THE REGISTRAR

All rise. Please be seated.

MR. COMMISSIONER

The next witness, please.

MS. DERRICK

Thank you, Mr. Commissioner. Dr. Marie Battiste?

DR. MARIE BATTISTE, (Sworn)

DIRECT EXAMINATION BY MS. DERRICK (On Qualifications)

Q. You are Dr. Marie Battiste?

A. Yes, I am.

Q. And that is spelled B-A-T-T-I-S-T-E?

A. Um-hmm.

Q. Is that correct?

A. Yes, or Battiste. However.

Q. How do you prefer to be addressed?

A. Battiste would be fine.

Q. Thank you. Dr. Battiste, you have a Doctorate in Education. Is that correct?

A. Yes.

Q. With a specialty in bilingual/bicultural education?

A. Bidialectical as well.

Q. And a Master's in Education from Harvard University?

A. Um-hmm.

Q. You obtained your Doctorate from Stanford University

in California.

A. Yes.

Q. And you did your undergraduate education at the University of Maine?

A. Um-hmm.

Q. Currently, Dr. Battiste, you are the Micmac Cultural Coordinator and Curriculum Developer at the Eskasoni School Board?

A. Yes.

Q. And prior to that, last year you were the Classroom Consultant for the Eskasoni School Board?

A. Yes.

Q. What did that job involve?

A. In that capacity I was involved with all of the teacher inservicing and training element of organizing and preparing what teachers go to what, when, how long and so on, and what kinds of resources do they need, inservicing teachers to particular concepts that we were developing in the school, as well as providing guidance to the teachers as to how to do certain kinds of things in the classroom, helping new teachers through the transition, working through with the administration on programming, advising them on programming, what would be the best program to utilize for different

kinds of purposes.

Q. Where is the Eskasoni School Board located?

A. It's located 25 miles -- let me see -- east of the Route #4 East Bay turnoff. And it's situated on the Bras d'Or Lakes.

Q. And is it on the Eskasoni Reserve?

A. Yes, it is.

Q. And what are the ages of children the School Board is concerned about, who come under their auspices?

A. The Eskasoni School Board has children from Grades Kindergarten through Grade 9.

Q. And is the school located on the Reserve as well?

A. Yes, it is. We have -- actually, we have two schools, an old school that houses the children in the Grades Kindergarten through Grade 1, and then a -- the -- what is called the "new school," which is the -- which houses children in Grades 2 through Grade 9. And they -- the ages range from 4 years old when they come in and Kindergarten to whatever age it takes for them to get out in Grade 9. Some of them are over-aged.

Q. And what does your current job involve?

A. This year my job is primarily to develop curriculum materials for the Micmac language program, to identify a sequence of instruction for the language

program and provide materials for that, as well as to provide a core curriculum of concepts sequenced to the age level and the understandings of children throughout the school year from -- so it goes from Kindergarten to Grade 9. So it's the integration of the Micmac culture into the curriculum. So in examining that, I would examine all the guides and all the books. I would prepare material where there is aspects that need to be developed in each of the grade levels.

Q. And has part of your scholarly activity involved the study of various stages of child development?

A. Well, it's always been my -- it's -- my scholarly development has been working in child development, primarily from my early days in which I was a Head Start advisor/director. I was a planning Head Start director many years ago. And from there I began doing a lot of work in early childhood development among Native peoples. In particular, I was looking at the Wabanaki tribes in Maine, and then reflecting my own childhood background on all the courses that I took subsequently in early childhood development.

Q. And is it correct that you are the first Aboriginal woman in Canada to have received a Doctorate?

A. As far as I know, yes.

Q. You are a fluent Micmac speaker yourself?

A. No, I'm not. I -- my parents are Micmac speakers, fluent Micmac speakers. But in my years of growing up in Maine, I didn't have a peer group of Micmacs to speak with. And so that my knowledge of Micmac is all in my head. And I understand completely everything I hear said. I am a limited speaker of Micmac, with developing the functions now in these later years for how would I have used it.

Q. In 1984 to 1988, you were the Education Director and Principal of the school at Chapel Island?

A. That's correct.

Q. And can you tell us a bit about that school? What grades of children were there ---

A. Again, it was children in Grades Kindergarten through Grade 6. And as it's a small community-- it is my home community. That's where my parents both live, on Chapel Island Reserve. And when I finished school -- well, actually, before I finished school, we had been formulating a Band-operated school with the Band Council. And when I finished and was returning home to take a position at Trent University, they stopped and asked if I would kindly take on the position of Principal and Education Director to guide the school into a bilingual/

bicultural education curriculum. And with that as a goal, I felt it was an important thing to finish something that I hadn't been able to finish. And so -- with the idea that I could hire my own staff to come into the school. I hired a -- Micmac teachers and we have an all Micmac staff school that operates a bilingual/bicultural education program.

Q. And a bicultural education program, as you're describing it, involves the study of Micmac culture? Would that be correct?

A. Well, in a bicultural environment, you're not necessarily studying it, you're living it. You're -- if your teachers are Micmac teachers, if your people are all Micmac, then you live the Micmac values. You live the -- you discipline the children in Micmac ways. You would teach to specific concepts, for example, like the Treaty. You would talk about the Grand Council. You might talk about the history, missionaries, explorers and so on, whenever -- however you could integrate it into the curriculum, but using Micmac as a language of instruction, as well as teaching English as a second language.

Q. Dr. Battiste, I see from looking at your C.V. that you've worked at Stanford University in California.

You've worked at the University of California. You've worked at the American Institute for Research in California, at Harvard, at the Maine Indian Education Council. These are all places you've worked over the years.

A. Yes.

Q. Is this a complete curriculum vitae with respect to these various consulting and work positions you've had?

A. Well, no. I guess I have not been able to update it recently to include the work that I've done with the Commission, some of the courses that I've been involved with, some of the other committees, local parish council and all kinds of other things that I do in the community. So I guess it's reflective pretty much of everything that I've done, but not everything.

Q. And these other things that you've done have had an educational and cultural focus?

A. Everything I do does.

Q. And you've just mentioned having some involvement with the Commission. You're referring to the Royal Commission on the Donald Marshall, Jr. Prosecution?

A. Yes, I am.

Q. And, in fact, I think you made a submission to the

Royal College on behalf of the Grand Council?

A. Yes.

Q. Is that correct?

A. That's correct.

Q. And that's found in Volume #3, I believe, part of the Dr. Clark study?

A. Yes.

Q. On the Micmac?

A. Yes.

Q. And also you modestly don't mention having attended the Consultative Conference that the Commission held in November of 1988.

A. That's correct.

Q. You were there as a participant?

A. That's right, um-hmm.

Q. And were you there representing the Grand Council or as ---

A. In our invitation to the -- to this event, they asked how we would like to represent ourselves. And we indicated that we would like to be representative of the Grand Council. My work with the Grand Council has -- began when I returned to the community in 1978, when my husband was doing some work with the Union of Nova Scotia Indians. And he came back to work with -- at the time, the Grand

Captain was the President of the Union. And since that time we have maintained a very close relationship with the Grand Captain, who is the Executive of the Grand Council, and have advised and offered assistance in a lot of different kinds of ways, in preparing submissions and articles, doing research. Any kinds of things that require our assistance, we're available.

Q. Is this work referred to in your C.V. where you talk about consulting activities and say that you're the Executive Director of the -- and I'm afraid I don't know how to pronounce this ---

A. Apamuwek Institute?

Q. Yes.

A. Yes, that is. Our Apamuwek Institute is a consulting firm of which I am the Executive Director and for which we have a group of scholars who work with us on various projects, depending on whatever kinds of projects we are taking on at the time. And we call upon their expertise, research and legal and whatever kinds of -- economic ---

Q. And some of this is referred to in your C.V., Contracts and Education, Aboriginal Rights, Indian Public Policy: Contemporary Issues.

A. Yes.

Q. I also see that in the summer of 1988 and 1989 you were the Coordinator and Presenter at the Micmac Language Teachers' Workshops in Nova Scotia and in Prince Edward Island?

A. Yes. That's something that I do with the -- through the Eskasoni School Board and which we started, actually, before then, when we were dealing -- when I was still working with the -- as an education director. My role in there is coordinating teachers and -- from -- throughout the Maritimes to come together. And we -- I help them develop various cultural language issues involved with language and cultural education.

Q. And have you taught any courses, Dr. Battiste, dealing with child development?

A. Yes.

Q. Can you tell us about that?

A. I taught for the Bachelor of Social Work program, the Micmac Bachelor of Social Work program. I taught a course in Developmental Psychology within Dalhousie University. And the nature of the course was to cover all the developmental areas from birth to death and afterwards, pre and post, from a Micmac perspective.

Q. Dr. Battiste, I see as well in your C.V. that you

have done and made numerous scholarly publications on language and culture, Micmac language and culture.

A. Um-hmm.

Q. And the list is contained there.

MS. DERRICK

Mr. Commissioner, I would like Dr. Battiste to be qualified as an expert on Micmac culture, education and child development.

MR. COMMISSIONER

I qualified her quite a while ago.

MS. DERRICK

Thank you, Mr. Commissioner.

DIRECT EXAMINATION BY MS. DERRICK

Q. Dr. Battiste, where were you born?

A. I was born in Holton, Maine, during the time of-- the latter part of the time of centralization. My family left the reserve during the '40's when the Micmac people were being centralized to the two reserves, Eskasoni and Shubenacadie. And my father was a migrant labourer/worker working in the fields potato picking. And my mother went with him. At the time there were just 3 children. And I was born in the United States, in Holton, Maine.

Q. And did you grow up there?

A. Yes. During the time of centralization, my parents felt that there was very little hope for people living on the reserve. They had been there during the time when people were being moved. And it was a very difficult time for the people on the reserve. And they felt that if they had any opportunity, it probably -- in terms of employment, anyway, that they would probably get it off the reserve. And so we grew up in Maine. And then when I finally graduated from school in high school, my parents moved on.

Q. You, having lived in the United States -- and I think you mentioned earlier in your testimony that you returned to Nova Scotia in 1978.

A. Yes.

Q. Why is it that you returned and where did you come back to?

A. Well, it's only a -- I returned in the sense of coming back to the community in 1978, after having been away, but that my family -- while we were living in Maine, my mother always spoke Micmac. We always welcomed visitors who came through. And so we always knew who the network of people were in our community. And we went back to the reserve frequently for funerals of our relatives. And that

was frequently that we would return. And when we returned, we would stay at various people's houses. And in a reciprocal way, when they needed to come through to go potato picking or blueberry picking, our house would be right on the border in Holton, Maine, and they would come to us and we would also provide them housing, food and whatever else they might need.

Q. And when you came back for funerals, where was it that you were coming back to? What reserve was it?

A. All of them. It was wherever your kin was. And that -- and our relatives are spread over all of the reserves. And depending upon the relationship my parents had with different other people who are not relatives, people that -- who -- with whom they would like to show their respects to the greater family, they would -- we would be on the road a lot.

Q. And now where do you live?

A. I live in Eskasoni. My parents live in Chapel Island, which is about an hour away from Eskasoni. And when I came in 1978, my husband and I had a Winnebago type van or vehicle. And we parked beside the Grand Captain, who was at the time the President of the Union. And that's where we've been ever since, although we built a house. Not still in the

Winnebago, but pretty much in the same spot we were when we came in.

Q. Can you tell us, why did you come back?

A. Well, for us who -- when we had been in the States for some time, there -- the unyielding urge to have children wherever you are came about. And I wanted our children to have the roots embedded in the Micmac family and community. And so our reason was to bring back our children and to raise them as Micmacs. And when -- on my first year home in '78, I was -- we had our first child in 1979.

