative approaches to this problem initiated by native people are reviewed along with a sketch of native/white differences in family systems and child rearing. Some implications of these issues in working with acculturated native children who have grown up in white alternate care facilities are discussed.

"An Indian youth has been taken from his friends and conducted to a new people, whose modes of thinking and living, whose pleasures and pursuits are totally dissimilar to those of his own nation. His new friends profess love to him, and a desire for his improvement in human divine knowledge, and for his eternal salvation; but at the same time endeavour to make him sensible of his inferiority to themselves. To treat him as an equal would mortify their own pride, and degrade themselves in the view of their neighbours. He is put to school; but his fellow students look on him as a being of an inferior species. He acquires some knowledge, and is taught some ornamental, and perhaps useful accomplishments; but the degrading memorials of his inferiority, which are continually before his eyes, remind him of the manners and habits of his own country, where he was once free and equal to his associates. He sighs to return to his friends; but these he meets with the most bitter mortification. He is neither a white man nor an Indian; as he had no character with us, he has none with them." *

INTRODUCTION

In 1979 there were about 70,000 registered Indians in Ontario comprising 1 per cent of the provincial population. When the total population of all self identifying natives and Metis are considered, the figures move closer to 300,000. For purposes of this paper,

* From a report by early New England Missionaries quoted in Swanton, 1926, p.502.

unless otherwise indicated, discussion will be limited to status Indians as defined in *The Indian Act*, since they are the only people reliably identified in reported data. When discussing non status Indians, I will use the term native people.

Before 1950, government policies, attitude and practice toward Indians were repressive and custodial and communities were administered rather than self-governed. Currently, 573 "bands" are organized across Canada, with an average membership of 525 individuals. Bands are the social organizational unit currently recognized by government for purposes of federal regulation and assistance. The special legal status of Indians is currently delineated in Canada's old constitution, *The British North American Act* and *The Indian Act* of 1951. *The Indian Act* introduced measures designed to increase self regulation and local government in band councils, and the "Indian Agents" have gradually disappeared from the reserves over the last 20 years.

Except in the north, Indian bands are located on rural reserve lands set aside for their exclusive use through treaty arrangements. There are now 2,242 separate parcels of land for a total of 10,021 square miles and the land base has been fairly stable for about 20 years. About 65% of all Indians live in rural or remote communities. About 30 per cent live off reserve in major urban centres.

Indians in Canada are a race apart from the larger population with separate legal status and cultural heritage. They speak 10 different languages and 58 dialects across the country and use of the languages appears at least stable. There has been a major increase in cultural expression and political activity over the last 20 years and Indian associations are making active representations to all levels of government. The social and economic conditions of the Indian population are poor compared with those of the larger Canadian population.

Over the course of the last 20 years there have been some advances in the treatment of the Indian population, particularly in granting bands increasing responsibilities for self-administration and local self-government. However, in spite of the best efforts of federal and some provincial authorities to reinforce the cultural uniqueness of Indian status, a major social problem is at work across the country. This problem serves to devalue Indian cultural practices, disrupt and erode family and community ties and contributes to the social breakdown and disorder on reserves.

Across Canada, disproportionately large numbers of Indian children are finding their way into white alternate care facilities through initial interventions by provincially mandated child welfare organizations which remove them from their communities. Five consecutive admissions to a children's mental health centre are reviewed in Appendix A of this paper. In each of these case summaries, hundreds of pages of child welfare notes, foster care and adoption notes, juvenile court reports, psychological and psychiatric

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reports were examined. Excepting for the initial apprehension and adoption histories and one psychiatric assessment in the case of Lana, identifying a cultural identity confusion, there is a virtual denial and ignorance of the importance of their Indian status. Little importance seemed to be attached to their Indian status, excepting value laden assumptions of neglect and deprivation in infancy and early childhood.

After reviewing the apprehension, adoption and placement histories, it is clear that little consideration was given to: (a) the cultural values of the Indian community; (b) the role of the extended Indian family in providing care for children; (c) the importance of stability and cultural identification over dislocation and displacement in considering "the best interests" of the child; (d) the importance of early Indian child rearing, cultural bonding and visible racial differences in the placement, care and treatment of these children; (e) the impact of their removal and acculturation on the larger Indian community.

INDIAN CHILDREN IN CARE

Because of the recent rise in fertility rates, approximately 40 per cent of the Indian population in Ontario are children under 16 (Louks & Timothy, 1981). Mortality rates for 5-19 year old Indian youths are 3 times the national average with violent deaths accounting for one third of these. In the 15-24 year range, suicide is about 7 times the national average (I.A.N.D., 1980). The Ministry of Community and Social Services recently reported that of all "hard to serve" children in Ontario, Indian children constitute the largest racial group second only to Caucasians. There are large numbers of children entering mental health settings who initially entered the white serve community through the doors of Children's Aid Societies. It is a tribute to our cultural ignorance, that accurate statistics are not kept on Indian children in mental health settings, nor 'crossover statistics' on children moving between child welfare settings and mental health or correctional settings.

In 1980 there were 1,045 Indian children in care in Ontario. This constitutes 10% of the total number in care, ten times the white national average. In Northern Ontario the population of children in care jumps to 19%. A conservative estimate puts financial costs of services to Indian children in Ontario alone at close to 6 million dollars (Louks and Timothy, 1981). The Indian population is 1.3 per cent of the Canadian population, but the average percentage of native children in care across Canada is about 20% of all children in care. In some provinces such as Manitoba, where the Indian population represents 15% of the total population, the number of native children in care is a staggering 60% of all children in care (Hepworth, 1980). Of these children in care, many have experienced massive uprooting. In 1978 in Manitoba,

27 Indian children were placed in other provinces and 63 were placed in the U.S.A. for adoption!

Hepworth's study also points out that once admitted to care, children of native ancestry are less likely to be returned to their own parents or to be placed for adoption. When placed in a foster home it is likely to be a white family. This trend continues today in spite of clear evidence that Indian children fostered or adopted by white families experience more pervasive problems than their reserve counterparts (Berlin, 1978). The actual number of Indian children adopted has increased five fold across Canada since 1962, and more than three quarters of these adoptions are by white families.

Why are there so many Indian children in care in Canada and what is the significance of these large numbers? In part they speak to poor social and economic conditions of Indian family life, and they also speak to the over zealous activity of child welfare authorities using culturally biased structures and values to "help" Indian children. Hudson and McKenzie (1981) have outlined three of the traditional arguments to explain this problem. The first argument, from a human and social development model, sees Indian child neglect stemming from jurisdictional disputes which result in inadequate provision of personal social services such as family counselling, alcoholism treatment and traditional child welfare services. Johnston (1981a, 1981b, 1981c) has succinctly outlined the jurisdictional disputes, and how federal-provincial bickering has resulted in large regional disparities in services, poorly conceived, and poorly regulated child welfare practices with Indian children. This issue was also clearly acknowledged in the Hawthorn Report:

"... the special status of Indians, and more importantly the policies and practices which have affixed themselves to that status, have had the effect of placing barriers between an underprivileged ethnic minority and welfare services which they need ... the assumption that ... reserves were federal islands in the midst of provincial welfare activities have had the unfortunate effect that basic provincial welfare activities have ignored and bypassed reserve Indians." p. 316.

The second argument, an anthropological one, argues that value differences in child caring between native and white societies regarding sharing, permissiveness, discipline, time, verbalization, stimulation, achievement, etc. lead to cultural conflict. Indian children and parents are caught between the old and the new and may then react with passivity or hostility. The attendant social disorganization often leads to the conclusion that interventions must be designed for the native assimilation of white culture and white parenting values. The third explanation attributes a cause and effect relationship between socio-economic conditions and parenting ability. The high incidence between socio-economic conditions and parenting ability. The high incidence of poverty, alcoholism,

poor housing, education, nutrition and welfare dependence leads to a sense of powerlessness, despair, alcoholism, family violence and child neglect. Solutions from this economic argument range from improving the Native economy to job retraining, housing and education programs.

As Hudson and McKenzie point out, these three arguments lead to solutions which are essentially order/assimilationist in nature, i.e. that native peoples must adapt to the larger white culture and values through a social service system designed for whites by whites. In this respect, the child welfare system has been, and continues to be, an agent in the colonization of native people. This colonialism is subtle and pervasive. The child welfare authorities devalue the cultural practices in the Indian community, and impose white standards of "fitness", "improper", etc. This action is overwhelmingly approved and sanctioned by the white community, as is any intervention in the name of "protecting" children. This cultural colonialism reflects attempts at 'normative' controls and forced acculturation of the Indian community, fosters dependency on white child welfare authorities for the care of children, erodes family responsibilities and fragments Indian communities. To the extent that native values are ignored or depreciated, and white standards imposed, contemporary child welfare authorities practice the same cultural imperialism as the early missionaries in their zeal to "civilize the savage".

The authorities across Canada, as the Hawthorn report suggests, have acknowledged some responsibility for regional disparities tied to jurisdictional disputes. However, even considering paternal best interests, and a vocal commitment to multiculturalism, they have alternately fostered and neglected a child welfare system which acts as an agent of cultural imperialism in Indian communities. The U.N. General Assembly's *Declaration of the Rights of the Child* guarantees to all children the right to a culture. How then can we support a child welfare system that results in large numbers of Indian children and families who are essentially denied this right?

The *Ontario Child Welfare Act* requires that the best interests of the child be tested on the basis of the merit of the plan of care proposed by C.A.S. compared to the event of the child remaining with his/her family. In our 5 case reviews retrospectively, one would be inclined to come out in favour of the children remaining with extended family in the native community.

Removing children from Indian families exacerbates already existent problems of alcoholism, welfare dependency, crime, unemployment, emotional duress, and social disorganization (McCormick-Collins, 1952). This practice also likely results in increased adult charges and convictions associated with child abuse which might otherwise be quietly dealt with by responsible band authorities. Removing children certainly adds to the breakdown in the extended family system. In some regions, family breakdown

seems to be the key variable in high rates of Indian suicide (Fox and Ward, 1976).

Every culture places its hopes, aspirations, traditions and eventually its community responsibilities with its children. To the extent that Indian children are removed and cultural ties with native origins are devalued or severed, the child welfare system is an agent of cultural imperialism. There are good arguments that other parts of the acculturation process have robbed Indian families of some of their parenting skills, and eroded the traditional value base of much of Indian child-rearing practice.

