INDIAN RESIDENTIAL SCHOOLS & RECONCILIATION

TEACHER RESOURCE GUIDE

PART ONE

11/12

fnesc FNSA

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Tile Reconciliation Canoe, BC Teachers' Federation
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CONTACT INFORMATION
First Nations Education Steering Committee and First Nations Schools Association
#113 - 100 Park Royal South West Vancouver, BC V7T 1A2
604-925-6087 / 1-877-422-3672 info@fnesc.ca

150 Years' Relationship

Documentary Evidence

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Working with the Documentary Evidence

Evaluating Primary Sources

How do historians evaluate primary source documents? Historians never accept a document at face value but evaluate it for accuracy, bias and its place in a historical context.

1 Who was the writer? What do you know about the writer from the document or other sources?
2. When was the document written? What else was happening in that time period?
3. What was the purpose of the document? Who was its audience?
4. How reliable is the information provided in the document?
5. What evidence does the document add to your inquiry?
6. What further questions does this document raise?

General Document Questions

Use these questions to guide your reading of the documents.

1. How does the speaker express attitudes toward First Nations people?
2. What terms were used for First Nations people and issues, particularly land title and rights, education and health?
3. What are examples, if any, of social will influencing, or trying to influence government policy makers.
4. What are the stated goals of government, church and Canadian citizens? Do the writers reveal any hidden or underlying goals that seem to differ from their stated intentions?

General Time Period Questions

1. What is the major political and social context of this period? How does it relate to First Nations issues?
2. Comment on the diversity of opinions expressed. Do most people in that time period agree with one another, or do some hold opposing views, as far as you can tell from the documents?
3. How would you describe the level of racism expressed in this time period? How overt is it?
4. Do you see any major shifts in public opinion about the relationship between First Nations and other Canadians in this time period?

1876 The "Indian Question"

Monarch: Queen Victoria
Prime Minister: John A. Macdonald
Premier: G.A. Walkem (to Jan 1876); A.C. Elliot (from Feb 1876)
Federal Ministry: Department of the Interior

In the News

July 27, 1871	British Columbia joins Confederation.
April 12 1876	Canada: The Indian Act becomes law.
June 25 1876	USA: Battle of the Little Bighorn; Custer wiped out by Sioux and Cheyenne.
August 1876	Governor General Lord Dufferin visits BC; appeals for fair treatment of Indian claims.

Backgrounder

1876 was the year of the Indian Act. There had been various laws governing Aboriginal people since colonial times, but the act consolidated earlier legislation into one bill covering all aspects of First Nation's lives across the country. However, it made almost no mention of education, simply commenting on the financing of schools "such as were frequented by Indians."

It was also the year that Canada and British Columbia came to an agreement over how to deal with the land issue. With virtually no treaties made with BC First Nations, BC was different from the rest of the provinces in how reserve lands were administered. Since before BC joined Confederation in 1871, the two sides had argued over how reserve lands would be allocated. In January 1876 they agreed to set up the Joint Indian Reserve Commission, which would decide on the reserves, without any consultation with First Nations communities. This, the public believed, would solve the "Indian Question."

As the 1876 documents show, they were basing their plan for reserves on a proposal made by William Duncan, an influential religious leader who, with members Tsimshian people, started a "model" religious community at Metlakatla, near present day Prince Rupert. In 1875 he travelled to Ottawa to present his own plan for settlement of the land question. It advocated reserving relatively large areas for each tribal group – that is, groups speaking the same language. That would have had the effect of collecting everyone who spoke the same language into one settlement.

In practice, of course, this is not what happened. Each village or band was allocated small parcels of their traditional territories as reserves.

Also in the newspapers of 1876 there was public discussion as to what Aboriginal people were capable of understanding and learning. In some of the documents you will read some examples of the gross ignorance and racist beliefs of the time. However, you will also read a letter from a First Nations point of view.

At the same time, the public was following events in the United States, where the government was engaged in warfare against tribes that resisted that country's controlling legislation. Some Canadians were afraid there would be similar violence in Canada if matters weren't settled.

1

The Indian Question.

The much vex't Indian question, which has been so long kept in an unsettled state through the illiberality of the Provincial Government, is at last in a fair way of settlement. This Government, after obstinately adhering to its 5-acre policy for a year and a-half, retarding settlement, and nearly precipitating all the horrors of an Indian war upon the Province, have yielded to the demands of the Dominion Government so far as to consent to the appointment of a joint Commission, before whom shall be laid the matter in dispute for settlement. The basis of the arrangement will be upon a plan proposed by Mr. Duncan of Metlakatlah, to gather each nation (meaning by nation all tribes speaking the same language) in British Columbia, and after full inquiry to fix and determine for each nation separately the number, extent and locality of the reserve or reserves to be allowed it.

Colonist Jan 18, 1876, p2

2

SECOND PROVINCIAL LEGISLATIVE ASSEMBLY.

FIRST SESSION.

Thursday, Jan. 21st,

Mr. Speaker took the chair at 2 p. m.