Q. How many children do you have?

A. I have 3 -- we have 3.

Q. And what ages are they?

A. 3, 8 and 10.

Q. And do your children speak Micmac?

A. Yes, they do. They -- intermittently, depending on which group they play with. And again, this is sort of a characteristic of how the language is developing in the community, whereas children who are dominant speakers of Micmac, if they remain dominant in their group, can influence all of the other children to speak Micmac. And that is the case with my son, who is not dominant in his play group. My son -- my daughter, however, is more

dominant in her play group so that she can effect the language that is used in that particular group. My daughter -- all my children understand Micmac exceptionally well, but use it for whatever functions they need to have it.

Q. And are they being educated on the reserve?

A. Yes, they are.

Q. Dr. Battiste, what is the Micmac community's attitude towards children? Can you discuss that a little?

A. Well, the Micmac community has a very very deep love, concern and attachment to their children and to other children. That your children are your own for the purposes of the fact that you give them birth, but they belong to the greater good, the greater collective community. And so that we have a lot of children and we have a lot of responsibilities. A child is raised in a home in which there are many uncles and aunts, all of whom have the authority to chastise a child who they see doing something wrong. They have a very tolerant attitude toward their misbehaviour and their noise. They're taken to every social event. Sometimes it appears like they are not disciplined. But we have a different notion about discipline. And that is,

that our children are given direction, are given metaphors about what happens to kids when they do-- when -- they know of other kids who have done certain kinds of things. So that your children will learn that, "If I do this, this will happen to me too." And we allow our children to experience a lot of things, recognizing that they're -- that they have -- that they aren't infallible, that they are going to experience pain and suffering, and that we give them an opportunity to experience those things, knowing that, when they do, that it will also help them learn a lesson by it. A child is told not to touch the stove. But if he touches the stove, then he will know why he's told not to touch the stove. And so those kinds of things in terms of giving children the opportunity to have the experience with it, of -- with a -- some kind of a negative effect, falling through the ice outdoors in play. You know that -- okay, now you've experienced it. Children are guarded within the community, under the watchful eye of the collective community. And they are accepted as being children and that they will eventually learn right from wrong.

Q. What are the critical ages in a child's development, from a Micmac perspective?

A. Well, in the first early years, from the time the child is conceived -- for that's an important time too. Because the conception as a baby -- we don't think of a child as an embryo or a fetus. It's a baby. And from that time until the child is about 5 years old or 6 years old, the child is within the realm of the -- a maternal community. While there is a lot of uncles, fathers, other males in that, basically our mothers are -- or our central mothers are taking care of the children in the core. In that time the children are allowed free exploration and curiosity. And there's a lot of laughing. And that's the time in which the child is developing a language. Within that, he's given a very rich language environment. The language environment of his home would be Micmac. The children would learn the Micmac by listening and -- but not intruding. They would be -- whatever their needs are for food, for love, for caring, for nurturing, for holding, for petting, for sitting on somebody's lap to listen to them, would be all done within these larger units of people being together. That's where a lot of-- you know, people go with their kids wherever they go. They take their kids.

Q. In that age frame.

A. In that age frame. From about 6 to about 12, 13, they're now moved out into a realm of peers. And in this peer development there is a lot of where those kids -- there is always the eldest in charge. And the eldest in charge will be accountable for whatever mishaps might occur among that group. So they roam around in groups. I have 12 kids in my house. And they all leave my house when I get tired of them. And they all go next door. And they all go together. And then when they get tired of them next door, then they're kicked out and sent to another house. And they're over there. And they're -- you know. So they roam around in groups. And sometimes you just say, "Everyone get out. Get out, get out," you know, "It's a fresh day." We have an open bread and peanut butter policy. And the open bread, peanut butter and jam policy allows that all children will be fed at all times with this open bread policy. And so that no one goes hungry. When there are major meals, all of -- whoever is in the house eats whatever is available. And, you know, there's a lot of people visiting at different places. And you share your food. And you share your kids. And you share your dialogue. And you share your life. And you share everything in a

collective community consciousness. About -- in this time of their growing up in this -- 6 to 11 year olds, there is a lot of exploration outdoors. There's a lot of time being outdoors. I mean, that's the time when you really don't want to have them inside, for all kinds of good reasons. But, anyway, that they spend a lot of time exploring their outdoor world, being outside. They climb the trees, they play hockey, they go skating, they do whatever is the sport, you know, of the time. They're well taken care of from every household, from every window which is open, which -- every door is open. We note our children. And when we see anything going on that's out of the ordinary, we wait to see if the oldest is going to correct it, in the hopes that they will. And if they don't, we alert him to it. And then if that doesn't work, then we then go after the oldest and say, "This is your job. You were supposed to be out there looking after these children," and so on and so on. We do have ways of disciplining our children with a Npisoqon, which is a medicine stick, which is a very sacred stick -- switch, and which is more used for threat than actual use. And if you have to actually use it, you'll remember why it was used. But it's

not a -- it's not something that we discipline with, a switch like in hitting, but rather by the threat of it as opposed to actually, you know, going through with it. But on some occasions, you will find an occasion that you should remind them of the power behind the medicine stick or the Npisoqon. About the change of when they approach puberty, children are then adults, for the most part. They're adults in the sense that that's how they perceive themselves. They're not adults in the Micmac world yet. They've been given the values slowly along the way. But they're -- recognizing that a 12-year old is not a full adult. They are still learning along the way. While parents may heed or try to correct things like -- you know, talk to their children about sexuality and the repercussions of it and so on, that should an untimely pregnancy do come about, at least that girl knows what happens when you do this. And so you might do something the next time to avoid it. But it's not one in which we would admonish children for getting pregnant, or in the case that sometimes children may become introduced to drugs and alcohol. Again, we have all different ways of coping with that when it happens. But sometimes we recognize

that within our society, that, you know, these are things that we can't always hold up the barriers and not let our children experience the things that they're going to experience if they're going to experience them. And so that adulthood comes very early in a Micmac society, children who are 13 and 14. I have known of instances when a boy turns 13 and his grandfather brings him down tobacco and gives it to him. And not that he wants to get him smoking, but rather he acknowledges, "Now you have come to this stage. You are an adult. You are moving into adulthood." At this time our children develop self-reliance. They learn adaptive strategies for dealing with all kinds of things, whether it's the law, whether their parents, or whether community. They're learning all kinds of adaptive strategies of how to get along. At that time there's more of the realm of the peer network begins working around tournaments, ball tournaments, social events, religious events that also have the social network to them. And our children move around in these social networks, developing wide group networks, social networks, that will take you through a lifetime. You also are giving your children leeway to go to these tournaments, be there

and have fun and so on, knowing that they're going to absorb the values of the community. They're going to absorb the values of the culture. They're going to -- you know, it will be a collective consciousness still. And while we recognize that teenager years are years in which kids are having hormones jumping all over them, I think that we take it in a lot more stride than the non-Native community.

Q. So does this stage last from puberty through the teenage years? Would that be the parameters of that stage of development?

A. Yes, I'd say so. It goes -- actually, probably there's a twofold process thereafter. And that is one in which, you know, the girl's identity and boy's identity are being established. The -- in these times the girls will have -- begin having more solid responsibilities in the home. Usually that will follow along the same things that their mothers have been doing, the caretaking, the helping with the cooking, the housekeeping and other kinds of things, that kind of -- continuing the values and culture of the mother passing on to the daughters. Males will -- for a period of time, I'd say, in those puberty years when they're out, you know,

exploring the outside world of social networks, they begin to bond a little later into the next phase with their fathers. I'd say that begins about 18, 21, 22, kind of -- 24 years, in that you're developing strong bonds within your own family again. Because, you know, you grow up, you're into it. And then you sort of leave it to go with all your friends. But then you come back through and into the bonds of your immediate family again, only to start building your own families and begin having your own children and getting married and so on.

Q. And with respect to a Micmac boy, what about the bond with his mother? You've mentioned bonding with the father. Where does that come into play?

A. Well, the mother's bond with her children will never be severed with anything. I think when my -- an instance happened where my brother did something wrong and my mother thought this was inappropriate. And even though he was a good 40 years old, she called him up and she says, "Your mother is the only person who can tell you this. Your mother. You know, nobody else in the whole world can tell you anything but your mother." And from birth -- from when you give birth to a child, male or female, these are your children who you bond with. And that

bond relationship stays with you for a lifetime. And it is something that is not nurtured in the same way. Because I -- as I have witnessed it, is that males don't have the same linkages to their male children as females have with their children, boys and girls. And that relationship continues on. And mother, no matter how old you are, can chastise you for things that you have done wrong, and can make some major decisions affecting your presence in or outside of the house.

Q. And is that expected through the course of your life, that your mother is going to have that entitlement, as it were, that role?

A. Yes, I'm sure of it, yes.

Q. How significant are the later teenage years in child development in the Micmac community?

A. Well, during those years I -- that is the time when you are developing some of the most critically important skills in Micmac society. And that is your ability to be self-reliant, your ability to be resourceful, your ability to have a bond, a social -- sociality with a large community network. It is really in that development that your -- actually, your identity is established. You might always know your -- that you're Micmac. And you don't sense a

Micmac identity out of it. But you develop the identity that is called "Micmac," in which you are developing an understanding of the collective consciousness of that particular community and culture. And to see, by going to distant reserves, distant places where other Micmacs are and to note the similarities of all the people and how they are alike and how they share and give of themselves to each other, is the establishment or the sort of the cementing of that self-reliance. And self-reliance is a very important skill as well as a value in our community. But it's self-reliance because you can do so much within your social fabric. Your network is so wide and so big that, you know, should I decide tomorrow that I'm going to go to Boston, and I don't have a penny in my pocket, I can go. And I might stay as long as I wish. Because I know that whichever way I go, whichever route I take, I will go with all the families along the way who I know and who my mother knows. And sometimes when we were in Maine, you know, strangers would come to the door. We would know them to be Indian. And we'd say -- the first thing -- the first question always was, "Who are you? Whose family are you?" And then the long network of, "This is my family and this is

my family." And by just knowing who your family is, you'd say, "Oh, well, come on in. I know you. You're my relative. You're my kin." Or, "Oh, yeah. Your mother treated me good when I was down there," and any number of things. So that you can be especially self-reliant in doing all kinds of these things and explore your environment, knowing that within that there is all these Micmac adaptive strategies of getting along and getting by and taking care of yourself, as well as you learn a whole lot of being resourcefulness. And that resourcefulness you learn through your network of peers again, through your network of friends. And they say, "Well, you should go here. You should go there. You should go do this," and so on. And, "I know a friend down here. And here's her phone number. And here's two dollars. And -- you know, that's all I got, but here it is," or things like that.

Q. In this stage, what is the significance of the family in the acquisition of these skills and this knowledge?

A. What is the significance of the family?

Q. Yes, of the mother and the father and the brothers and sisters, the immediate family, as I would

understand it.

A. Well, I think that -- on the individual.

Q. Yes.

A. What would be their -- the impact of them on the individual. Well, I think that once you are firmly entrenched within your family, first of all, and that you come to know by being -- running around in your own little neighbourhood for many years and helping each other and so on, is that you begin to pass on -- you know, your community is secure with -- you know, your family is secure in that when you go, you'll be taken care of by the large network of people who you have within your own network or your -- sort of your community network or your collective network of people. I think that -- I'm not sure I understand your question very well. But I guess what I'm -- comes to mind is that there is, you know, there maintains all those bonds. It -- they aren't ever severed by your leaving.

Q. What is the effect on a family of having a child removed as opposed to a child voluntarily going away?

A. Well, in this particular instance, it has had a devastating effect on the family.

Q. And when you're saying, "in this particular

instance," you're referring to Donald Marshall, Jr.?

A. I'm talking about -- I'm talking and thinking about Donald, although -- Donald Marshall, Jr., although there are other situations in which children are taken from families. An analogous situation might be boarding schools, where children were taken from their homes. Starting in 1930, boarding schools were set up for orphaned and neglected children. And somebody else would determine whether they were neglected or orphaned. And they would be rounded up and sent to boarding schools. That, in my experience, has been a very negative and devastating effect personally, as well as, you know, on the culture and the community, because of the removal of children from their immediate family. First of all, is that the collective consciousness is not passed on to the children of -- through the daily dialogues in the home, that they lose a sense of who they are and who they should bond with.

