



Elizabeth May, O.C., M.P.

Your Member of Parliament in Saanich-Gulf Islands

December 2017 Newsletter

Introduction

Canada's 150th – 2017 – was a big year across the country. All communities across the Saanich-Gulf Islands hosted special celebrations.

In Sidney, we had strong tangible recognition of the reality that we live on the territory of the WSANEC people. The word "Saanich" is an Anglicisation of a SENCOTEN word - and it speaks of Indigenous identity. It means "the people rising" going back to the ancestors' story of a huge flood. With the waters rising, people took to canoes and found refuge on a mountain. We call it Mount Newton, but in SENCOTEN it is Lau, Welnew, which means "place of refuge."

Indigenous people were here for thousands of years before the arrival of the settler peoples. For Canada's 150th, the Town of Sidney commissioned a welcoming pole looking out to sea. It was a step toward reconciliation. But the work is just beginning.

The issue of reconciliation is not primarily Indigenous peoples'; it is an issue for non-Indigenous people too. I am often asked by constituents, with no disrespect intended to First Nations people, why the injustice to indigenous people is different in quality than historic racism directed at other groups and peoples.

In this issue of my MP newsletter, I hope to explore these topics and share information about the imperative of reconciliation.

HÍSWKE - Thank you!

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January 2018 Town Halls

Pender Island

Monday, January 15

7:00—8:30pm

Pender Island Community Hall
4418 Bedwell Harbour Road

Salt Spring Island

Tuesday, January 16

7:00—8:30pm

Gulf Islands Secondary School
Multipurpose Room
232 Rainbow Road

District of Saanich

Wednesday, January 17

7:00—8:30pm

Bob Wright Centre
Room B150
University of Victoria

Saanich Peninsula

Thursday, January 18

7:00—8:30pm

Bodine Family Hall
Mary Winspear Centre
2243 Beacon Avenue

Galiano Island

Friday, January 19

7:00—8:30pm

Galiano Community Hall
141 Sturdies Bay Road

Mayne Island

Saturday, January 20

3:30—5:00pm

Mayne Island Community Centre
493 Felix Jack Road

Saturna Island

Tuesday, January 23

7:00—8:30pm

Saturna Island Community Hall
109 East Point Road

District of Saanich

Wednesday, January 24

7:00—8:30pm

Our Lady of Fatima Church
4635 Elk Lake Drive

Apartheid: What South Africa learned from us

South Africa learned apartheid from Canada

The disturbing truth is that Canada's Indian Act was used quite deliberately by the South African government as the model for apartheid. It set out the same pattern of separation, stigmatization and unequal treatment of peoples.

The 1876 Indian Act has been amended over the decades, but remains a profoundly discriminatory law. Its purpose was to annihilate Indigenous identity and culture, disintegrate communities, deny individuals their rights, as well as simplify the "legal" dispossession of Indigenous lands. Taking children away from their parents to residential schools was a component of destroying identity.

Our first prime minister, Sir John A. Macdonald, told the House of Commons in 1883:

When the school is on the reserve the child lives with its parents, who are savages; he is surrounded by savages, and though he may learn to read and write his habits, and training and mode of thought are Indian. He is simply a savage who can read and write. It has been strongly pressed on myself, as the head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men.

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Apartheid: What we learned from South Africa

Canada learned Truth and Reconciliation from South Africa

Headed by Archbishop Desmond Tutu, the South African Truth and Reconciliation Commission was set up once apartheid was abolished in 1994 to allow for a process of restorative justice. Although there had been a Reconciliation Commission in Chile in 1990, the process is closely associated with South Africa.

Those who had experienced horrific violations of their basic human rights testified as others bore witness. Desmond Tutu said this about the process:

Forgiving and being reconciled to our enemies or our loved ones are not about pretending that things are other than they are. It is not about patting one another on the back and turning a blind eye to the wrong. True reconciliation exposes the awfulness, the abuse, the hurt, the truth. It could even sometimes make things worse. It is a risky undertaking but in the end it is worthwhile, because in the end only an honest confrontation with reality can bring real healing. Superficial reconciliation can bring only superficial healing.