Until recently, large numbers of Indian children left home at a young age for most of each year to attend residential schools in distant white urban communities. With this shift from the traditional milieu to the white residential school, the child was removed from the family at a time when he/she was becoming able to assume some responsibilities for the household and younger sibs. In residential schools traditional values were overtly and covertly devalued, and the children who attended were provided with a confused model for parenting. Their parents were also left with a restricted parenting experience. These children of the residential schools are now having their own families.

The residential schools thus robbed many Indian children of first hand modelling of Indian child-rearing practice and put them in conflict with family (Wintrob, 1969). The health system developed an early pattern of moving Indian children to foster homes or large urban medical facilities for extended periods. This practice of separating children from the traditional parenting role model, as Hudson and MacKenzie point out, may be in large measure responsible for many native child care problems since both parents and child are left with restricted skills in traditional parenting. The existence in Indian families of significant and real "neglect", "risk" or "abuse" is not at issue here. It exists in native families on reserves and in the city. The question is who defines "risk" or "abuse", and who is responsible to deal with native children. As Andres (1981) notes in relation to child welfare legislation:

"It is useful to recognize that the Act contains many words that must be understood to have a special cultural meaning that is not intelligible to all cultures. Words such as "proper", "competent", "unfit", "normal", "improper", are not clearly defined; their meaning is relative and only implied on the way of life and the values of the dominant white society," p.34.

TOWARDS INDIAN CONTROL OF CHILD WELFARE.

The order/assimilationist approach to Native child welfare has failed. Attempts to provide a universal egalitarian system of child welfare, based upon Euro-Canadian standards are neither practical

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(because of legislative and regional variations) nor desirable in a society where the special constitutional status of Indians is to be respected. Indian family life and child-rearing are different from white children in significant ways which will be discussed shortly.

The child welfare system must move towards a conflict/pluralistic approach which recognizes the importance of cultural differences, cultural bonding, and does not devalue native peoples or traditional native child rearing. Ryan (1980) notes that the majority of the literature on Indian child and family welfare focuses on the negative aspects of the Indian family. Witness for example, Brownlee's (1960) blatantly condescending and patronizing analysis of Indian childhood problems, replete with ethnocentric value-laden statements about Indian culture. Reasons (1977) has outlined how Canadian policy is currently shifting in the corrections field towards a conflict/pluralist view that acknowledges differences between natives and whites, and sensitizes workers and program development to these cultural differences to optimize prevention and rehabilitation strategy. In child welfare, this movement is slow and fragmented.

In July 1981, the first legally mandated Indian child welfare organization was introduced in Brandon, Manitoba by the Dakota-Ojibway Child and Family Service. This program is controlled and staffed by Indian people. More recently, in February 1982, an Indian child welfare agreement was signed in Manitoba. The Manitoba agreement, a landmark decision, was arrived at through a tripartite process involving authorities from federal and provincial agencies and the Four Nations Confederacy. Through this agreement and numerous subsidiary agreements currently being drafted, Indian tribal and regional councils will be delegated authority for the development and delivery of on-reserve child welfare services. While the legislative base for this child welfare agreement is still the *Manitoba Child Welfare Act*, training programs will incorporate the fostering of traditional beliefs, values and customs into the preventative and treatment approaches. To the extent that Indian authorities will be responsible for their own child welfare, this is a large step toward a conflict/pluralist approach. That the ultimate test for apprehension is legislation designed for the white majority, the agreement represents a compromise of sorts, a progressive variation on the order/assimilationist approach.

The most daring approach to the child welfare system has been made by the Spalluncheon Band in British Columbia (Johnston, 1981c). This 300 member band had lost 100 children to child welfare authorities over the past 30 years. In 1980 the band council unilaterally passed a by-law declaring its authority with respect to child welfare. After a noisy lobby and protracted struggle with provincial and federal authorities, the band has succeeded in gaining legal authority and the financial resources to deliver their own child welfare services. Control over foster and adoption place-

ment still rests with the local C.A.S. but contact with off reserve children in foster homes is maintained by Indian child care workers to preserve links to the community. To date about 10 children have gone AWOL from their foster homes and returned to the reserve themselves. In Ontario, the 1979 review of social services to Indians *A Starving Man Doesn't Argue*, pointed out that all Ontario Indian bands were served by 23 Children's Aid Societies, no bands delivered their own service. The report outlined the need for more Indian involvement in the planning, control and delivery of child welfare services to Indians. The province now has an interim plan to fund a number of pilot projects such as the Rainy River Project (Hudson, 1980) which are designed to develop on-reserve native involvement in child welfare matters, and greater input from Indian communities in planning children's services. The long term strategy includes a tripartite negotiation to develop a range of services on reserves in a co-operative manner between child welfare agencies and Band Councils. This represents a step forward, but in Ontario, the 'protection' of native children remains with the local child welfare agency and the Ministry, not with Band Councils. In Ontario the responsibility is not shifting directly to Indian authorities, but rather shared with child welfare agencies who in effect supervise Indian authorities. The *Ontario Child Welfare Act* does not recognize any party or group other than a duly appointed and regulated Children's Aid Society as competent to deliver child welfare services. On this issue of control and standards, Hudson and McKenzie note:

"The consistently articulated position of child welfare authorities has been to support the principle of general, more universal standards of child care (as they define these) which are applicable across cultures . . . the argument that only properly authorized child welfare workers should be allowed to make judgments on child care matters has been a frequent excuse to discourage the development of community child welfare committees with decision-making powers within the province. It is now more commonly accepted that differences in child rearing practice and standards do exist in some native homes which may represent residues of past cultural practices or specific responses to white society. Permissiveness in a native family, or absenteeism from school, may create certain problems, but it does not necessarily imply a lack of parental caring or control over the child. It follows then that the application of objective standards including the specification of physical facilities, material possessions . . . and lifestyles consistent with the patterns of the dominant society, guarantees discriminatory judgements that are identical to those of the early colonizers . . . the growth of 'native homes for native children'

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movement has been severely inhibited by the rigidity of physical standards required . . . in the licensing of foster homes . . . control over such standards belongs primarily to the cultural group affected as they will be best able to observe, understand and articulate their required norms in relation to child care." p. 87.

In February 1982, a native response in Ontario took the form of a less radical version of the Spalluncheon band's approach. Starting with a well organized lobby, two Indian bands near Brantford, Ontario took out 325 memberships of the 508 voting memberships in the Brant Children's Aid Society, with a view to electing a slate of six Indians to the 28 member Board of Directors. This very responsible move towards Indian representation and input in child welfare delivery was initially thwarted by the C.A.S. who halted the election and dismissed one of the organizers on staff on the grounds that "special interest" groups should be prevented from controlling the Board. In a county where Indians comprise 10% of the population, this action can only be seen as prejudicial and bigoted, and after another noisy lobby, the Indians were elected and the officer reinstated. Ontario, host to the largest provincial population of Indians, continues to promote the order/assimilationist model in native child welfare, through the supervision of native workers by local C.A.S.'s.

The optimal arrangement with respect to native child welfare would be to grant Indian communities the legal mandate and resources to develop their own standards for child and family programs. In the U.S.A. the *Indian Child Welfare Act*, proclaimed in 1978, goes a long way to solving the issues of standards by using the prevailing socio-cultural standards of the Indian community in fostering arrangements (see Miller et al, 1980). It also serves notice to the Indian authorities during apprehension proceedings, and allows bands to intervene in the proceedings and monitor the state court's performance regarding the application of the Act. While regional initiatives are currently underway in Canada, there is no unifying piece of legislation comparable to the American one. The whole issue of native rights with respect to child welfare is currently building some lobby momentum for inclusion in the new Canadian constitution, and this may prove a possible point for nationwide unification of cultural rights respecting native child welfare.

ASKETCH OF NATIVE/WHITE CULTURAL DIFFERENCES.

It would be presumptuous to attempt a comprehensive description of significant differences between native and white communities as they bear on child and family issues. This is because of the variance among regional groups across Canada and because of variations in current Indian consciousness of traditional child-

rearing practices, their roots, rituals and meaning given the erosion of these traditions and values through acculturation.

The tribal, familial and child-rearing practices of Indians find roots in their early history, economics and traditions. Eriksen's (1950) early contrast of the child-rearing practices of Sioux or Dakota, a plains people who had a tradition of nomadic hunting, and the Yurok, a mountain-inhabiting fishing tribe, illustrate some of the child-rearing differences between tribes of American Indians. While distinct regional practices do exist, our discussion will be focussed on those aspects of Indian child-rearing and family life that now may be considered "pan-Indian". To the extent that inter-tribal gatherings and inter-tribal respect has grown out of necessity in the last century in Canada and the U.S.A. so has pan-Indian culture.

Family Structure and Life Span.

The social organization of Indians into bands is based upon early tribal organization. Aboriginal Indians lived in extended family bands found in hunting-gathering peoples generally. Bands were often headed by a powerful old man, an elder, who was often a shaman (Boggs, 1958). By the end of the nineteenth century, the economic pressures associated with the fur trade and the advent of the white man brought bands together more frequently, increase inter-band transfers, while retaining the existence of bilateral patrilocal and matrilineal extended families in the band structure. Boggs has reviewed how the acculturation process has blurred the traditional sex roles, led to greater marital instability, and weakened the extended family system. The extended family system is often poorly understood by service professionals who are trained in the Euro-Canadian tradition of the nuclear family unit. Indian family systems are extended and typically include several households. This aspect of lateral extension into multiple households also includes the incorporation of significant non-kin as family members, as Red Horse (1980a) has detailed. The extended family structure is easily observed in small remote communities and Red Horse argues that these systems may extend over large geographic regions and interstate boundaries. For urban and metropolitan areas, family structure is often replicated long distances from the home reservation, and is highly influenced by the informal incorporation of non-kin in some of the family roles.

The value orientation of Indian families and life-span contrasts with the Euro-Canadian nuclear family. The orientation of Indian families demands lateral-group relational behaviour and life span interdependence in contrast to the autonomy/independence focus of the nuclear family model. Instead of an increasing reliance on self-competence, individualism and autonomy, Indian self-reliance is enmeshed in a web of interdependent, relational behaviour. Red Horse argues that the Indian life span can be broken into three phases: 1. being cared for; 2. preparing to care for; 3. assuming care

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for. These phases are not locked to age, but rather to family or cultural role. This concept of care denotes cultural and spiritual maintenance as well as physical and emotional needs fulfillment. Ego identity in the nuclear family is satisfied through the achievement of independence and individual achievement, resulting in eventual retirement with self responsibility apart from the family mainstream. In the extended family system, ego identity is satisfied through interdependent roles enacted in a family context, resulting in the special status of elders in relation to children. They are responsible to transmit a world view reflecting the wisdom of years. Red Horse (1980b) identified elders as the key people in the renaissance of traditional values in the 1980's. It is they who are the keepers of traditions such as naming rituals, secret initiations, and the spiritualism that underlies traditional Indian culture.