Their bonds are severed with -- not in the same sense. Like your mother knows who you are and so on and your mother has got that bond with you, but somehow you're sort of in limbo in this, taken from the family.

Q. This refers to the individual who is removed?

A. Yes, that's right.

Q. This is the effect on the individual?

A. Yes. I think that from having had the experience and my experiences with children who have come from boarding schools, in which my -- I also have a sister who was in the boarding schools for 3 years.

Q. So, you're speaking about this personally with respect to your sister but also as an educator who had involvement ---

A. That's correct. That's correct, oh, yes.

Q. --- with children who were the products of boarding schools?

A. I find that in the situation with people who have been from the boarding schools that because of the trauma that they experience, the loss of nurturance and bonding and loss of their community, they go through many, many, if not endless, years of turmoil trying to recover from that experience. Some don't recover. Some people succumb to alcohol as a way of

removing the pain that they went through. Some other people with whom I've had experience who go on to school and who get into education and begin to relive their experiences from through looking at it from different eyes, from a different perspective, and therefore are given a place to put that experience in other categories, in other words, than the ones that they personally experienced in terms of pain and psychological agony. In these instances when teachers -- when these people go to take classes, they're able to begin to reflect upon those experiences that they had from a different light and begin to resolve them. And I think that resolution to turmoil and conflict and trauma is part of the healing process.

Q. What about the effect on the community?

A. The community, at the time of removal, suffers that sense of loss. There's two different kinds of things here, and I'd like to at least bring them up in the sense of the child who is removed to boarding school and the child like Junior Marshall and the difference between them. In a boarding school situation, the child would be taken away from the home and the community and then brought back into the community, and when they come back into the

community the one thing about the boarding school is that they were all Micmac, there was no non-Micmacs in that group, they were all Micmac children, as opposed to another institution where he might be one of many who were not Micmac or there might be some other tribes there. But, you know, it's good to some degree that they were all Micmac, that they could stay together, they could talk together, they could share things together, even though their language was discouraged, that they were not allowed to speak their Micmac language in the boarding schools, and that has a devastating effect on your identity and your perception of the world outside as well as your perception of yourself. The children come back home. I find that a lot of those children who have come back home from institutions like a boarding school have had to deal with severe trauma. A lot of them have taken to alcohol as a way of relieving that particular problem, so that alcoholism might be directly attributable to the kinds of problems associated with children who have been in a trauma situation, which means that inevitably the whole community will suffer by such a thing because everyone might have at least one person in their family who has come from that

particular situation. And so it has all kinds of different kinds of effects and effects that we're still dealing with, even after the boarding school days of 1969 had closed that people are still trying to resolve that particular experience, although there are other boarding schools. That's not to say boarding schools are by and large, you know, at fault. There are some that are better than others and certainly we have some people who in their high school years go to boarding schools and are community leaders today. The situation with Donald, I would say, Junior, is that, you know, he was in an isolated situation not with other Micmacs and his whole collective consciousness was something that he never had an opportunity to be nurtured through and in, recognized by and with, and so as a result, you know, there was a loss of bonding with a social network that might not have been the same with the other.

Q. Just a couple of questions arising out of that, Dr. Battiste. In the boarding school setting that you've described when there were summer holidays, what happened to the Micmac children who were resident in the boarding school? Did they stay at the school? Did they go back into the community?

A. Some did and some didn't.
Q. Some didn't?
A. Some didn't go home for the summers and holidays and some did. In the situation in which my sister was in for 3 years, she did not.
Q. And with respect to the social gatherings, the sports tournaments, the celebrations that you described earlier that are part of the formative teenage years, did those happen only within the particular Reserve where a child is resident or are you talking about events that take place throughout the Micmac Nation?
A. It's throughout our Micmac Nation. Being Micmac does not mean that you are a Micmac in the solitary sense of being just a Micmac in your own community, a Micmac is a Micmac who ties into people as far as California and as north as Quebec and the Gaspe Peninsula and up into Newfoundland. Micmacness is our collective consciousness and we know each other by the kinds of ways in which we interact with each other and all the tournaments and kinds of things that happen, it has long been the tradition for us to go from Reserve to Reserve, you know, during our summertimes in particular, as the weather is good, and in the old times it was hop on your canoe and go

wherever, or it might be in the wintertime you might skate across the water, the ice, you know, to get to another Reserve to go to a dance or do other things. But basically our Micmac people move, are more fluid, and it starts very early from the tournament age onward. And it's important to our culture because we know who we all are and we know who all our families are, and when you meet another Micmac who you don't know, you ask them, "Who are you?" Like, "Who is your father and who is your mother and how are you related?" And if you can't find the relationship, you know, within that community, then people know you're not part of the community. You know your own. You know, insiders know insiders and you know who is an outsider.

Q. And does a person have to have a formal education to have a sense of all this?

A. Oh, of course not. I think that it starts from children. Children have a sense of who their community is, they have a sense of who their relatives are from a very, very early age. My children ask me -- my 8 year old is always asking me who her relatives are and I try to relate to her all her relatives, but she can't grasp it all because it's too many and so she just keeps continually

asking. But it does become confusing because we call our elder women "sukis" or "auntie" and we call our elder men "uncle", "nkluksis", "nglamo,ksis", which comes from taking care of, it would be -- an uncle would be one who would take care of you and take care of not you but everyone within the collective, and so he was an uncle. And so from that, all male older men are uncles and all women are sukis, and so would you also call your immediate aunts sukis and your immediate uncles, as in your father's and mother's brothers, uncles, and so it sometimes gets confusing who is who. But we see each other as all Micmacs, and therefore we all share the same value toward each other and we thus extend respect to each other by these terms.

Q. Is it necessary to be able to articulate this in the fashion that you are in order to have a sense of it or an understanding of it?

A. No. No, you would not have to be reflective and give it new categories of thought to be able to experience it and know it. In fact, the majority of the people live it without reflecting upon it and it's intuitive.

Q. What is the significance, Dr. Battiste, of a Micmac's inability to go back to his or her

community?

A. Well, I think it's -- there's sometimes when you've done something wrong and you feel like you can't go back until that's resolved, and it may take several years but you come and you resolve it and you make amends and you do what has to be done and it's over. When you're taken away from the community, and in the instance quite like Junior who didn't do anything wrong and he has nothing to come back to make amends for but yet he has lost a significant amount of nurturance and recognition, acceptance and cooperation from that community, where you've lost a collective consciousness from, where you've lost kind of the sociality network of bonding with people, it is -- as it has been for him, it's been devastating because he has to deal with so much. He's carrying so much baggage. It's a very difficult process. It's his process, though, that he will go through in which he will have to resolve some things for himself, but I think that the community sees how painful a process this is for him and the community would like to share with him how much that he has given to us by this wrongful imprisonment, and he hasn't yet been able to come back into that collective community, into that

collective consciousness, to share because of the pain that goes with it. And I guess our daily dialogue is basically what we find as our daily collective consciousness.

Q. Is this process that you're describing for Donald Marshall Junior then a process of reconnecting with his community?

A. Yes. Yes, I think that that -- it's a process that he is going through in which he needs to come through the collective community again. I see that people are ready, willing and able to help him in many ways but it's very difficult when you are Junior Marshall, to stop him at Woolco and say, "How are things going, you know, how have things been," because, you know, the only thing on his mind is where he's been. And in our daily dialogue, we share our feelings and our emotions and our experiences and our, you know, inherent fallibilities, and that's part of our daily dialogue, and I think that it's difficult for him to come back into it because of the experience he's had with what he's gone through.

Q. And in this daily dialogue that you've referred to, is this a community daily dialogue that you're referring to?

A. Yes, I'm talking about sort of the daily lunches, the daily dinners, the daily visiting that go on in our community on a daily basis. We move from house to house, we have tea, we talk, we pick up the news of the day, and one of the things that, you know, we shared for so many years was what was happening to Donald as a collective community and it was through the daily dialogue, and his mother, pained greatly by what was going on with her son, was obsessed with it, that was the only thing she had on her mind, and so that when you see Caroline downtown, "Me tal wuleyin", "Kog wey teliak", and you begin an interaction with somebody in Woolco and Shoppers Drug Mart or wherever, she would begin her pain, agony and suffering and what she was going through. And so that evening it would go home, back in the home, "Well, I saw Caroline, Sukis Caroline, at the Woolco today and she felt (this) and she felt (that)," and then you'd pass it around, and so it just would go around in big circles and everyone was experiencing the pain and suffering that the family went through, particularly because the Grand Chief would make his route through the community, you know, periodically, you know, with various functions that he had to attend.

Q. So, he was quite present in the community, is that what you're saying?

A. Yes.

Q. Dr. Battiste, the types of skills and knowledge that you referred to earlier as being developed in the later teenage years, do those have a relationship with an individual's ability to reconnect with the community?

A. I think so. I think that it certainly is evident that if you haven't been part of the network of being -- you know, establishing your own network of people, if you haven't gone on and shared and been part of the sociality that goes on in the community in the sort of going here and going there, that, you know, you lose a lot of, you know, the strategies for how to survive as a Micmac from that. You lose your center, you lose your perspective, you lose your focus, you lose the place that's the core of you, and that has a devastating effect upon you personally.

Q. Having lost these things that you have described, the person who has lost them, in cultural terms, in knowing terms, is that person still a Micmac?

A. Yes. Yes, that person is Micmac. You can be away from the community for as long -- you know, many

people go away, you know, and frequently come back and it's by your, when you do come back, being -- you know, utilizing all the strategies of being a Micmac, which is, you know, that sociability, that connecting with other people, that sharing and caring and giving and being self-reliant and witty and resourceful and all those kinds of things, it fits you back into the community well.

Q. What value do Micmacs place on the preservation of cultural identity?

A. Well, I think that our people see it's very important that language survive and it comes from our ancient lessons from our Creator that when we awoke lost and naked in the world, we looked to our Creator and asked how we should survive and our Creator taught us how to hunt, to fish, how to cure what we took, taught us the medicines and the plants that would help us survive, taught us the constellations in the stars and the path of the Milky Way which was the path of our dead spirits into the spirit world, and our Creator taught us all that was wise and good, told us to sleep and to pray and to dream and listen to the dreams that would come to us, and then our Creator gave us a language in which we were to pass on this knowledge to our

future generations and told us about the presence of our two worlds in which we would be able, if we were firm and believing of heart, to pass through unscathed but, if we were weak and unbelieving, not firm of heart, we would be crushed to atoms. Our culture, our language, is very important because it means that we must survive in our world, that many, many aboriginal people have been placed upon this earth each with their own instructions from the one Creator and some have been able to survive in the woods, some in the desert and some in the snow, and all of us have our own ecological lessons to learn about how to live where we are, to survive. And we believe that in our language that survival exists and that survival will give us the lessons about what we shall pass on to our children. And so it's not just a cultural identity as in what artifacts do we keep, what baskets do we make, what designs do we use on our quill work, for those have been a reflection over the years of us as a collective group sharing this collective consciousness among each other, but it is what we share in the lessons of our daily dialogue through the language and pass that on to our children that is important to be maintained.

Q. What value is placed by the Micmac culture on a relationship with nature and how is this expressed?

A. Well, it's expressed by our knowledge and has always been of our knowledge of our own ecological environment. If those were the lessons that our Creator taught us, he taught us all about our world around us and about how to survive with it, it was also the interrelationship of all things in it and the interdependence of things to each other as well as the spirit that exists in all things. A foreign concept to an English speaker might be the concept of the spirit world and the spirit that exists in a tree, in a branch, a bottle or a pail, a gun or a fishing rod, but it is accepted in our language as we categorize things in animate and inanimate things and inanimacy is not without life. In fact, there are a whole list of things that are inanimate that would -- or that are animate that would be thought to be inanimate in an English thought process of living/non-living. And so we have this relationship with all things that is expressed in our language and some things are closer to us than others, and that's expressed in that relationship notion of animacy/inanimacy. And that our environment is a very important element to our survival, to know

about how the fish run or to be able to track animals, to be able to know, you know, when other animals are around, is important knowledge to our survival.