Excerpts from the findings of the Truth and Reconciliation Commission

In 1996, the Report of the Royal Commission on Aboriginal Peoples urged Canadians to begin a national process of reconciliation that would have set the country on a bold new path, fundamentally changing the very foundations of Canada's relationship with Indigenous peoples. Much of what the Royal Commission had to say has been ignored by government; a majority of its recommendations were never implemented.

...The (2015 Truth and Reconciliation) Commission heard from more than 6,000 witnesses, most of whom survived the experience of living in the schools as students. Children were abused, physically and sexually, and they died in the schools in numbers that would not have been tolerated in any school system anywhere in the country, or in the world. But, shaming and pointing out wrongdoing were not the purpose of the Commission's mandate. ...

Getting to the truth was hard, but getting to reconciliation will be harder. It requires that the paternalistic and racist foundations of the residential school system be rejected as the basis for an ongoing relationship. Reconciliation requires that a new vision, based on a commitment to mutual respect, be developed. It also requires an understanding that the most harmful impacts of residential schools have been the loss of pride and self-respect of Indigenous people, and the lack of respect that non-Indigenous people have been raised to have for their Indigenous neighbours.

Reconciliation is not an Indigenous problem; it is a Canadian one. Virtually all aspects of Canadian society may need to be reconsidered.

For over a century, the central goals of Canada's Indigenous policy were to eliminate Indigenous governments; ignore Indigenous rights; terminate the Treaties; and, through a process of assimilation, cause Indigenous peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as "cultural genocide."

Cultural genocide is the destruction of those structures and practices that allow the group to continue as a group. States that engage in cultural genocide set out to destroy the political and social institutions of the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and destroyed. Essential life services such as education, housing, clean water, medical care are restricted and substandard. And, most significantly to the issue at hand, families are disrupted to prevent the transmission of cultural values and identity from one generation to the next.

In its dealing with Indigenous people, Canada did all these things.

What started Canada's Truth and Reconciliation Commission?

The abuse experienced by countless Indigenous children and the essential inhumanity of the residential school system was unknown to most Canadians until recently. One reason for that is the deep shame many of these children experienced well into adulthood. Many never spoke of their experiences to their own children or families.

It took Phil Fontaine's immense bravery to make it a political issue, beginning in 1990. An Ojibway from Manitoba, Phil Fontaine had been taken from his family to attend the Sagkeeng Residential School. As a small boy he endured physical and sexual abuse. His resilience was extraordinary. He received his degree in political science at the University of Manitoba and went on to achieve leadership positions, ultimately as National Chief of the Assembly of First Nations.

Once Phil Fontaine lifted the curtain on the horror, many more survivors of residential schools came forward. In 1992 Phil led one of the first Residential School gatherings in the country in WSANEC territory at the Lau, Welnew School where former students of the Kuper Island Residential School shared their stories. The conference was at the heart of the film *Kuper Island: A Return to the Healing Circle* (Gumboot Productions).

Class action court cases were launched against the Government of Canada. The court case became the largest class action suit in Canadian history. The federal government cross-sued the Roman Catholic and Anglican Churches, dragging them through millions of dollars of court costs, as well as slowing down the legal process. Ultimately, there was a settlement reached between Indigenous peoples and organizations, the government and the churches.

An outcome of the out of court settlement was the Truth and Reconciliation Commission, which was established in June 2008 and tabled its findings in December 2015.

Over that time, a number of historical milestones occurred, including a full apology from the Government of Canada to Indigenous peoples delivered in Parliament by the Right Honourable Stephen Harper in June 2008. The former prime minister deserves accolades for the depth and honesty of the apology. It was a powerful moment in that Chiefs and other Indigenous representatives were seated in the chamber, occupying the space in front of the speaker.

One of those present was National Chief Phil Fontaine. He took the floor of Parliament in reply to Prime Minister Harper:

For the generation that will follow us, we bear witness today ... Never again will this House consider us the Indian problem just for being who we are.