Given this extended family systems orientation, it is not surprising that observers of Indian psychology find that the concept of individual personality has little meaning in Indian language or thought, where the individual is recognized only in relation to the greater whole of tribe and culture (Strauss, 1977). This essential difference in community and family structure is reflective of the Indian pantheistic view that man is part of a delicate balance in a universe where all natural elements and living creatures interact and are interdependent.

A key theme in the Ontario Social Services Review *A Starving Man Doesn't Argue* was the implication that the white emphasis on individual and personal social service was feeding the welfare dependency of Indians (currently nine times that of other Ontarians). The level of intervention clearly needs to be shifted to a community development strategy that recognizes the band and extended family first and gives them the responsibility and resources to provide their own services.

Child-Rearing, Discipline and Welfare.

A frequent charge of neglect of Indian children in native families stems from the observation that Indian parents often provide little care or concern in the form of direct interaction, that they are in essence too laissez-faire with their children, to the point of neglect. It is certainly true that the disruption of major adult roles and sex roles through acculturation has resulted in decreased interaction between children and their parents (see Boggs, 1958). To charge that they are laissez-faire, however, is to miss a significant difference between Indians and whites.

Use of a cradleboard with young infants in many communities in Northern Ontario can hardly be described as laissez-faire. The infant is tightly wrapped to keep warm and carried on mother's back facing away from her. In this way, the mother conveniently carries her baby around without much direct interaction or handling.

The restriction of free movement gives rise to conflicting speculation about its effect on development. Some Indians insist it helps to develop self control from an early age. Moral training often takes the form of indirect interaction including warnings, withdrawal of food and attention, and use of scolding and shaming. These experiences of enforced fasting, withholding attention or affection contrast with reward and punishment parenting of Euro-Canadian children. These *disciplinary* measures, in former times were meant to prepare the child for adolescence and its long solitary dream fast. Here the dream was pursued that led to supernatural helpers, the primary means of all life's values. This ritual of the dream fast in many ways was one of the most salient Indian life experiences and constituted a major rite of passage into adulthood. This tradition of respect for the supernatural and altered states of consciousness may in part speak to the widespread tolerance of alcoholism in Indian communities.

Play with infants and humour with young children in pan-Indian. Most Indian infants were traditionally fed on demand, although rocking the cradleboard or dropping a plaything often preceded feeding. Early observations of children from one to three years describe continued infrequent verbal interaction and gentling of children by rocking; older children were given simple tasks to perform and they accompanied adults quietly, watched tasks performed and then tried on their own (Boggs, 1958). The parent often offered little help or comment, but perhaps gave a sign that amounted to a nod of approval. The developmental sequence from infancy forward was to foster the continuance of feelings and to decrease displays of emotion. This characteristic stoicism of Indians is often misread by whites as limited emotional response or lack of feelings.

The principle of non-interference in many of the activities of children is based on the idea that children are instructed about right and wrong, but must learn by modelling and internal spiritual development at an early age. As Andres (1981) noted:

"Indian parents regard spiritual training as a major task . . . intellectual accomplishment by itself is regarded as less important. Since children are believed to possess spiritual and magical qualities, 'inner awakening' comes before full maturity . . . there is an unborn and sincere search for enlightenment in every youngster, and this search must be allowed without any interference." p. 46.

The provision of kinship obligation also has a worthy tradition in the provision of care to children should parents fall ill or die. Red Horse (1980a) has reviewed the ritual of naming ceremonies. The age at which the ritual is performed varies from tribe to tribe. Family members such as uncles, aunts or grandparents are most often selected as namesakes, although highly trusted non-kin may also serve. Namesakes are meant to assume major child-rearing

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responsibilities, and regular contact is expected. These responsibilities include an obligation to care for the child should illness or hard times befall parents, thus providing an inbuilt social insurance that does not undermine parenthood. This feature of built-in 'foster parent' is similar to the Christian tradition of godparents and ensures for the child's welfare through the extended family and kinship system.

This sketch of the "non-interventionist" Indian approach to child-rearing, and the concept of developing self-control from the cradleboard of infancy forward is, of course, an idealized picture of child-rearing principles that stems from traditional practices of subsistence activity and active spiritual indoctrination. Traditions such as the dream-fast have disappeared along with the subsistence activities of hunting and gathering, and so have some of the traditional roles of mother, father and extended kinship. Where then in 1983 does one draw the line between the residues of non-interventionists parenting and frank neglect and impoverishment?

The essential thesis of this paper is that in order to reclaim their children, Indian communities should decide where non-intervention ends and where neglect begins. Indians need to meet the challenge of reorganizing the social roles necessary to ensure extended family and band responsibility for child welfare, and the promotion of distinct and culturally meaningful child-rearing traditions.

IMPLICATIONS FOR PROFESSIONALS

Given this picture of Indian child welfare, child-rearing and family traditions, what can the helping profession do? The first challenge is to withdraw from the direct provision of social services and assist local Indian communities in their organizational, political and resource struggle to develop and deliver their own services. Social service professionals can inform themselves of some of the long traditions and values in the Indian approach to life as well as the native realities of the 1980's. They can assist band leaders and elders in their struggle to retain, develop and transmit these traditions to native communities. They can assist in training native addiction counsellors on how to combat white man's disease, alcoholism. They can assist whenever possible to bring the responsibilities and resources for native communities back into their own hands. This process has already started in the innovative Manitoba program, but it will take the united efforts of the whole Indian nation to halt the large scale apprehension of children across Canada. The shape of Canadian Indian policy will be reflected in pending amendments to our new constitution, and many of us wait anxiously to see if the condescending attitude of recent years will give way to an enlightened and pluralistic recognition of the rights of Indians to their own culture and their own children.

We are still left with an immediate problem, as the child welfare machinery begins a slow, disjointed move towards Indian control of and responsibility for Indian children. What can we do with the hundreds of Indian children that are floating in and out of child welfare, mental health and correctional facilities, who possess little cultural identification or affiliation? These children, who Patrick Johnston refers to as the "fallout" of the child welfare "scoop" of the 60's and 70's are typified by the high-intervention cases reviewed in Appendix A of this paper. These are the children who have become "apples" (red on the outside, pink or white on the inside) through the best intentions of child welfare authorities.

Perhaps our first task is to encourage and foster linkages between these children and the native community. This can best be accomplished by contact with an Indian worker who can establish contact between the child and local Indian Friendship Centres, and where possible, his community or origin. This activity will require developing the co-operation of foster families, and other adults currently responsible for the child's care. For the City of Toronto, host to one of the largest child welfare organizations in North America, there is *one* native child welfare worker. Those of us working in services to difficult youth must enlist the help of native workers to acknowledge and foster the youth's Indian heritage. Where possible, formal links to Indian community groups must be established and supported. The "contract" worker model at Central Toronto Youth Services has begun to hire native workers for this task and will hopefully assist this process of cultural repatriation. To the extent that programs and professionals enlist the co-operation of native people in the cultural reclaiming of their children, we can begin to halt the process of cultural colonialism that brought these children to our care initially.

References

- Andres, R. The apprehension of native children. *Ontario Indian*, 1981, January, 32-46.
- A.R.A. Consultants. *The Hard to Serve Child in Ontario*. Ontario Ministry of Community and Social Service, 1981.
- Berlin, I. N. Anglo adoptions of native Americans: repercussions in adolescence. *American Academy of Child Psychiatry*, 1978, 387-388.
- Boggs, S. T. Cultural changes and the personality of Objibwa children. *American Anthropologist*, 60, 1958, 47-58.
- Brownlee, A. The American Indian Child. *Children*, 5(2), 1960, 55-60.
- Erickson, E. H. Childhood in Two American Indian tribes, in *Childhood and Society*. New York. Norton, 1950.
- Fox, J. and Ward, J. *A suicide epidemic on an Indian reserve*. Presented at the Annual meeting of the Canadian Psychiatric Association, Quebec City, September, 1976.
- Hawthorn, H. B. (ed). *A Survey of the Contemporary Indians of Canada: Economic, Political, Educational Needs and Policies*. Indian Affairs and Northern Development, 1967, 316.

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- Hepworth, H.
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- Hepworth, H. P. *Foster Care and Adoption in Canada*. The Canadian Council on Social Development, 1980.
- Hudson, P. *Report of the Preventative Services Project of the Family and Child Services of Rainy River* (available from the author) School of Social Work, University of Manitoba, Winnipeg, 1980.
- Hudson, P. and McKenzie, B. Child welfare and native people. The extension of colonialism. *The Social Worker*, 49(2), 1981, 63-81.
- I.A.N.D. *Indian Conditions: A Survey*. Department of Indian Affairs and Northern Development, 1980.
- Johnston, P. Indigenous children at risk. *Policy Options*. November 1981a.
- Johnston, P. Indian control of child welfare: A Historic Step. *Perception*, 5(1), 1981b.
- Johnston, P. Planning the roots for Indian social services. *Perception*, 5(2), 1981c, B2.
- Loucks, B. and Timothy, A. *Justice related children and family services in Ontario*. Discussion paper by Ontario Native Council on Justice, 1981.
- McCormick-Collins, J. An interpretation of Skagit intergroup conflict during acculturation. *American Anthropologist*, 54, 1952, 347-355.
- Miller, D., Hoffman, F., Turner, D. A perspective on the Indian Child Welfare Act. *Social Casework*, 61(8), 1980, 468-471.
- Reasons, C. E. Native offenders and correctional policy. *Crime and Justice*, 4(4), 1977, 255-267.
- Red Horse, J. G. Family structure and value orientation in American Indians. *Social Casework*, 61(8), 1980a, 462-467.
- Red Horse, J. G. American Indian elders: unifiers of Indian families. *Social Casework*, 61(8), 1980b, 490-493.
- Ryan, R. A. *Strengths of the American Indian family*; State of the art, prepared for the American Indian Family Research Institute, Phoenix, Arizona, April, 1980.
- Strauss, A. S. North Cheyenne ethnopsychology. *Ethos*, 5(3), 1977, 326-375.
- Swanton, J. R. Notes on the mental assimilation of races. *Journal of the Washington Academy of Science*, 1b, 1926, 493-502.
- Wintrob, R. M. Rapid socio-cultural changes and student mental health. *McGill Journal of Education*, 4(2), 1969, 1-10.

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Many thanks for your support
and encouragement over the years.