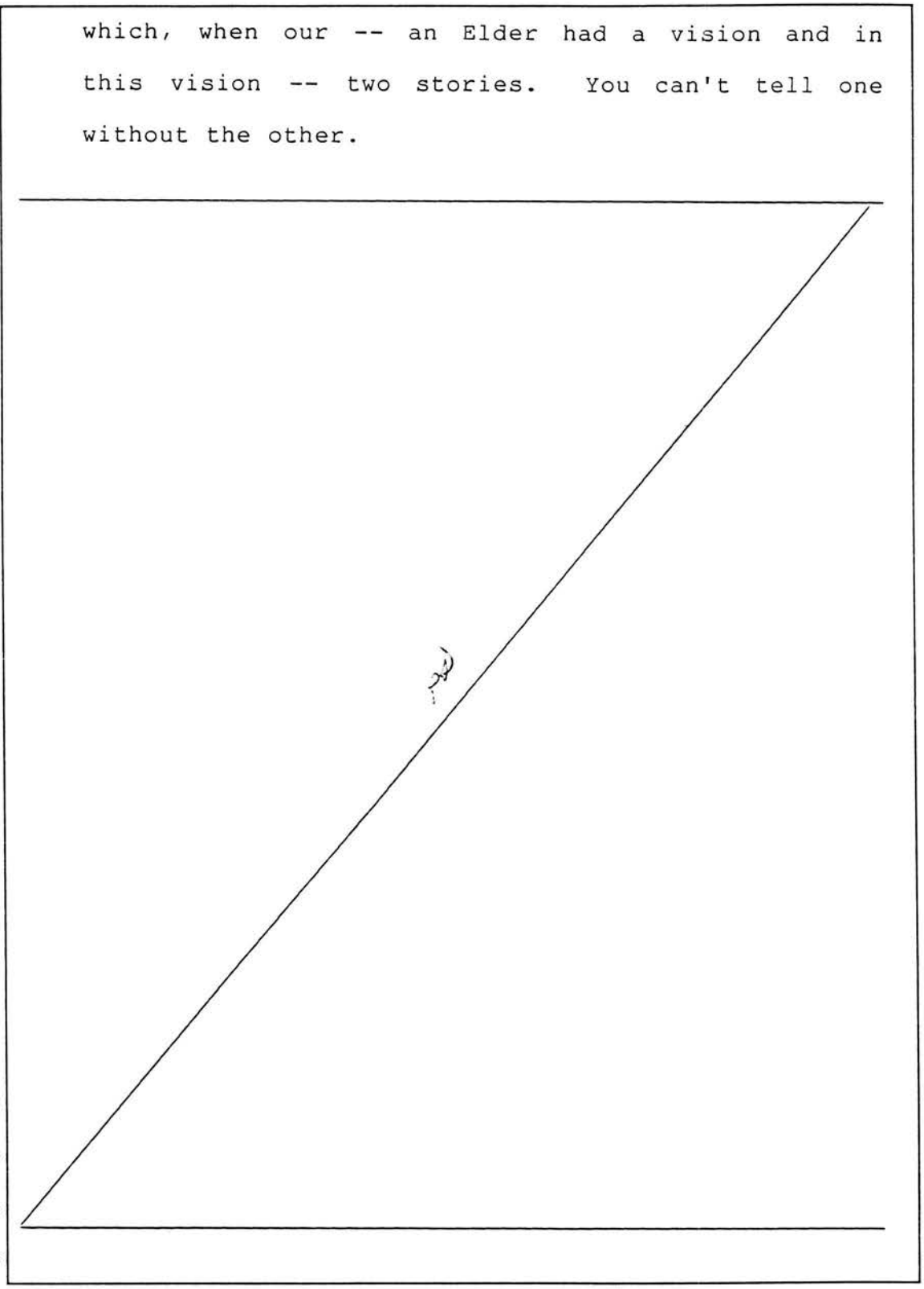
Q. And you're referring specifically to the natural environment?

A. That's right. And so all these things, of all things in nature, are interdependent. We are not alone. Our Creator also made animals and fish and we're all interdependent with one another.

Q. Dr. Battiste, can you tell us about the expression of Catholicism in the Micmac Nation amongst Micmac?

A. Well, in 1610, on June 24th, 1610, our Grand Chief Membertou and 140 other Micmacs became Catholics. They were baptized by Father Fleshe who was a Jesuit priest, a Jesuit at the time, coming from the Vatican, the Holy Sea, and that at that time when we entered into this relationship with the Holy Roman Empire, we entered it because our Grand Captain Mismouwet had gone on to France and had come back with information about what it is this relationship meant. We came into it not as Catholics in the sense of we understood what the doctrines were of the church, we came in sort of as in a political alliance, but also it comes from an ancient story in

which, when our -- an Elder had a vision and in this vision -- two stories. You can't tell one without the other.



A. There was a time, in our MicMac culture, when there was a great famine. And at this great famine, people were dying, and there was great despair among our people. And a gentleman, an Elder, had a vision, and had a dream. And he came back and he shared it with his Elders, as all dreams were not nonchalantly taken. And in this dream, he was given three crosses. And a cross was to be put on him, that he was to wear his cross on him. He was to keep a cross in his home, in his wigwam. And he was to have a cross in the village. And each of these crosses that were given to them, had various symbolic meaning, in terms of what it was to mean. And when they came back -- or when this man, after he had the vision, and he talked to the Elders, they said, "Well let's do that." And so they wore the cross on them. And they put the cross in their wigwam, and they put it in their village. And soon after, the famine lifted, and all things were good. And people continued the tradition of keeping the cross. Maybe it was a cross of four directions. Maybe it was the medicine wheel. Maybe it was the cross of Christianity. The cross, nonetheless, exists. In later times, another person had a vision, a woman -- not only men dream -- she had a vision. And in this vision she saw a floating island. And on this floating

island, were these empty branches. And it floated. And on those empty branches, were all these animals. And she went to the Elders, and asked them, "What does this mean"? And after long counsel, they said, "We can't seem to figure out what this means." And not long after that, the MicMacs on the shores, noted across the sea, in came this floating island. A big floating island, upon which it had these empty branches. And as they took their canoes and went out to meet this island, to find out what it was, they noted these animals on the branches of the trees, covered in skins. And they wondered about what this was. For indeed, this was the dream that had been prophesied, that this was coming. And they watched, as these people disembarked from this boat. And off they came to the shore, in little boats. And as they watched, they noted that they carried with them a cross. And when they landed on the shore, they bent down and kissed the ground, and planted their cross in the ground. And thus it was, that our people realized, that these two, although they were surely different looking people, at least they had come from the same Creator. And with that, they openly embraced them, and shared with them, and showed them their land, and showed them about. And while there was hardly enough

language between the two, to qualify one as a fluent speaker of MicMac or English, at the time, to warrant such things as a complete change-over to a religion that was different, the MicMac people sought the political alliance that went with the Holy Roman Empire, in which they would protect us, that our lands would not be taken from us. As well as, to accept that we are all under one God, and that we have many ways in which we pray to that one God, and that some of them that the French used, were like ours, in many ways. Their incense burning was like our pipe ceremonies, and our incense burnings. The different rituals that went with Catholicism, were things that we could accept, the rituals. Rituals are a part of our daily life. It's part of our -- from the time we wake up, the rituals. And these were rituals. And we were introduced to these new rituals. And we adopted these rituals, without adhering to the full -- what I would call the dogma of the church. And so therefore, we adopted the Catholicism, but held to the blending of our traditional beliefs in them.

Q. And does that remain true today, in contemporary MicMac society? Is Catholicism interpreted distinctively?

A. Yes. Yes. In fact, there were some rituals in this century, that the church tried to have stopped, saying

that these were not Catholic rituals. These are things that we don't do. And our Grand Council put a stop to it, saying, "Well this is the way we do things. And we do not want you to come tell our Elders that that is not what we ought to do. For it has enriched our spirituality, and has not taken away from it."

Q. Dr. Battiste, can you tell us what the St. Ann's Day celebrations are?

A. St. Ann celebration has been an annual event. The St. Ann Mission itself, probably from the time of 1620, when St. Ann became the Patron Saint of MicMacs, 10 years after we became Catholics -- but every year, from as far back, and much before there was any church that came in and baptized, our people have had annual gatherings. And at our annual summer gatherings, all the people would come to the gathering.

Q. All the people from throughout the MicMac Nation?

A. Yes. And that it would -- they would come with their leader, their Captain, or their District Chief. And they would come together. And they would not only have a social event for many days, weeks, and long time ago, months, of being together. It was a time in which our political body, our traditional government, was able to bring all of their leaders together, and discuss alliances and war, truces, you know, major events, that

would affect all the people. And so, all the people came, with their leader. And the leaders would go into Council in the Lodge, and then, would share with their people, these events. And if there were major things that had to happen, like if there was going to be a war, or a truce that was made, that it would be by consensual understanding, by having the people told, and shared, and discussed, and all of that kind of thing, with all of the people. And then the Council would go back in, and would make decisions. So that, our St. Ann gathering has been taken to Chapel Island since 1750. And before that, it was in Malagwach, which was the other centre of the MicMac Nation. It was moved in 1750 to Chapel Island, because of its strategic spot.

Q. Is it still an annual event?

A. Yes, it is.

Q. And does it still have this combination of political and social features?

A. Yes, it does.

Q. And is it attended only by political representatives from the various regions?

A. No. It's by everyone. Or at least, a lot of people. And everyone tries to make an attempt to get to the event.

Q. And would this include families, children, older people?

A. Yes, everyone. Except that, in the last few years, it has been primarily of the people in Nova Scotia. We're getting now, more people from the other -- Newfoundland and New Brunswick areas are coming in. But I was in Maine and Boston. And our whole family went every year.

Q. And in contemporary terms, do the St. Ann's Day celebrations still occupy a position of significance in the MicMac cultural life?

A. Yes. Yes, very much important.

Q. And does the Grand Chief occupy a special role, as part of the St. Ann's Day celebrations?

A. Oh, indeed he does. A central and integral role. Yes. The Grand Council meets primarily twice a year. Once on Pentecost Sunday, and once on St. Ann Sunday -- or actually, I guess it's Monday they meet. But it's during those two times of the year that they meet, annually, every year, to discuss the issues pending their Nation. As well as, it gives the Grand Chief, and the Grand Captain, and the other Captains, a chance to talk to their group. And in more recent years, it's been with the Grand Chief and the Grand Captain, addressing the Nation.

Q. I would like to ask you, Dr. Battiste, some questions about the Grand Council.

MS. DERRICK

But before getting into that, Mr. Commissioner, this might be a good time for a short break.

MR. COMMISSIONER

Take 10 minutes.

MS. DERRICK

Thank you.

(20-MINUTE BREAK)

THE REGISTRAR

All rise. Please be seated.

MR. COMMISSIONER

Have you finished?

MS. DERRICK

No, I have not. Thank you, Mr. Commissioner.

BY MS. DERRICK

Q. Dr. Battiste, when we had the break, I was just about to ask you to describe for us, a bit about the political structure of the MicMac Nation, and the function of the Grand Council, if you could oblige us?

A. Well the MicMac Grand Council is made up of the seven major districts, at least has been. There have been some changes in the more recent, let's say 25 years' time, because of the boundaries that have been set up

around regional, provincial groups, and so on. But basically, our MicMac Nation is spread over seven major districts, that include all of the Maritimes, Newfoundland, Cape Breton Island, Nova Scotia, Prince Edward Island, the Gaspe Peninsula area of Quebec, and into the United States, into Maine. And of course, we have MicMacs also, who are living in Boston. Our Grand Council is made up of Captains from each of the MicMac Reserves. And they are headed up by a Grand Chief, and a Grand Captain.