We heard the government of Canada take full responsibility for this dreadful chapter in our shared history. We heard the prime minister declare that this will never happen again. Finally, we heard Canada say it is sorry.

How do you define Reconciliation?

From the Truth and Reconciliation Commission report:

To the Commission, reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour...

Former President of the Council of the Haida Nation Miles Richardson:

Reconciliation is when you can see me as I see myself; and I see you as you see yourself.

The failure to treat Indigenous children equally - today

Dr. Cindy Blackstock is a tireless campaigner for indigenous children. As Executive Director of the First Nations Child and Family Caring Society, she has documented systematic discrimination in the fact that Indigenous children's health and education receives less public funding than non-Indigenous children. The disparity in spending for our children is huge. Funding for essential services for Indigenous children is about one-third that for non-Indigenous children.

Especially concerning is that there are now three times as many Indigenous children in foster care than there were in residential schools - at their peak.

Cindy Blackstock took the evidence of injustice to the Canadian Human Rights Tribunal. In 2016, the Tribunal ordered Canada to act on

behalf of 165,000 First Nations children. It ordered Canada to implement "Jordan's Principle."

Jordan's story is one of those on-going 21st century tragedies that defies belief. While federal and provincial governments argued over who should pay medical costs for this little five year old in moving him to foster care, he died. "Jordan's Principle" stands for the proposition that children should get equal access to care whether they live on or off reserve and the "government of first contact" is responsible for costs.

The federal government's response has been to fight the ruling. Despite three non-compliance orders, the federal government has not complied. So far, it has spent \$707,000 fighting the tribunal ruling.

A Tale of two Trudeaus

Historians may view our current prime minister and his father, former prime minister, as representing virtual polar opposites on the question of achieving justice for Indigenous peoples.

In 1969, Pierre Trudeau's administration released a White Paper setting out the government's goal - the complete assimilation of Indigenous people into non-Indigenous Canadian society. The elimination of any "special status" would have included the abrogation of rights to hunt, fish, or control lands on reserve. It would have violated existing treaties and inherent rights. In the ensuing outcry, the paper was withdrawn from consideration.

By the time former Prime Minister Pierre Trudeau repatriated our Constitution in 1982, indigenous rights were entrenched in Section 35:

The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Now, his son, Prime Minister Justin Trudeau, has staked much of his legacy on meeting commitments to Indigenous peoples. Every single mandate letter to every Minister of his Cabinet instructs them that there is no relationship more important to his government than that with First Nations, Metis and Inuit. Every minister is instructed that: "It is time for a renewed, nation-to-nation relationship with Indigenous peoples, based on recognition of rights, respect, co-operation, and partnership."

Many people, myself included, believe that approving Kinder Morgan, Petronas LNG, and the Site C permits violate those commitments, and does so egregiously.

His government also pledged to accede to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The UN Declaration was accepted by the United Nations General Assembly by a majority vote in 2007. Some nations abstained, but only four voted against it: the United States, Australia, New Zealand and Canada. It matters that Canada is acceding to UNDRIP.

Since the election, there has been backtracking as the federal government has stated that UNDRIP cannot be fully implemented under Canadian law. The new BC government, on the other hand, has pledged to implement UNDRIP in this province.

Most recently, Prime Minister Trudeau used the stage at the United Nations General Assembly to focus on Canada's legacy of failure and colonialism:

Canada remains a work in progress. So I want to tell you about

the Canadian experience because for all the mistakes we've made, we remain hopeful...

For Indigenous peoples in Canada, [our 150 year history] the experience was mostly one of humiliation, neglect, and abuse.

Of a government that didn't respect their traditions and strengths, or their distinct governments and laws, but instead denied and undermined their rights and their dignity.

That sought to overwrite their distinct histories, to eradicate their distinct languages and cultures, and to impose colonial traditions and ways of life.

That discarded the Indigenous imperative to protect the land and water, of always thinking seven generations ahead.

...

The failure of successive Canadian governments to respect the rights of Indigenous peoples in Canada is our great shame.