Lois & Ann Grant

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Dr. Clare C. Brant

My topic this morning has already been covered extensively in the last couple of days by speakers previous to me. The essence of what I want to say is that mobilization of community resources is the only way that you are going to reduce the pain of psychiatric disorder and psychological distress in your communities. If you wait for the paratroopers, being either Medical Services or Indian Affairs, to do it for you it will just not happen. Several attempts have been made, notably in the Moose Factory Zone. It was established by Dr. Gil Heseltine and myself in 1974 as one of the first Outreach Programs in the north. Up to that time the complaints from the local Band Councils and the community leaders were that they had a lot of very crazy people there and they were killing themselves and each other at an alarming rate; do something, do something. We went up there in an attempt to do something and during the 11 years that program has been in operation I feel that we have made every mistake possible and so are deemed experts in this field of Community Mental Health because we have done everything wrong and now know what one shouldn't do. We are often asked to serve as consultants to other outreach programs notably McGill and sometimes McMaster. One of the things that we have learned that if you parachute a psychiatrist who is allegedly the most capable person to deal with mental disorder into a community, he will sit in the Band Office or in the Clinic tapping his fingers on the table and not have any business at all for a year, two years, and perhaps three. Because the psychiatrist has no credibility whatsoever among the Indian people, he is seen as an extension of the police and is one more attempt at government control of Indian behaviour and the Indian mind.

He is even more treacherous because he wants not merely your money, your land, your children and your soul, he wants to

control your mind as well, and as such is properly seen as a treacherous person that one should steer clear of.

We have learned and had a great deal of difficulty and resistance to, mobilizing the community resources, of going in and saying "who is doing the work here already? who are the wise people whom one consults when one has a personal problem?"

They just don't tell you right off the bat, they have to get to trust you so they know that you are not going to root those people and humiliate them and tell them that they are quacks and demonic. You have to hang around the communities to find out who the actual leaders and wise people are and you have to have patience and time to do that but anybody who doesn't have patience and time should not be dealing with Indians in the first place.

So, having found who the community leaders are, who the gogetters are, and who the spark plugs in the community are, you have to get them together. Find out what the actual difficulties are because they may be completely different from the reported difficulties. Find the difficulties by finding the people who are in the know and then make a plan using your community resources which are your people in the community already while the psychiatrists, psychologists, and social workers serve merely as the consultants to facilitate getting done what the people there already know needs to be done.

This is what happens in forms of psychiatry, as a matter of fact, with the possible exception of severe psychotic disorders such as manic depressive psychosis and schizophrenia. The patient already knows before he comes to my office what he needs to do. He does not know how to do it and his motivation is somewhat lacking in going through the

painful process of achieving the goal that he has in mind but usually he knows. He comes in with a drinking problem; he knows he should quit, to harp at him to quit is merely adding to his frustration at the inability to do so.

I want to run through very quickly, things you have already heard but this is a Reader's Digest version of recognizing suicidal behaviour.

There are no known absolute indicators of impending suicide but here are some suggestions. These factors put people in a high risk group. Whether or not you should go along with a lasso and incarcerate these people who carry a high risk is a matter of debate. Their civil rights will not allow that. We, however, feel that they do not have liberty and freedom to end their own lives that this is an intervention we can, and should, make.

1. **Previous history of suicide attempt.** This is usually present but do not be tricked into ignoring the severity of the condition if the person has never made a suicide attempt. Only 80 or 90% of them actually have, the others have not thought about it before and have given no indication whatsoever that they are going to do it. That is a reversal of what you heard yesterday, most of them have suicide attempts in their past histories and that is a very dangerous situation. Don't ignore the seriousness of the situation if there hasn't been a suicide attempt. Perhaps the person has never been in such a great crisis before and perhaps the person has never resorted to that method of dealing with it, even if he has been in a crisis before.

2. **Strong family history of coping with stress by depressive or suicidal behaviour.** That is to say, the way we solve problems is our own resources, our own previous experiences, but our previous experiences consist of the experiences of our relatives, friends, and community. So that if we come

from a high risk family we are likely to resort under extreme pressure and stress to the problem solving techniques of someone else in our family, such as suicide.

3. Recent loss of love object, separation, divorce, or death. Now I would expand that somewhat. This is taken out of a cookbook, Freedman and Kaplan, our Bible of psychiatry. It can be any other recent loss of love, status, or money.

Native people are particularly vulnerable to humiliation and respond to loss with humiliation; everyone does, but Native people more so. This is something that is not generally known because it is so difficult to express and to grasp. It took me about 4 years to grasp the difference between shame and guilt. White people operate their conscience on the basis of guilt and Native people operate on the basis of shame. We could probably have a weekend seminar working out the difference between those two. But humiliation, as in the Oriental cultures, for us is a terrible thing and a thing which may tip the scales; private or public humiliation may tip the scales in the favour of the wish to die versus the will to live.

4. Increasing distress over a chronic physical illness. I don't think that is different in white people compared to Indian people. People who have chronic chest disease and cannot do anything, can't smoke anymore, who have diabetes and are beginning to have their limbs amputated, who are restricted in their physical activities, etc. don't have much joyfulness out of life and perhaps even are a burden to their families.

5. Social isolation. This brings in loss of job status that I was talking about earlier: lack of connectedness with the rest of the world. There was a sociologist at Western who was wanting to do a sociological study of hermits. He

thought that would be a good PhD thesis for one of his students so he waited for 15 years and could not find a hermit. There was nobody who was not connected to somebody in some affectionate way. There probably are hermits, people who live completely and utterly alone and wish no other human contact but they are so rare as not to be found over a period of 15 years. Social isolation is a very terrible thing for human beings. I keep sheep and I know it is for them. They will not stay in a pasture by themselves, even if you are getting them read to take to the veterinarian, they raise such a ruckus that they have to be with the rest of the flock right up to the last second that you load them into the van.

6. Previous history of aggression or marked mood swings. That speaks for itself. People who act out their aggression are likely to turn the aggression on themselves.

7. Talk of death or worthlessness. As was noted yesterday, the one young girl had made six declarations of her intent to do herself in and they were ignored. There is a myth that if you talk about it, you won't do it. That is not true nor is it true that the person who doesn't talk about it isn't going to do it. Most of the people will talk about it, 80 - 90% , then you have a small percentage who never mention it. They carry that great burden of painfulness around with them and as Dr. Chrisjohn told you yesterday when you ask them how they are feeling or if they are in trouble they will answer "nothing that I can't handle".

8. Extra-familial conflict with feelings of rejection. That is job difficulties, or neighbor difficulties, or trouble with one's peer group or gang.

Then the 9th one which I consider the most important one for practitioners and front line people is the sudden loss of

feeling, as if the person were already dead. I heard this explained in another way which had more meaning to me and I'll try to explain it to you to see if it also has some value and meaning.

There is a continuity among the three phrases, I was, I am, I will be. I was yesterday, I am today, and I will be pretty much the same person tomorrow. My friends and family may view that as either a blessing or a curse but it is the truth.

Now when you are talking to, and this what we do with people who have suicidal thoughts, we talk to them interminably, for me about an hour but the frontline workers perhaps 90 minutes, two hours, and someone mentioned the other day 4 hours, but during that time one gets a sense that there is no "I will be". They don't say it but it produces in the therapist or in the interviewer a sense of impending doom, and that doom comes from the realization of one's own mortality.

The fact that I am going to die someday, not right away, and it's not something that I think about very much or feel very much but in speaking to the seriously suicidal patient, one is reminded of one's own future inevitable irreversible death and one gets this feeling of impending doom, a feeling that one's self is going to die. Staying rational, you know that you are not going to die so that the feeling is being generated by this person who is very seriously ill and you should use that as a predictor of the seriousness of the situation. Whenever anyone produces that feeling in me, I hospitalize them or get them hospitalized as quickly as possible.

10. Attempts to straighten out one's affairs and that is being more generous than Indians are as a rule, often giving

away one's favorite possessions, things like guns and hunting boots which the person is going to need if he is going to live another season. Straightening out one's affairs, telling parents or sibs that they will have this or that "after I'm gone".

There was a doctor who committed suicide in London a couple of years back and he went back to his office on Sunday to fill out his OHIP cards so that all his billings would be done. Someone should have smelled a rat when he was working on Sunday on his OHIP cards.

11. Sudden lifting of on-going depression for no identifiable reason. This happens in the hospital when you admit someone, you put them on Elavil, and you expect them to recover over the next month and two or three days later they say "I'm fine doctor, I just feel great, I can go home now, I feel like going back to work." This is the person that you put on constant observation because he probably has decided that he is utterly hopeless and the humiliation of having been locked up has tipped him over into the decision of committing suicide and he will by that guileful route, get out of hospital to do himself in.

Now the assessment of the actual attempt.

1. Evidence of preparation - accumulation of pills, writing of a death note is extremely significant and straightening out of one's affairs.

2. Isolation of the attempt. Is the person setting him/herself up to be rescued. Does the lady take the pills an hour before her husband is to get home from work or does she rent a motel room and tell the proprietor of the hotel not to bother because she is tired and she wants to sleep all weekend. The isolation is very important and the likelihood of being rescued is very important.

3. The patient's, not IQ, but sophistication plus the method used. Did he/she think it would be lethal. If you had a nurse who took ten Valium tablets you would not take that as a serious suicide attempt, but if you had an unsophisticated housewife who did not know anything about drugs who took 10 Valium tablets you could consider that an extremely serious suicide attempt.

Another point that I wanted to make was the ambivalence of the suicidal state and it is a scale balanced with the will to live and the wish to die. It seems with the blinders that these very depressed, sometimes alcoholic people have that they are unable to see all the factors which would make them have a will to live. That is your job as counsellor, not forcefully, not interferingly, to recite or ask them what their will to live is, or what are the reasons that they should stay alive but you have tip that scales over into the life side and also discuss with them their wish to die and their reasons sometimes. Don't pooh pooh them and don't say "that that is ridiculous, you shouldn't feel that way". To them that is a very serious situation that they are in and you should give them the indication that you are willing to take it seriously and to understand the reason why they feel that way. But as I say continue to try to tip the scales with your conversation or with whatever you put into the interview in terms of the universal will to live.

The top diagram is another method of demonstrating what ambivalence means, to me anyway, having two contradictory ideas, wishes or feelings in one's mind at the same time.