Q. And what are the Grand Captains? What is their role?

A. The Grand Captain is the executive in charge of -- well in ancient times, he would be in charge of all the war chiefs of the -- you know, being there to make decisions with regard to the, you know, positioning of people, strategic placing of people, and so on. In this executive role, he deals with the treaties, currently. His role is dealing with the maintenance of the treaties, and the treaty obligations, affecting MicMac people, the Grand Council in particular.

Q. How are the Grand Captains chosen?

A. The Grand Captain is chosen -- you wanted to know the Captains or the Grand Captain?

Q. The Grand Captain.

A. Okay. The Grand Captain. The Grand Captain was chosen

most recently, from the Elders. The Elders decided who that should be. And he was within the lineage of the Captain of -- or the previous Grand Captain. He was in his family, not by blood, but by kinship. He was an adopted son. And so he was brought in. And he became the Grand Captain.

Q. Do you know whether Mr. Marshall, Sr., who's the current Grand Chief, is related to a previous Grand Captain?

A. The Grand Chief now, is related to the previous Grand Chief. He is a cousin to him. And the previous Grand Chief was the husband of the sister of the previous Grand Chief.

Q. So is it accurate to say then, that kinship connections have played a relevant role, with respect to who has become Grand Chief?

A. Yes.

Q. And what is the role of the Grand Chief, in the MicMac Nation?

A. Well the Grand Chief is the representative of the collective community consciousness, all of the MicMac community, the MicMac culture, MicMac society. And as a representative of our -- of us, in this very prestigious position, he exemplifies the values, the beliefs, the traditions and the customs of the people,

maintaining continuity with each generation of people. His role requires him to attend and be part of all the major functions. In the time in which -- well since the Grand Chief became Catholic in 1610, and with the time in which we really became -- there was more of a consciousness of being Catholic, in the sense of understanding more of what it meant, by virtue of Father Pierre Maillard, who, in 1735, came among the MicMacs. And he was there until he died in 1762. And he spoke MicMac. And so he then developed a more Catholic consciousness among the people, by expressing these concepts of the church, in MicMac. And at the time when the French were banished from our area of Acadia -- mi'kma'kik, which was unamakik, they were banished from -- that our people ---

Q. Sorry. That's a description of an area?

A. These are districts, yes -- that our Grand Council maintained, and our Captains maintained, the religious customs and traditions, that the Priest would have done ordinarily. And they did that for a period of over a hundred years. And during that time, they would go to the funerals, and say the last prayers, and do the prayer leading. They would be part of the acceptances of the marriages between people. You would have to go to the Grand Chief, and express your intention to marry

a certain person. They would be present at the -- you know, they would pretty much take care of all the prayer leading, and the Sunday prayer leading, and acceptance of promises, and you know, the beginning and the death, and so on, and be at all the marriages of the families. And so, subsequently, the Grand Chief takes on that role today. He continues to go to all of the major events, and all the funerals, and wakes, and is an important personage in our community, who represents us.

Q. What are the qualities that the community looks for in a Grand Chief?

A. Well they would look for a person who is stable, who is good of heart, who is caring of his people, who shares, who is generous, gives of his things, or monies or whatever, to others. He would be very self-reliant, resourceful. He would be a good hunter, in the old days, although hunting is not exactly today -- it's changed a lot. So hunting is not necessarily the important skills of the day. But of the old days, it was an important quality, to be able to hunt and gather, and to teach children, and to be an exemplary MicMac.

Q. And the quality of being able to teach children, would that have a contemporary expression, with respect to

the qualities a Grand Chief would need to embody?

A. Oh, yes. Well the Grand Chief has always been one who is, you know, very much a part of making sure that whatever we are, as MicMacs, is passed on to children, and that there remains that continuity in our people, and in our culture. And so he would be very encouraging, you know, of the MicMac language, would use the MicMac language, would be there to make sure that -- you know, to check to see if parents are doing their jobs, you know, with their children, and so on.

Q. With respect to the role and the significance of the Grand Chief, are these things that you learned as an adult, or did you know about them when you were a child?

A. Oh, I knew them as a child. I knew them as one of those who -- we always came back for all the events, St. Ann Mission, for the funerals and wakes and things. And whenever the Grand Chief was coming, everybody would whisper, "The Grand Chief is coming. The Grand Chief is coming." And everybody would scatter and would, you know, clean their house, or straighten things up, or make a seat ready for him, or get the tea on. And you know, do all kinds of things, to prepare for the entrance of the Grand Chief.

Q. Dr. Battiste, have you had any recent discussions with

community Elders, about Donald Marshall, Jr.?

A. I have.

Q. And can you tell us what these discussions have been about?

A. Well having been aware that I was coming to this, I took the opportunity to take one of our Elders' Committee Meetings, to raise the question among them, as to some of the questions that would be raised to me. For I felt that -- I always feel, humbly, that I'm still young. As old as my kids think I am, I'm still young. And I do not have the knowledge of MicMacness, and MicMac history, culture, and that it is from them that I learn everything. And so everything I do, I usually cover it through with Elders first. And in our school, we do this, as a process of making sure that what we're doing in the curriculum, is on par with what the Elders would want to have us do. And I did have this opportunity to raise with them, some of those questions, yes.

Q. And what, if anything, did the Elders have to say about Donald Marshall, Jr.'s capacity to become Grand Chief? Is this a question that you asked them?

A. Yes. From one Elder it is said, that it would not be possible, because he has lost continuity from his community, from his people. The instance was given to

me of a time -- of a previous time, when a Grand Chief was selected, when another was in the running. And the question of the other having left the community for a period of time, being the major reason why that person was not selected, in the sense of, you know, having two men par, average, the same -- you know, kind of on the same ground, facing each other, in terms of the selection -- but the fact that one had not been in the community on a continuous basis. And it was said to me that, because of that, it would not be possible.

Q. Do you know whether, at the age of 17, Donald Marshall, Jr. occupied any role at community functions or ceremonies? Let's say 15, 16, 17?

A. Yes. Well first of all, all of us go with all of our family, whenever anything happens. All children go with their family to these events. It's not exclusive. It's not just an adult function. So children always go to these things. But the Elders pointed out that, as the oldest son, that it would be his responsibility, that he had started to undertake before he went to prison, of taking his father to all of the events. And that he had gotten his license, and he was beginning to drive his father to these events. And it would not be, for many years later, when his brother, next in line, would be the -- his brother, who is not next in

line, but he had two sisters and then a brother, who then came in -- and who took over the role of taking the father to all the events. It would be during these times, in which not -- sometimes, you might go, and you may not take the whole family. But you would take somebody with you. And usually, it would be one of your siblings, one of your children, you know, especially the oldest ones. And they would go with you. And through these long miles of talking and sharing, is when you begin to reconnect with your children again, and to sort of re-establish the values and the beliefs, and sort of to cement the foundation that they had begun in the early years.

Q. We heard yesterday, from Dr. McGee, that in 1970, he saw Donald Marshall, Jr. at a St. Ann's Day celebration. Just referring to that for a moment, is St. Ann's Day an important event for the transmission of culture to young people ---

A. Oh, indeed it is.

Q. --- in MicMac terms?

A. It is. It is. Very much so. And I wrote about it in an article, published in 1977, in Indian Historian. But as I view the St. Ann Mission, it is within the realm of being the epitome of all the cultural values of our people being brought together at this particular

event, in which all the youth learn from their Elders, about what is important, as well as, they learn about what are the right values that we have, of sharing and helping, and helping Elders, and doing things for them. And no matter how old you are, that if an Elder says, "Go do this," you immediately drop whatever you're doing, and you go do. You learn the roles of people. You learn who are important people, to know who they are, and their connections. You also learn who your family is, very quickly. You know, you're walking down the road with somebody, or walking to a cabin with somebody. And somebody says, "That's your cousin. You can't go out with that person. That's your cousin." And so very soon, you learn who is your kin, and who is related to you, and who isn't. And those are -- that collective community consciousness, built around our spirituality and our faith, around the cultural values of caring and sharing and giving, the acknowledgement of respect and the acknowledgement of how to behave in certain situations, are all reinforced, ever so well, in events such as this one, where you have to leave all your material possessions behind.

Q. I do want to ask you, and these are my sort of last series of questions, about these values in MicMac

culture. And you've just referred to the values of giving and sharing. Can you tell us what role these values of giving and sharing occupy, in the MicMac culture?

A. They are essentially one of the most important ways that define you as being a good person. If you're stingy, you are regarded very little. If you are generous, you are given a great deal more prestige and status, for your generosity. You give, not only your daily dialogue of stories about yourself and about your family, funny stories, humorous stories, great stories, little stories, whatever, to money, to food, to rides, take kids places and help other families out. You baby sit. You look after, you take care of. When somebody dies, the community women rush to the house of that person who has died. They clean the house completely, from top to bottom. They leave nothing unturned. And the men come in, and they fix it all up. And they fix the doors and the steps, and stairs, and whatever needs to be fixed, and the rugs, and everything. It's our daily way of life. It's completely in everything.

Q. And what you've just described -- I think you mentioned the idea of sharing stories, as well as some of the examples you gave, of actually sharing material or physical things. In MicMac cultural terms, does

sharing therefore include the sharing of sorrows and burdens, as well as the sharing of gifts and joys?

A. Yes. As a child, I never understood this completely, until really I came back, because I would be so embarrassed when we'd go to town, and my mother would start telling all about the pains and sorrows she had, about this and about that, when she'd meet other people. And I'd say, "Why do you have to say all those things? These are painful things. Why do we have to, you know, keep on talking about them all the time"? But in our community, you know, it's not just the good that we talk about. We talk also about the pain and the sorrows and the frustrations and the traumas that we might go through. And it helps us psychologically, to get through those things, as well as, it enables the community to give us the kind of support we need, you know, through every crisis, whether it's a death or a sick person, or whether it is -- you know, any major event. And I think that one of the things that we noted particularly about our situation with Donald Marshall, is that we shared those years of pain and suffering too, with him, through the -- through his mother, who painfully shared her experiences with people, openly. And her faith and commitment to her son was never, ever unquestioned -- or questioned. She

was very strong in that. And it was the only thing she had on her mind. And she would talk about it to everyone that she was -- within this community, MicMac community network. And she would share her pain. And people came to begin to see changes going through her, worrying about her, and what was happening to her. And you know, when things began to change, when Donald was released, you know, it was like a big burden that had been lifted off her, had lifted off a lot of people too, because then, they could now share in her joy, and her happiness, you know, as she shared stories of this.

Q. And you returned to Eskasoni in 1978. Mrs. Marshall was living at Membertou. And yet, were you personally conscious of this community dialogue, with respect to Donald Marshall, Jr.?

A. Yes.

Q. He was released in 1982. Were you conscious of community dialogue following that, with respect to his case?

A. Yes. Even though I was in California at the time, we were always in contact with home, and with people at home. And we were following what was happening, through our family contacts at home.

Q. And were you conscious, therefore, of the comments of the Court of Appeal, concerning Mr. Marshall being

responsible for what had happened to him?

A. Yes.

Q. Did that form part of the community dialogue ---

A. Oh, yes.

Q. --- that you are aware of?

A. Oh, yes. Oh, yes. There hasn't been anything that has happened here, and with this whole process, that hasn't been part of the community dialogue.

Q. Dr. Battiste, back to some of the values of the MicMac culture. Can you tell us what value is placed on personal autonomy, and how this is expressed inter-personally?

A. Autonomy. I think that one of the things that is clear among MicMac people, is our individuality, our -- you know, we are allowed, in our culture, in our community, to be whoever we are. It's not a conforming culture, that says, "You all have to be like this," and you're shunned if you're not. It is accepted, and also encouraged, that we develop our own personal strength, our personal autonomy, our own self-reliance, our own independence, our own resourcefulness, our own self-clarity, wherever it may come from. And all the different people in it, who are unique, are all alike, because we come from the same family of values, so to speak. But their uniqueness is in their personalities,

in their visions of the world, their stories they tell, the humorous way they see things. And that is what I see as relished, in all of this alikeness, that we also can see and accept and appreciate the differentness of everyone, in his own way. And it becomes a source of humour, to acknowledge the different kinds of unique characteristics of one person, and to laugh about them. And we laugh. We always laugh about everything. It's part of our nature, and part of our culture, to poke fun at, and laugh at everything, for it helps us to get through hard times, you know, too. And it helps us to see how we -- no one's perfect.