And for many Indigenous peoples, this lack of respect for their rights persists to this day.

There are, today, children living on reserve in Canada who cannot safely drink, or bathe in, or even play in the water that comes out of their taps.

There are Indigenous parents who say goodnight to their children, and have to cross their fingers in the hopes that their kids won't run away, or take their own lives in the night.

Young Indigenous people in Canada struggle to get a good education.

And though residential schools are thankfully a thing of the past, too many Indigenous youth are still sent away, far from their families, just to get the basic education most Canadians take for granted.

And for far too many Indigenous women, life in Canada includes threats of violence so frequent and severe that Amnesty International has called it "a human rights crisis."

That is the legacy of colonialism in Canada.

What does Section 35 of the Constitution mean?

Numerous Supreme Court of Canada decisions have added layers of understanding to what is meant by the words "existing aboriginal and treaty rights." The first was the 1990 Sparrow case; the most recent, the 2014 Tsilhqot'in decision. Collectively, the Supreme Court of Canada decisions have clarified that the federal government's fiduciary responsibility to Indigenous people extends to more than superficial consultation, that it must respect title and full engagement in decision-making.

Specific to our area, the rights of WSANEC people are set out in the 1852 Douglas Treaties. These rights were also adjudicated by the Supreme Court of Canada in the 2006 case *R. v. Morris and Olsen*. The court, building on the Sparrow decision, found the Douglas

Treaty protected the rights of Tsartlip people, throwing out hunting charges for an incident in 1996. Carl Olsen, who was one of the hunters pressing for his treaty rights, is the father of Saanich North and the Islands MLA, Adam Olsen. The decision cited the key portion of the treaty:

The relevant provision of this Treaty ...states that the Tsartlip "are at liberty to hunt over the unoccupied lands; and to carry on [their] fisheries as formerly.

In this, both Indigenous and non-Indigenous residents of Saanich-Gulf Islands are "treaty people."

Controversy over re-naming buildings

This issue came to national debate when the Elementary Teachers Federation of Ontario called for schools named after Sir John A Macdonald to be re-named. The debate is local as well—a statue of MacDonald stands outside of Victoria’s City Hall.

That provoked an interesting conversation. Some Indigenous leaders said that doing so would be a meaningful step in reconciliation; others disagreed. Senator Murray Sinclair who chaired the TRC said it “smacked of revenge.”

On CBC “The Current,” author Malcolm Gladwell pointed out that new buildings now bear the name of wealthy donors. Are they the people we will hold in high esteem in the next generation? Gladwell argued that names on a building or statues on their pedestals should come in for re-evaluation and discussion.

Sir John A was a complex man. He was famously drunk a great deal of the time, but he was unquestionably a brilliant diplomat in pulling disparate factions together in the Great Coalition that became Canada. He gave us our national railroad, our national parks system – and a racist and discriminatory policy designed to eradicate all Indigenous culture. Gladwell argued that the discussion of those contradictions would draw history to relevance.

Another case that Cindy Blackstock has taken up is a plaque within the National Cemetery of Canada in Ottawa recognizing Duncan Campbell Scott.

Duncan Campbell Scott was a chief architect of cultural genocide. Yet, he received accolades and full honours in recognition of his career. In 1948, he was named a Person of National Significance. In 1920, as Deputy Minister of Indian Affairs, he said, “our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic.”

Worse, Scott deliberately suppressed the evidence that children were dying in large numbers in the “care” of their government – avoidable deaths due to tuberculosis (TB). The evidence was from Dr. Peter Henderson Bryce. Bryce was president of the American Public Health Association when he was asked to conduct a review of the residential school system. His findings were shocking. He found that the children were dying at a rate of 24% a year and over three years, 42%. In one school he found a death rate of 76%. He released his report to the media, calling for an increase in funding for TB prevention and care. Ventilation needed to be improved, sick children should not be left with the healthy children. TB treatment needed to be made available to Indigenous children just as it was to non-Indigenous.