It is illustrated by wanting to live and wanting to die both at the same time. It is illustrated on the left by someone who has died and this was taken off a photograph out of a book, on the left there are hesitation cuts, the person before he or she made the big slash at the bottom, made

those little nicks but he didn't really want to do it. He wanted to see what it felt like and was probably wincing as this was occurring but finally made the big cut. On the right, there is no hesitation cuts at all and this was in fact not a suicide, it was murder. Somebody who was murdered in that way and set up as a suicide.

I hope you are not expecting a lot of wise words about the networking system. Bea Shawanda is the person to do that and I could never do a follow up on the presentation that she did yesterday.

First of all I want to bring you all greetings from Caroline Attneave who is the grandmother really of this organization. She is one of the founding members but her health has not been well in the last couple of years and she has not been able to come out to our meetings, a great loss to us because she has considerable clinical experience dealing with Native people. She is a Delaware who taught at Harvard for awhile and now she is professor of psychology and of Native Studies at the University of Washington at Seattle. I had the opportunity when I spoke to her to invite her here and she asked me to say hello to all of you, wish you good luck in your careers, and she assured me that since our next meeting is in Vancouver that she will be there with bells on and two artificial hips.

She perhaps did not invent the networking system but she described it in an interesting way and it is so simple. It is like Kleenex; why didn't I invent Kleenex?

The networking system takes mobilization of your community resources. Don't wait for Gabriel or Indian Affairs, or Health and Welfare Canada to come and solve your problems on the Reserve because you are going to wait a very long time before that occurs. Mobilization of the community resources

is the ticket and that can be done as simply as purchasing an answering machine from Radio Shack, for less than \$150 now, and putting it in the Band office so that it answers the phone after hours. During the Band Office hours the staff can do this for you and put the person in distress onto the Crisis Line. You have to have about six trained volunteers in the community who are able to recognize suicidal behaviour. You can teach them or we have some other methods of transferring this knowledge.

These Crisis lines operate in most large cities where people in distress can call a number and get to talk to somebody. I think it is a small investment but you do need a minimal amount of training for the volunteers who are willing to talk to the people because they are ambivalent. If they only wanted to die, they wouldn't call anyone and tell them about it.

The volunteer has to be able to recognize the fact that this is a very serious suicidal patient and perhaps get them evacuated or hospitalized if the fear of impending doom is produced in the therapist or the person on the phone. I'm not promoting Radio Shack, it is just that they have the cheapest equipment available which is reliable enough for this kind of work. Stick it in the Band Office. Get six people who will give their numbers to the machine and program it once a day with a different volunteer's number on it. You may already have 7 or 8 people in the community who are already trained. At Rainbow Lodge I imagine there are 8 or 9 people on staff, several of whom might be willing to be on the Crisis Line and perhaps this system is already in place.

Micmacs probe need for survival school

By Clifford Paul - Micmac News

SYDNEY - Parents and band education authorities expressed the need for the establishment of a Micmac survival school in a panel discussion hosted by St. Anthony Daniel Elementary School, February 2.

The purpose of the forum intended to establish an effective means of communicating expectations. "We expect certain things from native students and we want to know what the parents expect from the school," school principal Roy Gallivan said.

Panelist Pauline Bernard, Director of the Membertou Little Chiefs Centre, said in order for Membertou students to pick up their lost language, a Micmac Survival School must be established on the reserve.

Bernard said a Survival School will promote and preserve Micmac culture, language and values. "It could teach the native student to survive the present day," while maintaining the Micmac language. "It will promote self-esteem and a strong Micmac identity." Bernard said the present education system is in need of more Micmac parental input, the formation of a native parents association, and consultation for accurate historical portrayals.

Union of Nova Scotia Indians Director of Advisory Services, Dan Christmas, said he was one of the first students from Membertou to attend the school. "When I grew up in the provincial system, it felt as though my Micmac uniqueness was stripped away."

A member of the panel, Christmas says his expectations as a Micmac parent would include what Micmac students begin to learn about themselves.

Christmas presented his son's social studies scribbler to the forum attended by the parents,

teachers, and band education authorities. He points to a question asking, "Who is Christopher Columbus?"

Answer: He was the Italian explorer given credit for discovering America. What did he find? Answer: Plenty of trees, water, land and animals. "Where's the aboriginal people?" Christmas asked. "I looked through the whole scribbler. I couldn't find anything on Micmacs."

Christmas presented the school with a reference book geared for grades 4-6. "It could give my child a sense of identity, of who he is."

In all, Christmas said he is very satisfied with the quality of teaching provided at the school. "We can do better. Twenty to twenty-five percent of the students in the school are Micmac."

Panelist Elizabeth LaPorte spoke of communication. "An ongoing concern is to establish an effective two way communication between parent and teacher," the band education liaison said. "How can parents be made to feel comfortable in dialogue with the school and teachers?"

LaPorte listed apprehension, poverty, isolation, bad experiences and other factors as barriers to communication. "There are many reasons why parents don't come to the school," she said. "But the barriers have to be demolished." LaPorte suggested home visits by the teachers or the establishment of a separate parent/teacher meeting on reserve.

Ruth Christmas, a longtime member of the band education committee and former band councillor, said it was 25 years ago when she and Bernard promoted discussion on placing Membertou school children in the provincial school system. "I think it's the best move we ever made - putting our kids in

provincial schools."

Christmas said she and Bernard both had problems over the years. Problems with parents. "We couldn't drag them from home and bring them to talk with the teachers. I think the teachers have to come to the reserve."

Christmas said young parents should take an active role in education of their children. "It's time for new mothers (and fathers) to come in and form a new committee" to meet the needs of their children in modern day education.

The question and answer period turned into a talk on the Micmac language and its survival in Membertou.

Micmac elders Helen Martin and Caroline Marshall said it would be difficult for a child to learn the language if English is spoken at home. "Parents have to start at home," Martin said. "I learned to speak Micmac when I was 14 years old. I only spoke English until then. It's never too late to teach a child."

Marshall said in order for children to speak Micmac they need total immersion in the language at home.

Through the course of the meeting, the school received the important links to much needed Micmac language and cultural materials to improve the quality of education provided by the school.

"We are serious," Gallivan concluded. "We are committed to improving. We will zero in on the self-esteem and culture," but something has to be done on both sides of the language issue.



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Saskatoon Native Survival School



A Feminist Agenda for Canadian Schools
School Wars: BC, Alberta, Manitoba
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Acting and Taking Care

of People at the

Saskatoon Native Survival School



Photos by
Becky
Mackie James



Indians 'R' Us
The Experience of a
Survival School Pedagogy

Robert Regnier

Part 1

John — Are you doing this work again? (*Indicates her studying*)

Carrie — Yeah, it's my work.

John — All you ever do is your damn homework.

Carrie — It's something I promised to do.

John — I want you to quit school.

Carrie — No. I'm not going to quit school. It's a promise I made to my grandfather.

John — You never spend any time with me. I hate that. You don't even seem like my girlfriend anymore.

Carrie — I'm here for you John. I'm here every day for you.

John — Yeah. You're always doing this work all the time. (*He slams his fist on the table.*)

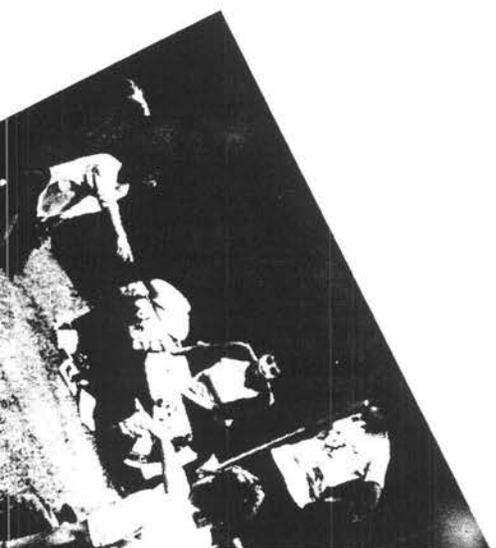
Carrie — But I am here for you all the time, John.

John — I want you to quit, and I mean it.

Carrie — No! I'm not going to quit, and I mean it.

John — (*He slams her book on the table.*) I'm leaving.

(*John exits. Carrie stands to watch him go, then returns to her desk, where she sits, head in hands.*)

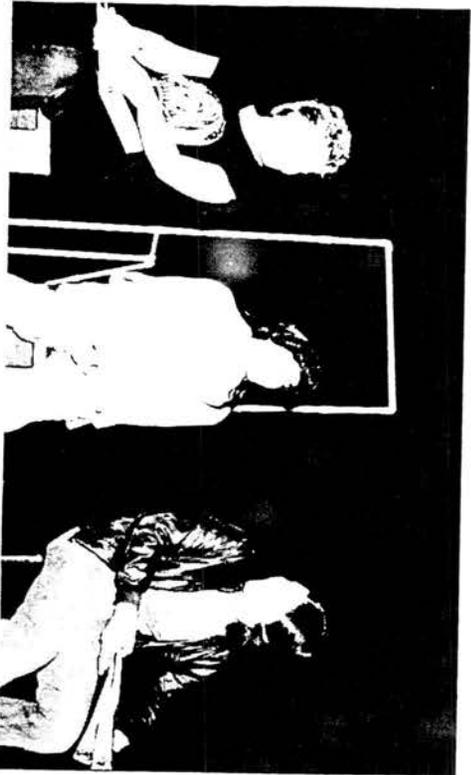


This scene is from *Indians 'R' Us*, the seventh annual collective improvisational play presented by Saskatoon Native Theatre actors at the Saskatoon Native Survival School. It presents one of the many struggles urban native students see themselves going through to obtain university education. It confirms a dream many have denied. And it confronts streaming structures that destine almost all native students to remedial, terminal, exceptional, vocational and technical programs. Survival School students improvised and scripted this play in response to a television report that portrayed Indian youth in downtown Saskatoon as kids without "goals or purpose in their lives". The play emphasizes the often unnoticed "history of academic success" among Indian people in their struggle against racism and poverty.¹

The play's heroine "begins at a dead end" and travels the "rocky road" of decisions about child care, custody arrangements, alcoholism, drug abuse, relationships with men and the demands of family to achieve her dream of a university education — a dream of many generations of Canadian native students.

More than any other place in Canada, Saskatchewan has failed to achieve this dream. The provincial per capita native population is the highest in the country, and the urban native dropout rate has been pegged, in a recent study, at 93%.