Q. Dr. Battiste, what value is placed upon modesty, by MicMacs? And how is this expressed?

A. Well I asked this to the Elders. And we sort of all looked at each other. And someone said, "Well I've never seen the Grand Chief naked." And they said, "And I've never seen him without his shirt." And similarly, our women certainly have always been noted historically, in the journals, of course, as being a very exceptionally modest group of people, you know, who covered all of themselves, and maintained themselves away from others. Males are certainly -- are different, in the sense that, you know, if you go look at the Mikmaq series, you see a kind of dress that

most of us never experienced. And so, whether that's the way they dressed, you know, is only conjecture, as to whether or not they dressed that way. But from all likelihood, we are a very exceptionally modest group of people.

Q. Men and women?

A. Men and women.

Q. Dr. Battiste, have people in the community, over the 19 years of Donald Marshall's ordeal, ever described their feelings to you about his absence or his loss?

A. His parents you mean?

Q. Or other people in the community?

A. Would you repeat that question again?

Q. Have people in the community, at any point in the 19 years that have gone by, described to you, their feelings about Donald Marshall, Jr.'s absence, or his loss?

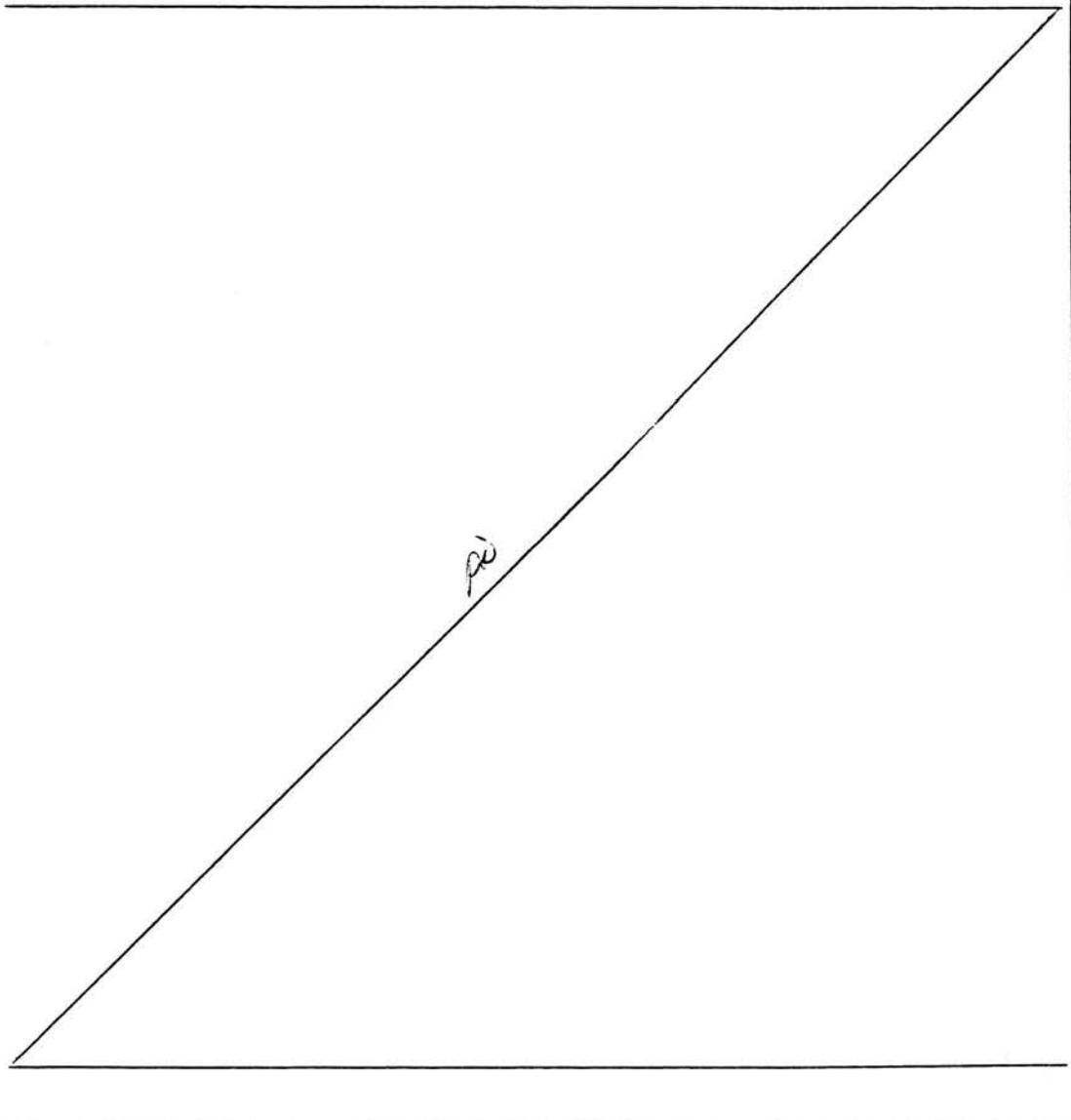
A. Oh, yeah. I think that in our community dialogues, this is often raised, about what he's lost, and how much he's lost, and whether anything can be recovered, and how much can be recovered, and what has to be done, for him to recover. Yes, it's frequently discussed.

Q. Can you say whether you personally have suffered, because of what has happened to Donald Marshall, Jr.?

A. Well I guess I have to relate a story. When we

attended the meetings, the first time, for the Donald Marshall Inquiry, my children were young. And my son, because I go away so often, was whimpering, "Why do you have to go? Why do you have to go? Why do you have to go"? And so on. And he moaned and groaned and fussed. And I said, "I have to go. This is important." And he said, "Every time you go, it's important." And I said, "Yes." And I said, "I'm going to tell you the story though, about something." And he said, "What"? So I told him the story about this man, this Indian man, who had a son, and it was his oldest son. My oldest son could relate to that, too. And he was in -- there was this accident, in which this man was killed. And he was accused for killing. And it wasn't him who killed him at all, but this other man. And they sent this Indian man -- I didn't tell him who -- I just said this Indian man's son away. And they sent him away for 11 years, to prison, away from his mother and father, in a prison. And terrible things happened. And I said, "And I'm going there, to go and try to find out, you know, how this whole situation came about. What happened in society, that should make this occur"? And he said, "Oh." And he sat down and thought about it. And I was getting ready. And he came stomping up, mad, again. And I

said, "Jaime, I'm going to leave. I don't care what you feel. I'm going to leave. And I'm going to go to this." And he said, "No. I want you to." He said, "I want you to, because if you don't do that, it might happen to me."



A. --- and he thereafter said to me, "I now know what I'm going to do with my life." And I said, "Yeah, what are you going to do?" He said, "Well, who's on top? Is it a President?" And I said, "Well, there's a Prime Minister here. We don't have a President." And he said, "Well, I'm going to be Prime Minister. And I'm going to make sure that that does not happen again." And so I guess when you say, are we affected by it? Have we been hurt by it? Yes, we all have been hurt by it.

Q. Dr. Battiste, speaking as a MicMac, can you tell us in what respects Mr. Marshall needs to be restored? Mr. Marshall, Jr.

A. In what way he needs to be restored. Well, he needs to go through -- in my opinion and in the opinion of many other elders -- through some very prolonged counselling.

Q. I'm sorry?

A. Prolonged counselling. Hopefully, with native counselling. He needs to close the doors behind him. Much in the same way that men who go off to war have to close those doors behind them. And sometimes you have to kick those doors closed. It's very difficult to close those doors because so much sneaks up behind them so often. And so, through a process of

counselling, I think that that might enable him to do that. I think he needs to restore his fragmented existence within the collective community. He needs to come back to the community. And through his acceptance of himself as just another individual within the group of being able to share and laugh and talk and give and be part of the collective that he will be restored by -- through that process, of being with his people again. I think he needs to find integrity for his own personal interests. To find his rootedness in some kind of clarity or vision for himself and something that he can do -- something that has some organized collective, constructive activity to it. I think that he is -- he needs a MicMac woman.

Q. Dr. Battiste ---

Mr. Evans

Which is the priority?

A. A good grounded -- well, stable, with some social counselling in the background.

Q. Dr. Battiste, can you tell us what cultural survival camps ---

A. Yes, we had cultural survival camps for two years at Chapel Island Reserve, on the Chapel Island island where we have St. Anns Mission. We did that for two years while I was at the Miqmoy School. And we raised

money and got support from the community at large for developing a cultural camp for children from the ages about 8 to 14.

Q. And what is a cultural survival camp? What values underlie it?

A. First of all, we have them leave their home, leave their environment where they were and to go into the natural environment to sleep on the -- in sleeping bags on the natural ground. And sometimes in the cabins, if it was raining -- in the floor of the cabins on the island. And we had mutual together eating at all meals. We had a number of elders and adults present at this place where we would be able to take care of them, for one. And to nurture their evening dialogues and that kind of thing, as well as to share with them their history and their culture and their spirituality. To share with them their arts, their crafts, the baskets and beauty of their culture that they are able to make. To show them the wilderness and how to survive in it -- what is out there and to feel part of the total interdependence of all things out there. As well as to know where our world view and our consciousness comes from and how it is all shaped from within our people.

Q. And the concept of a cultural survival camp -- does it

represent mutual benefits for the individual children involved and for the greater communities from whence they come?

A. Yes. Oh, yes. We have noted that the children who have come to the camps have a great deal more awareness of themselves -- a great deal more respect for the hierarchy in our community, of our elders and our counsel and our leaders. And that it's something that is memorable -- something you take with you and not only do you nurture the values of the community but you teach some new things and they remember it because they had that experience extended for a period of time.

Q. Dr. Battiste, in giving your answers you've described in many terms the suffering and loss of Donald Marshall, Jr. Is there anything that you feel you have not covered that you would like to address with respect to Donald Marshall, Jr's loss in either cultural, social or spiritual terms?

A. I guess the one thing I -- while we focus -- the intent of this is to focus on the losses that he has. I really have to reiterate the elders' point made to us about how much he has given to us. And how much his suffering has helped us in terms of getting a new awareness of our role to be played in the justice

system to get a new awareness of racism, prejudice and discrimination. And I think that by that great awareness we're able to see what it's done for us, collectively as a group, to watch these things and to see them happen in this particular way that I think that he needs to know how much he's given to us.

Q. Thank you very much, Dr. Battiste. Those are my questions.

MR. JAMIE SAUNDERS CROSS-EXAMINES DR. BATTISTE

Q. Dr. Battiste, I'd like to begin where my friend, Ms. Derrick, left off. And could I ask you to explain to the Commissioner and to myself the degree of respect with which Donald Marshall Jr. is now held by the MicMac community?

A. Donald Marshall, Sr.?

Q. No, Junior.

A. Junior. What degree of respect he now holds?

Q. Yes.

A. That's a very difficult question because he has not developed a great deal of respect because he has not come back. Because he is unable to come back, or he feels he is unable to come back or he hasn't linked back with us. And for that reason, until he comes back he can't get the respect of the people.

Q. Apart from however he may feel personally, is he

regarded as a person of great honour and courage by the MicMac people?

A. Yes. I think that there is the element that he has of what he has gone through, what he was holding to, the length of time that he held to his innocence and not breaking that shows the great deal of courage he had in going through that. I think that the people hold him as a -- he, himself, or he has become a symbol of this to us, but not in the community dialogue of being part of us. And so I see that his -- what he's going through is honoured because of what he went through holding up his being MicMac, his being innocent through all of that. And yet still holding to some of the very essential of being MicMac, as I listened this morning to the other testimony. Grattan.