Campbell Scott acted fast. He ended Bryce’s funding and he rejected the evidence. Bryce kept fighting. He was pushed out of the public service. The next year he published a book raising the alarm about the scandalous treatment of Indigenous children. No one listened.

Our historical record, based on plaques and markers, tell us Campbell Scott was a great man and Henderson Bryce was nobody. Re-plaquing at the National Cemetery of Canada is reversing our understanding of their relative “greatness.”

An education for non-Indigenous people

Too many Canadians still do not know the history of Aboriginal peoples’ contributions to Canada, or understand that by virtue of the historical and modern Treaties negotiated by our government, we are all Treaty people. History plays an important role in reconciliation; to build for the future, Canadians must look to, and learn from, the past.

From the final report of the Truth and Reconciliation Commission

I remember when I first began to understand the horror of the residential school system. What I still find shocking is how little I knew.

In 1999, I was working on a book, *Frederick Street: Life and Death on Canada’s Love Canal*, about the most contaminated waste site in Canada: the Sydney Tar Ponds in Cape Breton. The so-called tar ponds had actually been an estuary and part of a very productive summer fishing camp for the Mi’kmaq people.

As we had worked together for a clean-up for years, Mi’kmaq poet Shirley Christmas had become a good friend, but as is often the case with friends, I had never questioned her about her childhood until I interviewed her for the book. We sat at her kitchen table, both of us in tears, as she told me about the horrors of the Residential School in Shubenacadie, Nova Scotia. She gave me permission to share her story.

She had two hours a day of what might be called “school,” and the rest of her time was absorbed in manual labour. “I spent more time scrubbing floors with a toothbrush than I did learning the King’s English.”

She was there with an older brother, whom she was allowed to visit for 15 minutes every month, as well as her five year old sister. Her younger sister was a bed wetter and was punished nearly every day. The nuns would wrap the urine soaked sheet on her little sister’s head like a turban and forced her to wear it all day. Shirley was beaten for her sister’s bedwetting, given the strap across her face, hands, legs and buttocks. Racing to get to her sister’s bed and change the sheets before the morning’s inspection, she was caught. The nuns locked her in a pitch black closet, without food, for days. The experience gave her nightmares for the rest of her life.

For thousands of children it was worse. Many were sexually abused, raped. They carried their trauma for life. Many died in the “care” of their government, never getting home again.

Is this an “historic” wrong? One that is over now? Not when one considers how such searing cruelty was visited on generation after generation.

Imagine if your great-grandmother had been forcibly taken from her parents and abused; your grandmother taken from that great-grandmother, and so on to your own mother. Imagine the wrenching damage to family bonds, parenting skills, the ability to form a healthy relationship. Many residential school survivors turned to alcohol to ease the pain. Imagine if for generations your family had been told to feel shame. Now ask if it is possible that the rates of suicide among Indigenous children and teens across Canada could have anything to do with residential schools. It may have happened in the (recent) past, but it impacts our present.

By the Numbers

150,000: number of First Nations, Metis and Inuit children taken into residential schools.

6,000: estimate of the number who died in those schools.

1 in 25: odds of dying for Indigenous children in Canadian residential schools.

1 in 26: odds of dying for Canadians serving in World War II.

Over 100: the number of years the residential school system was in place. An amendment to the Indian Act in 1884 made attendance compulsory for Indigenous children. The last residential school closed in 1996.

8,400: population of the Haida Nation in 1840.

1,600: population of the Haida Nation in 1881 after the deliberate introduction of smallpox to Haida Gwaii through contaminated blankets.

Resources

Monique Gray Smith, *Speaking our Truth: A Journey in Reconciliation*, Victoria: Orca Books, 2017.

Gord Downie and Jeff Lemire, *The Secret Path* – available at local bookstores, including Tanner’s Books. All proceeds of sales got to a fund for the Gord Downie Secret Path Fund for Truth and Reconciliation through the National Centre for Truth and Reconciliation at the University of Manitoba.

Paulette Regan, *Unsettling the Settler Within: Indian Residential Schools, Truth Telling, and Reconciliation in Canada*, UBC Press, 2011.