For six years, Kelly Murphy, a teacher at the Saskatoon Native Survival School, has worked to develop a pedagogy that will seriously



OUR SCHOOLS/OUR SELVES

touch the lives of these native kids — kids for whom regular schooling has been a disaster. Alongside the Survival School Parent's Council, she's helped create the Saskatoon Native Theatre with this new pedagogy at its centre. Much in the same way as Paulo Friere developed his cultural and literacy circles, Murphy's revolutionary approach to teaching was created through much intensive practice and experimentation. It proposes a liberating education constructed upon the liberating and humanizing possibilities within urban native youth culture, social class realities and academic aspirations. This pedagogical project, developed through "story circles" and "collective improvisations" advances each year through continual experimentation — a process we'll be looking at in more detail in Part II.

Making The Play

The production of *Indians 'R' Us* was both a play and an experiment in teaching. This year's innovation was exploring students' experiences as young children. It was no easy task. Fourteen to seventeen-year-old streetwise native boys, who take pride in macho images, do not lightly discuss their childhood vulnerabilities. And any local native girl, who played at being a child, risked the prospect of being ridiculed into social oblivion.

The breakthrough in the play is attributed to a story volunteered during one of the "story circle" sessions. One student told how at a party he had made light of a friend's depression about his break-up with a girl friend. He later discovered his friend attempting to commit suicide, and, instead of joking and being a tough guy about it, he took the chance of extending compassion and support. This personal struggle was seized upon by the circle participants, and they started to focus on what it meant to be a man and that in turn let them be more open to an understanding of childhood. Kelly Murphy explains: "When Terry told this story in the story circle, three of the boys in the group volunteered and did an improvisation of it. The circle went on to discuss the difficulty for many males to show support and vulnerability. The session affirmed that it was not less manly to suffer the pains of loneliness or to show tenderness and compassion. The story liberated others in the session to play the role of children, and the story became incorporated as a scene in the play."

In the hours of improvisational sessions which preceded the

play, students did not just think theoretically about childhood and manhood. They reflected upon their individual and collective childhoods, improvised versions of childhood experiences to one another, and re-created a language for talking about and redeeming their childhoods. Kelly animated their considerations through questions and directions: "What would he feel like? Why would he feel that way? What could you do? How do you communicate support? How do you convey understanding? Where would you stand? Stand there. How would you move? Try it. Does it work? What works? What would you say? What else might you say? When would you say it? Try it. Try it again. Do you think this or that would work? Try it again. Try it again. What would you change? Change it. Try it again. Again this way. Do it. Good.. How could we develop this scene more substantially. Ok, we'll try it again tomorrow."

By the time the workshops are done, students have not just thought abstractly nor have they just learned techniques. They have explored ways to think within social situations. In this way they develop a practical social imagination to help face the social reality outside the school. And they construct a liberating community with one another. As they tell their stories and improvise their views of social reality within the security of the circle and under the direction of a co-liberating teacher, they see and receive creative social support from one another. Beyond the discussion of community, students actually build community among themselves. And they begin to live the way they act.

This pedagogy is very different from the commercial "critical-thinking" packages, which abstract such thought from the realities of culture and social class. It is also distinct from progressive educational approaches for social change that separate theory from practice, reflection from action and community from school.

Nailpolish and Childhood

Kelly recalls how the addition of nailpolish to the pre-play Medicine Bag Circle workshop became a vehicle for introducing childhood realities into the play. In the Medicine Bag Circle each student selects one of several objects—a piece of snare wire, a can for cooking tea, a piece of calico cloth, a diaper—from a bag located in the centre of a circle and recounts an event or occasion the object reminds them of.. Students create improvisations and a collective story

based on these stories. "The student who picked it, told the story of how as a child she painted her mother's feet with nail polish while she slept. The play *Indians 'R' Us* begins with children who find a bag of bottles of nail polish. In their playfulness and creativity the infants, neglected by their crashed-out mother, paint her feet and a happy face on the window as they wait for their father to return home."

Throughout the play Survival School students introduce difficult decisions to be made about child care and custody in both agonizing and redemptive moments. In one scene, a young woman, who has received her Commerce degree and now works on the economic development of reserves, shows up looking for her daughter.

Sheila — Margarie, this is Leanne.

Leanne — I'm your mom..

Margie — My mother? (*To Sheila*) But I thought you were my mother.

Sheila — I am your mom.

Leanne — She's just your step-mother.

Margie — Why wasn't I told about this?

Sheila — Seven thought it was best you didn't know about it. (*To Leanne*) Steven and I need to talk about this and so do Margie and I, so

I think you'd better leave. (*Hands Leanne her briefcase, pointedly*)

Leanne — Fine, I'll go. Margie, I'll be seeing you again. (*To Sheila*)

And I might be seeing you in court. (*Exit*)

Sheila — Margie, we need to talk. Let's sit down. (*They sit facing each other*.) Sometimes people have to make a decision they don't want to make. You too are going to have to make a decision you don't want to make. That decision is: If you want to live with me, that's fine. If you want to live with your mom, that's fine too. You don't have to make that decision now. You can make it anytime.

This Saskatoon Native Theatre play, like earlier ones, is more than stories and improvisations. It is music, light, choreography and culture dramatized in public performance. It can capture authentic humour and tragedy, dreams and fantasies of native youth whose voices have been silenced by poverty, racism and indifference and have not been represented in the popular media nor the school curriculum.

There is a character in this play who has appeared in five or six Survival School creations.. He is a cabdriver, a narrator, who connects many scenes in the play and points out "our common understanding of

life as a journey". "The cabbie", says Kelly, "is the character, the driving force, the ubiquitous mover, the 24 hour jockey in the lives of the urban poor".² He introduces Scene VII, after the heroine Carrie commits herself to getting a university education. He cautions the audience about what the decision will mean. "Fasten your seatbelts. There is a rocky road ahead. Unclear vision, confused reflexes make this vehicle unsafe. The potholes are bottomless. Some passengers get out and walk. Don't take your eyes off the road for a moment."³

Building a School

Kelly Murphy initiated and spearheads this way of teaching urban native youth. She previously taught pre-school children in Zambia's shanty town Liberty Schools, situated in old motorless school buses. She has developed and taught English as a Second Language programs for refugee students in Saskatoon. In 1988, she won the Hilroy Fellowship of the Roy G. Hill Foundation from the Canadian Teachers' Federation "in recognition of initiative and professional enterprise displayed in the successful application of an important educational innovation."

Ruth Smillie, an actress, presently Director of Catalyst Theatre in Edmonton, worked with Kelly, who had no previous theatre experience, to develop the project's concept and to introduce dramatic skills in the first years of the program.

The work these women have done at the Saskatoon Native Survival School reflects a broader struggle to advance academic and culturally-based education programs within the Survival School movement as a whole. This movement has been active in Canada since 1976, and there are now five Canadian Indian Survival Schools: Kahnawake Survival School (adjacent to Montreal), Wandering Spirit Survival School in Toronto, Plains Indian Cultural Survival School in Calgary, Spirit Rising in Vancouver, and, of course, the SNSS.

The Saskatoon Native Survival School began operations in September 1980 and has expanded from an original Grade 7 to 10 program with 3 teachers and 45 students to include Grade 12 and 130 students by 1987. The 14 staff include 7 classroom teachers, a principal, vice-principal, librarian, cook, secretary, janitor and pupil service worker. In 1987, plans were announced for a major renovation to the existing 1928 building to add a high-school gymnasium, laboratories

and additional classrooms. Over the years, a curriculum-developer and teachers have designed provincially-accredited high school courses in English, Social Studies, Cultural Arts and Survival Skills with substantive Indian components and perspectives. Cultural activities include a daily morning sweatgrass ceremony, visits and sessions with elders, an annual cultural camp, feasts, and indigenizing the curriculum.

Besides addressing the need for appropriate academic and cultural programs, the Survival School Parents' Council insisted the school be able to respond to the various social crises its students would face: homelessness, incarceration, alcoholism, drug abuse, suicide and unemployment. They wanted a school that recognized their realities. In one year, for example, 72 out of 77 students lived in single-parent families, in group homes, with one another or with relatives rather than in two-parent family arrangements. The school now offers a free hot lunch for students who do not have regular meals, and the pupil services worker assists students with family services, welfare, medical attention, Indian Affairs, the courts, housing, and income.

Building A Theatre

The production of *Indians 'R' Us* reflects a new optimism and self-confidence built upon the previous collective creations at the school. *Uptown Circles* (1983) follows the life and struggles of a young native man through depression in bars and prison to spirit growth in traditional Indian religion. *Papahowin: Laughter Tying Our Lives Together* (1984) centres on urban native youth, who, in their attempts to escape the city, have to come to see that the reserve is not the golden refuge they thought it would be. They encounter an alcoholic father, who out of fear, shot the Thunderbird — an animal spirit that was going to give him a vision of his destiny. One of the youths assumes the role of the traditional Cree "Contrary" and, through ridicule, helps his father face his fear, find laughter and re-encounter the Thunderbird. *Street Zone* (1985) is about a spirited struggle — involving gang warfare — to resist the coercion and threats of a pimp and her thugs, who were pressing students into becoming hookers. Superman and an alien spacecraft were projected into the play as the only means of resolving the problem. The play was presented at the 1985 Winnipeg Bread and Dreams Festival of the Canadian Popular Theatre Alliance where it received standing ovations to sellout crowds two nights in a row. In

Family Violators Will Be Towed Away (1986), four sisters run away together without being apprehended or institutionalized. Leaving their parents, they are able to resolve their problems. **Troubled Spirits** (1987) is about the mythological trickster who moves from the animal world of the gopher, bear and bird to assist young people confront an alcoholic chief and start their own school on the reserve.

In each year's program the workshops draw upon valuable resources to ensure quality work. Maria Campbell, author of **Halfbreed**, worked on the very first play and brought the Medicine Bag practice into the workshops. Tania Martin, an Indian actress seen in the recent film **Loyalties**, acted with the students in the first plays. Tom Bentley-Fisher directed **Family Violators Will Be Towed Away** in 1986, and Duane Favel, an extremely versatile native actor, acted with the students in **Street Zone**. More recently Toronto maskmaker, Trish Leeper, did two sets of workshops at the school. John Lazarus, a Vancouver playwright, who works on theatre for adolescents and whose plays have focussed on the problems of young people, worked at the school for three days in the spring of 1987.

The production team for each play includes Kelly as Antimatur, a General Manager, Stage Manager, Technical Service Worker and Production Assistant. Sheila Crampton is the stage manager. She trained at the National Theatre School and at a mime school and has worked in theatre for eight years, working especially with young people. Ruth Cutland, the General Manager of Saskatoon Native Theatre, is also the Chairperson of the Parents Council of the school. She did workshops in the first three years, travels with the group, makes many arrangements and shares fundraising for the annual production with Kelly. That fundraising takes them to the Saskatchewan Drug and Alcohol Commission, OXFAM-Canada, Secretary of State and other groups and individuals.