Q. By Mr. Grattan?

A. By Mr. Grattan. And how they saw him and I said to myself, "Yes, that's very MicMacish." Those are the MicMac traits of -- you know, of setting yourself away from all of that. And he thus is -- has a great deal of esteem by the community but in terms of the -- oh, I guess -- I don't know. The word respect is so -- it tangles with so many different corners that it's hard for me to say no, he doesn't have the respect of the community or yes, he does have the respect of the

community. I guess that I would say that the people do hold him in high esteem as a symbol for all the things that he's gone through.

Q. And the fact that he was able to survive while still maintaining his innocence and his MicMacness and the connections of which you spoke?

A. Yes.

Q. And I'll get to issues of self esteem and self respect in a moment, but I wanted to separate that from the esteem with which he is held by his own community.

A. Yes.

Q. And that is a very real thing.

A. Yes, yes.

Q. And was the release of the Royal Commission report in January considered to be a complete vindication of Donald Marshall, Jr.?

A. No.

Q. To what extent was it not?

A. Well, that he was completely vindicated was an important element. But what it had given to him or what he had for all those years had to deal with, we all felt uneasy with that. That what he was having to come back with the baggage he was carrying.

Q. Yes.

A. And it was his -- he was coming back with so much

extra baggage that it was like that it will help him but he seems so lost.

Q. It was really only a step on his future path?

A. Yes.

Q. All right. And, given the answer that you have described in your conversations with the elders of the community and the great sense of what the community owes Donald Marshall, Jr. for what he encountered and incurred, was the release of the report considered as a kind of victory? As you described it, a symbol by the MicMac people?

A. Uh-hmm. Yes.

Q. And one in which his people could celebrate vicariously?

A. Yes.

Q. You described contact over the years with his mother and noted her commitment to her son and a firm resolve in that. Have I described it fairly?

A. Very.

Q. And an absolute conviction in his innocence ---

A. Yes.

Q. --- and that it was all a big mistake or an accident, as you've described it to your son?

A. Yes.

Q. And was that sense shared by his community? That it

was all an accident, a mistake that would some day over time be explained?

A. I think that at the time in which -- or before the inquiry -- before all the evidence, before anything came out we really didn't have a firm handle on what happened. And so we could only describe the experience to our children in what we knew, or what were the essential facts that lay before us. With the Commission inquiry, with the report recommendations and so on, we have now a different set of understandings for what has occurred. It wasn't an accident -- it was a gross injustice. And it was a gross injustice that occurred at every level. And that it was not just because he was a youth. It was not just because of the time but something was because he was MicMac.

Q. Could I ask you, Dr. Battiste, whether the community shared the conviction and resolve of his mother and father in his innocence?

A. Not all.

Q. Would you say most did?

A. Those close -- I think that those who were closely within the family, knew the family and so on held to that. But being an oppressed peoples, being also -- we get to this oppression by virtue of the fact that

we begin to accept our oppression. We accept, then, that we are the victims -- that we, because of our language, because of our culture, because of the way we act and behave, that for these reasons -- these are the reasons for why we are poor and inadequate or uneducated or without power and prestige in the community. When we look at the Commission's findings, we begin to see ourselves totally from another view. We begin to see that it had not -- our culture -- there's nothing wrong with our culture. There's nothing wrong with our language, there's nothing wrong with our being MicMac, for that is what our creator gave to us. But what is wrong is how others are treating us and what their perceptions have been of us. And in order to build a bridge between these two groups we must buttress both sides in order that we can come to the centre in our bridge. And so, I think that this Commission's Inquiry has enabled us to build the foundations of our buttressing of our sides with the right kinds of assumptions about ourselves.

Q. And that's the thing of which you spoke, of which the elders wished to give thanks to Mr. Marshall.

A. Right.

Q. To get back to my question, are you able to say to what degree the community shared his parents'

conviction and resolve about his innocence?

A. I couldn't say to what degree.

Q. When you spoke of the change in focus of the MicMac community and as I read your paper -- you said it was published in 1977?

A. Yes.

Q. Would you say the thesis of your paper applies equally today?

A. Yes.

Q. I took it to be your suggestion and encouragement of other aboriginal peoples to have regard to the MicMac model and how successful it was in adapting to European influence over 500 years.

A. Uh-hmm.

Q. Is that a fair summary of it?

A. Well, it is. To look at the adaptive strategies that we've been able to utilize in order to survive as a people with our language and our culture intact and what kinds of things we do to reinforce those cultural values.

Q. So have the things that you indicated in your paper in 1977 encouraged other aboriginal peoples to have regard to the MicMac society and its success?

A. I think so.

Q. You do?

A. I think so. In some ways -- I mean, every time you write about yourselves and your own people you begin to share a consciousness with another group -- other groups of people and Indian history is well read by other native people about the different cultural variations that we have among our native peoples. But what binds us together are a lot of these similarities. And we get to see how some things are very different while some things are very much alike. And we get to look at the core of the values.

Q. And so you see, as well, a kind of vicarious celebration by aboriginal groups other than the MicMac nation in this lesson -- the Donald Marshall, Jr. lesson?

A. I think so.

Q. There are a couple of phrases, doctor, in your paper that I would like your help on. And if I could get you to turn to the blue book, which is Exhibit 4, and at the very end is your paper. And at the bottom of page 4 of the account that you are giving, the left hand column about 20 lines from the bottom. Do you see the paragraph that begins, "These assemblies of MicMacs have served..."? And then the second sentence, it is an annual ceremony and you're talking about the St. Anns celebration which provides many

instrumental linkages sanctioned by the tribe of how one becomes and remains a good MicMac. I wasn't certain of your meaning of "instrumental linkages".

A. Okay. Instrumental linkages, I would also refer to things like finding a husband, finding a wife. Developing or -- developing a new network in which you can go to their house and be able to go through a community and stay at that person's house.

Q. Yes.

A. Instrumental in the sense that it might have value for you outside of the value to the collective.

Q. So that this annual ceremony presents an opportunity to facilitate that kind of association?

A. Yes.

Q. On the same page, bottom of the right hand column, third line from the bottom, you speak of reaffirmation -- and my page is cut off a bit - but it looks like "reaffirmation of one's place in this cultural society of St. Anns provide a reciprocal network..." Is it "of specific obligations that ensure the survival of the people"?

A. Now, would you kindly realign me to where you are?

Q. Yes. Right hand column, same page, just ---

A. Okay.

Q. --- three lines from the bottom.

A. "The establishment of alliances"?
Q. Yes.
A. "Renewal of friendships and reaffirmations of one's place in this culture" -- I guess I was saying "cultural".
Q. Oh, thank you. I have a copy that isn't cut off and it looks like "one's place in this cultural society" ---
A. Yes.
Q. ---- "at St. Anns provide a reciprocal network of specific obligations that ensure"?
A. Yes.
Q. And my question of you, doctor, is what are the specific obligations of which you write?
A. That's if I come to your house you've got to come to mine.
Q. That reciprocity of sharing?
A. Yes.
Q. Thank you.
A. Yes.
Q. Are you still responsible for the curriculae in the schools at Eskasoni?
A. Yes.
Q. Are you in charge of that?
A. What I'm in charge of is the development of a

comprehensive MicMac cultural curriculum of sequence, concepts, objectives and skills, teaching materials and resources that go with the whole thing.

Q. All right. And is this a school system and a board that you were instrumental in establishing in 1968?

A. No, no.

Q. It was already there, was it?

A. Yes. I worked in Eskasoni school for a year prior to it becoming a band operated school. And then that was the year that I had my son, so I stayed home. But the year before that I was working in the school as a principal in training.

Q. And was it a term of your engagement that you were then able to engage your own staff?

A. No, it was at Migmoy School at Chapel Island reserve that the band council asked me to take on this task and I asked that I be given some leeway as to the staff I bring in.

Q. All right. And it goes from kindergarten through grade nine?

A. At Chapel Island it was through grade six.

Q. But at Eskasoni?

A. Eskasoni is through grade nine.

Q. And what happens to children who wish to go to school beyond grade nine?

A. They have to go into the provincial school system.

Q. Since you've been there in 1978 I take it that you have now been able to trace one generation going through that schooling system from kindergarten through grade twelve if they desired it?

A. Uh-hmm.

Q. Have you noted any degree of success in encouraging youths to take post-secondary education now?

A. Oh, yes. In fact, we have a great -- if we could call it explosion, at this time -- of kids going from high school into the university. We have a lot of people. Considering that we didn't have before any, now we have a great many more people who are in the university and attending school. I think that that comes about because of our band policy to -- actually, it's the school board has instituted counselling -- native counsellors all through the way. Right from within the early childhood years right on through to high school and through college. So there is some degree of contuity of helping students all the way through.

Q. Given your expertise and your present position in the community and your association with the elders and the Grand Council, Dr. Battiste, do you consider that you personally are in a position to provide professional

or personal counselling to Donald Marshall, Jr.?

A. Myself?

Q. Yes.

A. I think that I have counselling background. I was a counsellor with the program in basic studies at the University of Maine starting in 1971 and worked with what were termed at the time disadvantaged youth, many of whom came from Vietnam with severe traumatic disorders and were trying to enter into the system. To that degree, I say that I can offer some counselling, yes. And I've had courses and I feel that I have a good awareness of the MicMac world.

Q. Is there a psychologist in Nova Scotia who is MicMac?

A. No.

Q. Is there an aboriginal psychologist in Nova Scotia?

A. No.

Q. In the Maritimes?

A. No. Not that I know of. I only of a native doctor of medicine, but none other than he. The only psychologist that is native that I know is out in Nevada.

Q. Nevada?

A. Yes.

Q. You spoke of Donald Marshall Jr.'s ---

A. No, he's a psychometrist and he's at Guelph, but ---

Q. A psychometrist?

A. Well, he likes the quantifiable data and the manipulation of that.

Q. Right. You spoke of Donald Marshall Jr.'s reconnecting or dealing with the fragmented existence, as you have put it. And I take it that his return to Eskasoni or wherever he chooses to go cannot ever be something that's coerced or expected of him. He's going to have to want to do it himself.

A. Exactly.

Q. Are you able to articulate the ways in which he can be encouraged to do that?

A. Well, I think that when I -- I was told that Donald Marshall was interested in these cultural camps. And it seemed to me that having some kind of organized collective activity gives one focus. It enables one to do something. It enables one's ideas to be given recognition and nurturance. And as a child -- we give that to them during their lifetime, and if they have been taken away from us then we have to find ways to nurture that person again to find recognition and nurturance and cooperation with each other. And I think that if this is what he would like, that is certainly does help him also to find a focus for why language and culture is important to his community.

Q. Do you think, doctor, that that can be done subtly by making him the focal point without making him the focus of attention or putting him in a spotlight?

A. Well, he's certainly in the spotlight. There's just -- I don't know how he can get out of the spotlight right now except that as soon as this all stops that he be given a little bit of peace from it all and be given the opportunity to close his own doors. I think that he will find it much more difficul to try to do that in the outside world. I think there is safe refuge in the community and that he'll find it there, eventually.

Q. And would undoubtedly be welcomed back?

A. Oh, yes.

Q. At any time, at his choice?

A. Yes.

Q. But, am I right in inferring that the motivation has to be his own?

A. Yes. And that's -- I think that he needs to have a way to nurture his own personal interests, his own vision.

Q. Yes.

A. He's got to come to it.

Q. Do you expect to tell his story in the curriculae in the schools?

A. It is already.
Q. It is a matter that's discussed?
A. Yes.
Q. I would think
A. Yes.
Q. And will be throughout all grade levels in the school?
A. Yes. We will no doubt find a particular place within the curriculum to put it. I think that when we talk about different groups, racial discrimination, prejudice, I mean, this is where these elements come into being. But it also is important to look at it in terms of justice, and justice for all and what the concepts of the Constitution for Canadians is and how we fit into it. And so when we talk about Constitutional issues, this is another element that needs to be brought up.
Q. Do you see a role that he might personally play in that -- in the school system?
A. I think that he can find a role there very easily. That sharing of his experiences and sharing of his life in different places is the way in which he will be able to find a way to clarify what all of that was all about.
Q. Yes. This summer St. Anns celebration will be the first since the release of the Donald Marshall report

and I'm wondering whether anything is planned involving Mr. Marshall at this year's St. Anns ceremony?

A. Those things are not planned until Pentacost Sunday.

Q. I see.

A. So I don't know.

Q. And are those things planned by the Grand Council?

A. Yes. So the Grand Council and the captains meet on Pentacost Sunday and whatever's going to happen during that time during July will be brought up and delegated and other aspects resolved.

Q. The elder with whom you were speaking about whether Donald Marshall Jr.'s chances of succeeding his father as Grand Chief might be affected by the lack of continuity, was that elder a member of the Grand Council?

A. It was a helper of the Grand Council.

Q. A helper of the Grand Council?

A. Yes.

Q. You'll have to assist me with that term.

A. Okay, there are Grand Council members and then there are helpers to the Grand Council.

Q. Yes.

A. And the helpers are the women who do all the kinds of work for the Grand Council and who are selected and

who maintain a position within the Grand Council until their death and when they die or are unable to continue their functions in that way then they pass it on or they -- the elders will select another person.

Q. But I take it you did not have that discussion with a member of the Grand Council?

A. No.

Q. Thank you, doctor. Those are my questions.

Mr. Evans

Thank you.

MR. WYLIE SPICER CROSS-EXAMINES DR. BATTISTE

Q. You mentioned at a couple of points in your testimony -- you were talking about the sharing of sorrows and burdens, I think was the note that I made. And you were being asked questions about Mrs. Marshall speaking to you about Junior's experience and the pain that she was suffering. Ms. Derrick, I think, in her questions, was using the word did you suffer? I'd like to know what you mean by "suffer" because I'm sure that if my son were put away for a murder that he didn't commit that I would tell anybody and everybody that I could and that they would be affected by that experience and by me telling them that.

A. Uh-hmm.

Q. And that would be probably my family and my friends

and I'm sure that if I met you it would take twenty minutes before I told you about it and you'd be affected. And I'd like to ask you whether or not you can distinguish between a person being affected by being told something like that, which I'm sure would be the case of any of us here, and suffer as a result of being told about something like that. And if you can distinguish between those two things, I'd like you to tell me about it.

A. Well, that could be a very difficult thing to distinguish -- between those two. I guess what I'm trying to impress is that -- upon the group, here -- is that in our community dialogue we share the bits of happiness and sorrow that come about. I think that in the case with Donald Marshall and his family the fact that Donald Marshall is the Grand Chief and he is constantly -- he is part of us. He is part of everything. He is almost like our kin, in the sense of this is a very important person who is -- who for a lifetime, or his lifetime anyway, will be part of everything of us. And when he is affected and has been affected by something like this, it affects the MicMac people much more than if it was the neighbour next door who had a son who had the same thing because of the relationships of all these things to one

another.

Q. And ---

A. Not the neighbour. Neighbour would be terribly -- I'd be terribly affected if anything happened to my neighbour.

Q. True.

A. Let's say, down the end of the reserve there is a family and his son went to jail and had gone through this. I would not be as aware of his -- or the family's daily struggles of the feelings that they're having and what kinds of things they're going through because they're not there and ever present at everything.

Q. Sure. Does it then have something to do with the fact that Junior was the son of a person who is held in such great respect in the community?

A. Yes.

Q. Sure. And is the knowledge amongst the community greater as a result of that fact? I mean, because he is a person ---

A. Ever so much more so, yes.

Q. Sure. But is the nature of the affect on you -- let's take the person down at the end of the reserve again. You find out about what's happened to that person and you're affected by it and you've found out what

happened to junior and you're affected by it. Is there a qualitative difference in the nature of the way you're affected by it? Or do you feel the same way about it?

A. Well, I think we -- it's very hard to qualify those feelings ---

Q. Sure.

A. --- of whether it was the situation, but I think that when you have such high regard for a person you have that same regard for his family as well. And when there is something that happens in that family, you watch it, you talk about it, you think about it, you dialogue about it.

Q. Uh-hmm.

A. What happened to Junior affected a whole lot of people, but never like it affected the family.

Q. No. I keep coming back to this word, I know, because Ms. Derrick used it quite a bit. It's this word "suffer". And the word suffer means something to me and it's different than affected. And what I'm still trying to understand from you is -- first of all, what does the word suffer mean to you, and secondly, would you say that you have suffered in the context of the way you understand that word by this experience and by your knowledge of it?

A. Suffering means heartbreaking inability to do anything about something -- you're sort of -- it's a release of great sorrow. And it can be for one, or for many, and it can be for yourself. I guess I really have difficulty distinguishing it, I just don't have the words to describes the qualitative differences.

Q. Okay. Amongst other things, I take it that suffering or being affected induces -- has an element of feeling great empathy. That's one of the elements, I take it. Beyond that, do you feel personally that part of you has been adversely affected? In other words, can you say I've suffered and this is the way that I have suffered? Other than the feeling, which I quite understand, of great empathy and pain?

A. No.

Q. Okay. In your CV there's a reference to an article and I just wanted to ask about you about it. There's a reference to an article on page 5 of your CV called "Structural Unemployment The MicMac Experience". If I wanted to understand current MicMac employment patterns, would that be a helpful place for me to go?

A. Yes.

Q. Okay. Can you give me a little more help on that? Can you tell me where else it would be useful for me to go?

A. The article was written for the grade nine text, Maritime Studies, Causes of Unemployment Among Native People, in which I wrote the article and then it was -- for the purposes of grade nine class had to be edited to a grade nine consciousness. And therefore it was chopped up and so I asked if I might use it to publish in that particular journal the whole text. What it does is describe the process of employment among our people on reserves ---

Q. In Nova Scotia?

A. It looks at it sort of in Nova Scotia in -- with the idea of Eskasoni.

Q. Okay.

A. Why are people, for the most part, on welfare in Eskasoni? But it looks at it first from the perspective of where MicMacs were, what were they doing, how did they work, what was their notions of work, how did they work, what kind of work did they do over different periods of time?

Q. This is historically, we've started hunting and gathering ---

A. Yes.

Q. --- and moving ahead.

A. Yes. Through hunting and gathering, through the hunting and then the trading and then the trade that

went into the arts and crafts, the basketmaking, and so on. With some discussion -- limited discussion about the education along the way, but just where it tied in to that but to discuss the relationship of federal policy to notions of work and what work then meant. And how those notions of work changed over time as people were brought into a welfare system. And so it sort of looks at the whole realm of the different phases and stages of work in a historical perspective.

Q. And does it bring us up to date in order to give me, if I was looking for it, some understanding of current employment patterns of MicMacs in Nova Scotia?

A. Yes, it does. Without being overly specific, it's more intended to be general.

Q. Okay.

A. And so it doesn't allude to all the specific kinds of work that's available but it does refer to the kinds of things that could be done in terms of affecting employment again in the community by looking at the family base, resource base kinds of seasonal work that has best fitted or has been at least fitted to the MicMac way of life and styles of living.

Q. Okay, there's just one final thing I wanted to ask you about it and I figure Mr. Saunders asked you a number

of questions about it, but you said that Junior had not yet come back. Has he taken any steps along the way to start to come back, or are you able to give us any insight on that?

A. I guess you'd have to ask him that.

Q. Objectively, you can't ---

A. Well, objectively I guess what I'd have to say is that I saw him at mission. I saw him at mission last year. And that's the first time I've seen him at mission in a very, very, very long time.

Q. Now mission is what?

A. St. Ann Mission.

Q. St. Ann Mission, okay.

A. He was there. Yes. So he -- and that, to me -- and being part of mission and being part of that ever growing developing style of interaction, that he is slowly making his way. But that was significant, I thought.

Q. Okay. Thank you.

A. Uh-hmm.

BY MS. DERRICK

Q. I just have a couple of questions arising out of that. Dr. Battiste, can you tell us whether helpers to the Grand Council have any role in the choosing of the Grand Chief?

A. The Grand Chief is -- actually, the decision making is done through the captains but that the captains are not isolated in making decisions like that. While they are the men who are in the Council, they are there with all of their people -- all the elders, all the women, all the men who are not part of the Council -- and they are with them. And so women are important advisors to all decision making among -- for all leaders. And that it is not simply that men make a decision, boom, and they go do, because they have to deal with the effect that that decision might have among their own women. And so they are careful, always, to cover all their bases by going to visit all the elders or to the respected elders and to talk to them about decisions, you know, questions about, musing on, you know. And in the course of all of that they would get a full array of opinions, from which they would come with their decision.

Q. And the helper that you spoke with and who gave you this opinion concerning Donald Marshall Jr. having been disconnected from his community, is that someone who would be consulted in the process that you've just described?

A. Might be, yes.

Q. Dr. Battiste, in your opinion, has the community's

suffering vis a vis Donald Marshall Jr.'s prosecution, been culturally specific or distinctive because ---

WYLIE SPICER

Mr. Chairman, I've never objected up until now, but please, the word is just laden with meaning. The question is what has happened to the community, not the community's suffering with respect to my friend.

MR. EVANS

I think you have to restate the question. Maybe this witness is not in a position to answer a question of that scope.

MS. DERRICK

All right, well I'll certainly restate it, Mr. Commissioner.

Q. The affect on the community that Mr. Spicer was asking you about -- can you tell us whether, then, the affect obviously with respect to Donald Marshall Jr.'s prosecution -- can you tell us whether that affect has culturally specific or distinctive features?

A. I would say yes. And the first and foremost thing is that that's our Grand Chief and that is distinctive to our culture.

Q. Thank you.

THE HONOURABLE GREGORY T. EVANS EXAMINES DR. BATTISTE

Q. A couple of questions I wanted to ask you, too. You

were talking about the person with whom you spoke was a woman and she was the assistant to the Grand Chief.

A. No.

Q. No. One of the elders, rather?

A. An elder.

Q. So what you're really telling us is in the MicMac family is the same as in any other family -- the women run it, pretty well. They tell the men and the men make the -- announce the decision, but it's made by the women.

A. Well we aren't going to let the men think that. No, but I think that ---

Q. Because ---

A. I think that there is a mutual sharing of information to enable a decision maker to come to a decision making point with clarity as to what should be done and that that information gathering would gather from a lot of sources.

Q. Including the -- because in your paper at page 12 you've indicated that the women play a -- probably a greater role in the family than the men.

A. That's right, they are.

Q. And that the ---

A. Very important.

Q. --- the ascendency of the women's role, the man's

role, has gone down.

A. Yes.

Q. And you have indicated there, because of alcoholism and so forth that that has been ---

A. Well, it's because of the changing roles of economic activity that their image and their role has been attached to, which is described in that Structural Unemployment article which relates the different nature of men's roles, of having to be out there doing the trading or having to be out there doing the negotiating or having to be out there doing the hunt and going to get these kinds of things. Meanwhile, that women's roles have remained so stable over the years, they continually raise kids, have kids, raise kids, raise families ---

Q. Yes.

A. You know, build large networks of community networks.

Q. And then you -- I'm just reading from it. "As a result of the changes that have occurred in their society, new role and honouring practices have developed. A man who causes no trouble, stays sober for the most part, works steadily in or outside of the reserve and looks after his family is accorded respect and prestige. These are the decision makers, potential chiefs and councilmen of the tribal

community. The elders provide a vital link to their ancestors and are accorded the respect of all." Now that's the value that you will require in someone who is chief or going to be a chief, correct?

A. Uh-hmm.

Q. Thank you.

(ADJOURNED UNTIL 9:30 A.M., APRIL 4, 1990, LORD NELSON HOTEL)

Certified Correct:

Regina Drake/per

Nancy Brackett
Verbatim Reporter