The Native Theatre at the Survival School has established a consistent standard of performance that people want to see. Kelly is invited to do workshops for many groups including the Saskatchewan Indian Federated College, the Prince Albert District Chiefs, various reserves, Northern Lights School Division, and the Saskatchewan Drama Association. Demand for performances far outstrip their ability to provide them. Some performances provide wonderful opportunities for the students. In 1987, for example, the Native Theatre performed for a second time at the Canadian Popular Theatre Alliance festival. This

international festival included a group from India (that dealt with black marketeering, bride price and dowry), an Inuit group that represented their people's hunting herds being disrupted by NATO flights, a Jamaican troupe that dealt with their heritage of racism and colonialism, South African players who told the story of Steve Biko's last days, and a group of Nicaraguans expressing the emerging identity of a liberated people.

Kelly remembers how after travelling twelve hours to the festival, they were kept awake by Nicaraguans singing songs in their room. By the next day relations had improved dramatically. "When we got up (about noon), the Nicaraguans were up and were interested in us. With my twenty words of Spanish, I began to introduce the kids to them. The kids broke through the language barrier right there and invited the Nicaraguans to share a meal with us.. They came along, and we became very close. We were sharing songs, games and stories. They came to our show. We spent many late hours trying to translate their songs into English. When we came to say good-bye, there were many tears. That connection at a human, emotional and artistic level was so potent and so intense and so rapid."



The Last Word

At a picnic of the Street Zone actors in 1986 I asked the cast members in a taped interview, "What has this drama project done for you?" Lisa Nanagwetung, the lead actress in the play, said: "The difference it made to me was we never used to know each other. We never used to chat with each other. I think it made us better friends. We wouldn't even be talking to each other.... It keeps you busy. When there were rehearsals and practices we would always (otherwise) be at the mall. You just waste your time over there. You stand around. Somebody comes around and asks you if you want a couple of joints. It took us away from most of that."

Milton Wapass said: "People come out with feelings they never had before."

Notes:

1. Kelly Murphy, "Indians 'R' Us — Background", *Four Collective Creations*, Saskatoon Native Theatre, Unpublished Manuscript, 1988, p. 5
2. *Ibid.*
3. *Ibid.*, p. 17.

Robert Regnier was once the principal of the Saskatoon Native Survival School and currently teaches in the College of Education at the University of Saskatchewan in Saskatoon.



Story Circles: A Method of Acting and Taking Care of People

Part 2

This is a description of how the drama program at the Saskatoon Native Survival School works. It is based on Story Circles by Ruth Smillie and Kelly Murphy.

"I was standing at the bus stop. Everything in my life wasn't going right. Mom was drinking again. She was having a party. I didn't want to go home. I started to walk. I walked for a long time. Then I was on the bridge. I was looking at the water. I wanted to jump. Then I saw Kohkum in the water. She was calling, "Awasi! Awasi!" (Go away! Go Away!) I ran."



Martine is twelve. She wrote this story at Saskatoon's Native Survival School. Martine is a survivor – of alcoholism, poverty, poor parenting. She is surviving not only because of her own inner strengths, but also because of the remnants of native culture that still remain. It is Martine's Indian grandmother who turns her away from suicide. The spirit of Kohkum surrounds this little girl. It protects her.

These small stories emerge every day at the Saskatoon Native Survival School. But they do not emerge spontaneously. They are gently sought after. They are nurtured into creation, and then they are worked with to give the story teller something back from her story.

The teachers call their method "Story Circles". But it is much more than a group of students sitting around telling stories. It is a disciplined method of teaching literacy and acting. It is a craft. It requires mastery. It has standards. It is demanding. And it is relentless in its belief that the students will learn if they speak about their own culture and their own experiences.

The pedagogy draws on the work of the great Russian drama teacher Constantin Stanislavski in which observation, mood, purposeful action and spontaneity are the key to telling a story using improvisational theatre techniques. It also draws importantly on the Indian students' experiences of traditional winter story telling sessions. It differs from creative drama which explores imaginary situations and beings, and it differs from creative movement which subordinates character and story to skilled body placement. One of the central purposes of this method of teaching is to get students to reflect and act on their own experiences.

The students who take part in the Story Circles are preparing for admission to Grade Nine. They are tested before they begin the drama program and after it ends. For six weeks, four days a week, two hours a day they work at language arts. Every child who has emerged from the program has improved in language skills, some of them dramatically. The teachers administer the Stanford Diagnostic Reading Test, Brown Level and a multitude of other tests if particular teachers or school boards require them.

Here is a description of the method, drawn from Smilie and Murphy's *Story Circles*.

The Warm-up

In front of you are twelve young people. They are suffering from some or all of the following problems: alcohol and drug abuse, poor nutrition, sugar addiction, lack of sleep and extreme muscle tension. In short, they are physical wrecks. They also do not like organized physical activity. They do not like the idea of a warm-up. But they understand that this is one of the many things in their drama workshop that is non-negotiable.

The warm-up should last for 10-15 minutes. You can adopt many different kinds of warm-up, for instance a kind of mild aerobics done to cassette made from the Top 40. It includes jogging and keeps the student's heart rate up for the time it takes to do some cardiovascular good. Sometimes games replace or add to the aerobics.

The Story Circle

The core of the teaching method is the story circle, made up of students and teachers. The group sits on the floor in a circle: announcements are made; information shared; the plan for the session is introduced. The "Story Circle" emerges as a daily ritual. It always follows the same structure: one person initiates a story with a phrase or sentence; the next person repeats the phrase or sentence, then adds to the story and so on around the circle until everyone has contributed. Within the structure variations are added, such as providing the first and last line of the story, adding a twist to the plot, or introducing objects to stimulate ideas. But the ritual of moving clockwise around the circle, repeating everything that has been said before adding to the story, having the story begin with one person and end with that same person, always remains the same. Sometimes the circle begins to act out and work improvisations with the story.

The story circle is the critical exercise in developing the group's collective story-telling and skills. The students develop tremendous listening skills and learn to feel at ease speaking in a group. They become aware of their collective power to create and share stories.

At the end of each workshop session the group sits in a circle on the floor. The day's activities are reviewed. Plans are made to contact absentee students and the contribution of each member of the circle is affirmed.

From Story Circle to Improvisation

Here is how improvisation works. After the story circle ends divide the class into groups of four to six. Each group sits together in a circle and retells the story.

Direct the groups to break down the story into units and assign a title to each.

Write the "Five W's" on the blackboard: Who? What? When? Why? and Where? By answering each of these questions the students will be able to place each of their units.

Each group outlines the action for each of the units. One person in each group should record the scenarios. Then one actor decides on the objective for each unit.

The groups need time to rehearse their improvisations. Then each group presents its work to the rest of the class.

For instance, Martine divided her little story that begins this article into "units of action".

Unit 1: Trouble at Home

Unit 2: Running Away

Unit 3: Kohkum

Then several students cast themselves as Martine's mother, the other people at the party and Kohkum. Martine played herself. She outlined the situation for the other actors. They improvised the units several times, and here, briefly, are the results.

Unit 1: Trouble at Home

All of the actors were in mask. The mother and the adults were drunk. Martine was sitting on the floor trying to do her homework. She gives up. She begs her mother to stop drinking and send everyone away. The mother tells Martine to leave her alone. Martine leaves.

Unit 2: Running Away

Martine stands by the bus stop. The bus stop is a woman wearing a 'white face' mask standing with her back to Martine. Martine cries and holds onto the bus stop for support. The woman in the 'white-face' mask remains rigid and unmoved. Martine starts to walk. She comes to the bridge. She looks into the water. She considers killing herself.

Unit 3: Kohkum

Martine stands on the table that represents a bridge. Slowly, her Kohkum appears and yells at Martine to go away.. Martine runs.

The Actions

Actions are used to record an improvisation. By writing down exactly what a character was doing at a given moment in a unit, the actors are able to rehearse and build on their work through a clearly-defined process.

The actions for Martine's units were broken down this way:

Unit 1: Trouble at Home

Martine

I watch the party

I open my book

I try to concentrate

I read

I give up

I go to my mother

I plead

I withdraw

I leave

Unit 2: Running Away

Martine

I go to the bus stop

I look for help

I give up

I weep

I walk

I see the water

I consider

Mother

I greet my friends

I revel in the good times

I knock over a drink

I laugh

I play with my friends

I try to ignore Martine

I put her down

I dismiss her

Bus Stop

I ignore Martine

Unit 3: Kohkum

Martine	Kohkum
I see Kohkum	I see Martine
I panic	I fear for her
I run	I order

The character's objectives provide the emotional colour and motivation for the playing of the action. Some of Martine's objectives were: I want the party to stop; I want to escape from the pain; I want to get away from the vision. The only real objective Kohkum had was a desire to save her grandchild.

Keeping Faith in the Process

In teaching the Method, don't rush or cheat the process in favour of getting on with a performance. The benefits of the Story Circle are language skills, confidence, group skills and self-esteem. These grow out of the process, not the performance. If a performance grows out of a clearly-defined methodology, it will enrich the process as a whole. But if steps are missed or abbreviated in favour of doing a play, all the benefits of the workshops will be at risk.

Nor is the process allowed to continue if the acting out of units is not clear. A prisoner, for example, is filing the bars in his cell in an attempt to escape. The actor can "slur" the action by not focussing on the filing. Or his action can be "uncommitted", as when he stops to listen for the guard and only "shows" us that he is listening instead of really using his sense of hearing to listen for footsteps or the sound of keys rattling. The action can also be "unclear" or muddy — unconvincing to an audience, who are not entirely sure what the actor is doing.

Once the unit is acted effectively "twiches" can be added. The students repeat the units with a twitch (like pulling an earlobe, brushing hair away from the eyes, etc.). They make the twitch obsessive and continuous. They also must have an objective: eg. the prisoner's objective — I want to be free. They re-perform the units without announcing their actions. With the triches in and with the emotional force of their objectives. The action is stopped immediately if any part is unclear or if the students forget their twiches.

There are a number of exercises throughout the course. An exercise like "Difficulty with Small Objects" might have two students acting out shopping for blue jeans where each one is trying to fit into the tiniest pair of jeans they can find. We have people pretend they are other people. Wayne Gretsky talking with Peter Pocklington about his trade, a bag lady, Madonna ... anyone or any situation that the students are interested in.

Vignettes of daily life begin to emerge out of these exercises. A party in a car at a drive-in movie is wrecked by the presence of a little brother from one of the kids, who has to babysit continuously. All of a sudden baby brother gets locked in the trunk of the car ... the resentment of kids who have too much responsibility for other kids. As the improv moves along, more and more events reflect the daily life of these native kids — full of fights, bravado and drugs.

The Medicine Bag Circle

We move closer to daily reality with the exercise of the Medicine Bag Circle.

In this exercise the students bring objects from native folklore, the traditional medicine bag or simply items which will remind them of their own childhood. They are placed on the floor in the middle of the circle and each kid picks an item and tells about it. There is no teasing or joking about the Medicine Bag Circle. Each student is to be supported and encouraged. They start their stories with these phrases: "This makes me think of ..." or "This reminds me of ..."

When all the stories have been told the students keep the objects for the remainder of the session. Then they have five to ten minutes to record their stories in their journals. During this time, teachers review the stories told in the circle and divide the students in small groups of five or six kids. They also keep records of each story. This is important because the acting of the stories may be done over and over. These are also the most heartfelt stories. If some big boy has told a story about his "soother" to ten of his classmates, one had better be serious about remembering it. It's likely it took a good deal of emotional courage to pick the item and tell the story in the first place.

Then the stories are acted out. Comments are directed to clarifying the stories rather than discussing the acting merits of the improvisations.

There are other circles: animal circles where each person is given the name of an animal according to the kind of physical and emotional qualities that person might share with an animal being.

There's lots of fun making masks and dummies which helps bring out the kids' sense of expression too.

Acting and Taking Care of People

What seems so extraordinary about experiences at the Saskatoon Native Survival School is not the quality of the acting — because making actors of these kids wasn't the highest priority — but the quality of the group experiences. From very hesitant beginnings, the students transform themselves into confident, caring human beings who are as much concerned with one another as they are with the performance.

The idea and sound man, Donald, was a good example of this. Donald fed music to the actors throughout rehearsals. His mind was constantly searching for different tapes, different themes, titles for the plays and sound effects. But he was also taking care of people. If someone missed a session, or more seriously a rehearsal, Donald was



on the phone or he'd go and visit the student at home. He would pace about the school checking to see that the cast was sticking around for rehearsals.

This was a student who could not articulate what he thought when he first came into the group. He stumbled over words and backtracked in descriptions.

When he became involved in drama, he had to develop his story telling skills so the stories behind the plays came across clearly. He had to remember key lines and jokes in each scene. Because he wanted things to go so well, he memorized pretty much everyone else's lines and jokes, as well as his own. He remembered set changes, personal props and refinements of blocking and choreography. His standardized test scores in the area of Reading Comprehension went from 6.8 to 9.1 in four months.

It is people like Donald who give energy to the group and inspiration to continue. Most Survival School students live tough lives, and it has been very difficult for them to do anything in an organized fashion. But they have shown tremendous tenacity and great courage in baring their lives and taking responsibility to create something successful for themselves.

After the final performance of a collective play, one very hesitant young fellow came up to his teachers and said:

"All my life I thought it was inevitable that I'd be nothing but a skid row bum. But then I got into drama. And when I was out there in front of all those people, and they were listening to us — really listening — I realized that maybe I didn't have to turn out that way after all."

Story Circles is available from the Saskatchewan Teacher's Federation, 2317 Arlington Ave., Saskatoon, Saskatchewan. It costs \$8.40

Part 3

My Survival School And What It Means To Me

Sheila Baldhead

I was born in Wakaw and I grew up on the One Arrow reserve near Duck Lake. We moved to Saskatoon thirteen years ago because there wasn't any running water or any sewage system, and there was a problem with heating on the reserve. Even now, only some houses have those things.



In Saskatoon I've gone to Wilson, Victoria, Prince Philip, and now, the Survival School. I was going to Holy Cross this September, but I didn't get along with the students. They were snobby. They thought, "Oh God, an Indian, give us a break." So I didn't like it. I didn't have any friends at all. I felt lonely, and it was frustrating trying to go from class to class trying to find my way around. It was a big school. There were only a few Native students there. So my brother and I, we changed schools.

In one of the other schools I went to, I had this friend ... I went to her house and visited her for a couple of hours. Her Mum and Dad were there. When I came home she phoned me and said her Mom told her she didn't want me to come to their house anymore. I asked her why, but she wouldn't give me an explanation. I went to her house and asked her Mum, "Why don't you like me coming to your house?" She didn't say anything.

I wasn't mad at her, but I wanted to ask her face to face. I just couldn't see why I couldn't come over. Just because I'm Native or a different colour. I can't believe that just because you're Black or Chinese that they have something against you. We're all the same inside.

At the Survival School, we're all the same colour. Some people speak Saulteaux and other Native languages. It doesn't matter the way you dress or how your hair looks. They accept you. When you go to a white school, they tend to look at you like "Look at that sloppy Indian." Me, I try to make sure I'm not sloppy, but they think I am anyway. I want to say to them, "Hey look, she's dressing okay. She's just another person." It doesn't matter how you dress so long as you come to school clean. It's your personality they should think of or if you're good.

We say it's like a big happy family going to this school. You get along with everybody, and the teachers are there if you have a problem. The school also gives you a little push along the way. They guide you to getting more education.

From the school's drama project I learned to communicate with new friends and meet new people. I like acting and waiting for people to applaud. That was a good feeling. There were people watching and saying what's going to happen next in the play and sitting on the edge of their seats.

Another reason I like the Survival School is that here I learn Cree. When I was in other schools, I used to take French. I feel better

taking Cree because I can speak to Mum and Dad in their language. When I was a child Mum and Dad spoke Cree to us, and we used to speak it on the reserve. But when we moved to the city I lost all my Cree. We spoke English all the time. My parents still speak Cree, and now I'm trying to speak it to them again.

I think getting a good education is important. I want to get a really good job, which will support me and help me in the future. My goal in life has always been to be an RCMP officer. I'd like to help out students with their problems. I just like to help people. Some Native kids have done crimes, and if a Native person was helping them it would be good, because that person would be more understanding of these kids.

I think Native people are slowly moving up in what they do with their culture. People are interested in Native culture and wonder what this has to do with that. This school makes me proud of my culture and being an Indian. Look, these are Native students. Look what they're doing.

This story by Sheila Baldhead will be found in a book of photographs and interviews of SNSS students and their families by Becky Mackie James, who did the photographs accompanying the above article. The book will be published by Fifth House in Saskatoon in the fall of 1989. Becky Mackie James now works out of Regina.



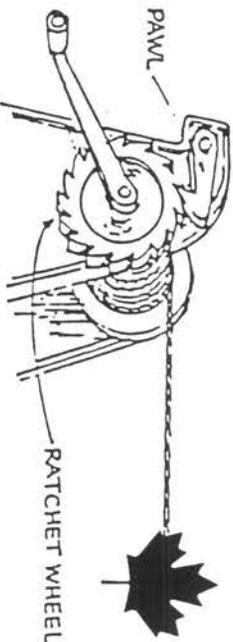
The Free Trade Ratchet

What Does It Mean For Canada's Schools?

David Clandfield

A new school year is well under way and national elections are in the offing in both Canada and the US. The rhetoric is heating up again on the Canada-US Free Trade Agreement.

ratch.ət (rach'it) *n.* a wheel or bar with teeth that strike against a catch fixed so that motion is permitted in one direction but not in another.



ratchet wheel a wheel with teeth and a catch that permits motion in only one direction. (from *Gage Canadian Dictionary*)

Mikmaq Cultural Camp

Philosophy

The expression of the Mikmaq language and culture is a manifestation of the gifts given to us by our Creator at our beginning:

When the Mikmaq people awoke, naked and lost, they asked the Creator: "How shall we live?" Our Creator taught us how to hunt and fish to survive, how to cure what we took, taught us about the medicines in the plants and they would bring us back to health. Our Creator taught us about the Constellations which would keep us from being lost at night, and about the Milky Way, the path of the dead into the Spirit World. Our Creator taught us all that was wise and good and then gave us a language by which we would teach our children how to live and survive forever. Our Creator taught us to pray, to sleep and to listen to the animals that would come to us in our dreams, for they would deliver us advise from our Creator. Then our Creator told us of the presence of two worlds separated by a cloud that open and fell at intervals, the good, firm and believing at heart would be able to cross through the two worlds unscathed but the bad, weak and unbelieving would be crushed to atoms.

It is the philosophy of our Mikmaq elders to continue the teachings, beliefs, values and skills of our Creator through the language and in the context of our community in order that we will continue to survive. In these modern days, the need for traditional skills are superior to modern fragmented knowledge which is self-destructive.

The Cultural Camp is an attempt to provide children with continuous learning and experiences that will help shape their tribal consciousness and bring them closer to their elders and the earth.

In this regard the camp operated on Chapel Island with approximately 70 children from each of the Cape Breton Reserves and Afton. The limited housing made it difficult to take any more that these although there were many who applied but could not be taken.

There were two adults for each 15 children, in housing and activities. Approximately 20 adults served as resource people, cooks, boatmen, teachers, and helpers during the two weeks at the Camp.

In the first year, children stayed 5 days, went home for the weekend, and came back for another 5 days. In the second year, students remained on the island for the full 10 days.

Food preparation was done on the island by Mrs. Jeanette Denny (the Grand Captain's wife) and her family. They provided 3 main meals each day and in-between snacks for everyone. Without running water and electricity, this was quite a bit of work. The cook thus got paid the most.

The day started with wake-up, round-up, and breakfast. After prayers in Mikmaq would be held in the Chapel on the island. These included lessons of the prayers and some lessons on how to read Mikmaq.

Children were then divided in several small groups and ushered to various events. Some were sent to nature study, where they would learn about the woods, the environment, tracking lessons, and about our relationship to the earth and the world. Others would go to basketmaking with Mrs. Margaret Johnson, a renowned elder and basketmaker. She helped students to make their own baskets, told them stories and share the wealth of experience with them. In another camp was waltzes game playing, learning the counting, the patience and endurance of this game performed from time immorial by their ancestors and elders. In another camp was elders who told stories, listened to questions, and share the wisdom of our ancestors. Medicines, crafts, games, history murals, nature walks and exploration, and prayers predominated the time on the island. In addition, children swam, learned canoeing, boating, water skiing, and had water and swim lessons. A nurse was hired to be on the island too as there was constant need for her with scraped knees, cut toes, sore tooth, etc.

It was a full 10 days of activity and much hard work. The benefits of course were in the eyes and enthusiasm of the children. Later many would remember these days and the warmth and beauty of the time.