The Honourable Mr. Walkem moved, That the correspondence between the Dominion and Provincial Governments on Indian affairs, be immediately taken into consideration, and that this House do approve of the settlement made of this embarrassing question. In doing so he alluded to the importance of the question both with regard to the safety of life and property of sttlers. He contrasted the settlement of the Indian question in the Province of Ontario, with that proposed for British Columbia, and asserted that the two countries being so dissimilar the arrangement applied to Ontario, could not possibly become the system here. He then traced the course pursued by the Dominion Government, pointing out the propositions made by them and refused by the local administration. He explained the impossibility of apportioning land to each Indian family separately, and alluded in terms of praise to the able report forwarded by Mr. Duncan of Metlacathla both to himself and to the Minister of the Interior, stating that owing in a great measure to that gentleman's valuable information the present basis of settlement had been arrived at. The hon. gentleman here recited the several clauses which are embraced in the proposed settlement, stating that two agents would be appointed to act as arbitrators, one paid and selected by the Dominion Government the other by the Local Government and a third jointly renumerated by both parties. He believed that the basis agreed on would result satisfactorily and whilst acting beneficially to the Indians, would reserve for settlement large tracts of valuable agricultnral lands. In conclusion he added that the Government desired to take no credit to itself for the settlement of this embarassing question but desired every praise to be accorded to the energy and ability of Mr. Duncan. (Hear hear.)

Colonist Jan 21, 1876, p 3

3

The Indian Question Settled.

Yesterday the House unanimously adopted the basis of an agreement for the settlement of the Indian question. The arrangement originated with Mr. Duncan of Metlahkatla, and was adopted by this and the Ottawa Governments after some obstacles, thrown in the way of the settlement by our Government, had been cleared away at Ottawa. Dr. Tolmie and Mr. Smithe, whose efforts to have the difficulty settled last year were scouted by the Local Government, did not fail, yesterday, to remind the House of the shabby treatment the Committee on Indian Affairs received last year and to congratulate the Government on their change of policy. We are glad an understanding has been come to. The settlers of the interior have reposed on a slumbering volcano too long.

Colonist Jan 21, 1876, p 2

4 The Occidentals

San Francisco 1874

A REMARKABLE EXHIBITION.

Capt. McDonald's Band of Trained Indians at Le Grand Armory--An Hour of Difficult Evolutions and Manœuvres--The Braves Display Great Precision, Ease and Rapidity--A Large Attendance of Visitors, and all Delighted.

A private exhibition of Capt. C. E. S. McDonald's band of trained Indians (or, rather, that portion of them hailing from British Columbia,) was given in Le Grand Armory last evening, before a large number of ladies and gentlemen, including many military men, leading citizens, and members of the Press. This was the first appearance of the Indians before an audience, and was designed by Capt. McDonald to show the progress they have already made in study and exercise, those exhibiting having been in training but a little over two months.

WHO THEY ARE.

The Indians who were drilled last night were the following:

"Jake," a representative of the Indian nations extending over and occupying the northern part of Oregon, and the southern portion of Washington Territory.

"Joe," a representative of the Indians inhabiting the northwestern coast of Vancouver's Island.

"Archie," a representative of the tribes around "Nootkah." This place is rendered of historical interest as being the spot where Captain Cook landed on his first voyage of discovery to the Northern Coast of America.

"Charley," a representative of the various tribes inhabiting Queen Charlotte's Island and the islands adjacent to Alaska.

"Modoc Charley," one of the Modoc tribe of Indians.

"Bill," a representative of the tribes inhabiting the southern portion of Alaska Territory.

"John," a representative of the tribe called the "Simsheins," inhabiting the greater part of the northwestern portion of British Columbia. These were formerly one of the most powerful nations of the Northwest, numbering at one time over 10,000 warriors.

"George" and "William," representatives of the "Nees" tribe of Indians inhabiting the country adjacent to and bordering on Alaska Territory.

Besides these, there are four more, representing the tribes of the Pawnee, Camanche, Sioux and the Blackfeet, who, having been here but two weeks, were not sufficintly advanced to appear in this exhibition.

THE EXHIBITION.

At about eight o'clock, Captain McDonald entered the hall, followed by the Indians, marching in double file, and at once the drill was begun, continuing for about an hour. The Indians were put through all the evolutions of Captain McDonald's drill, which have been made familiar to our citizens by the San Francisco Cadets.

A GREAT SUCCESS.

Many of the situations and groupings were very picturesque, while the ease and rapidity with which the natives of the forest handled their pieces, executing the most difficult manœuvres and combinations with almost the precision of clock-work, elicited hearty and well-merited applause from the spectators.

The band is composed of lithe, active young men, representing various tribes of our Northern and Western frontier. The detachment exhibiting last evening consists of representatives of those tribes inhabiting portions of Oregon, Washington Territory, Vancouver and Queen Charlotte's Island, British Columbia and Alaska, and were selected expressly for Captain McDonald by Colonel Powell, Indian Agent for the British Government, residing at Victoria. When brought to this city, some three months since, they were totally undisciplined in the use of arms and ignorant of the English language. They have been drilled entirely by rule, executing all their movements simply by the blow of a whistle. Their dress is showy, but neat and picturesque, partaking of the Indian characteristic. Captain McDonald's success in thus accomplishing a task that has been heretofore pronounced by military critics and Indian Agents an impossible one, stamps him as a remarkable man.

The Captain says that if given charge of an Indian Reservation, he could make the Indians thereon equal in the manual of arms to any regiment.

THE OBJECT.

Captain McDonald holds that the same system which has brought to such perfection this handful of Indians, can be carried out on a more extended scale, and that large bodies may be trained to move as one man. He regards the subject as one of great importance, worthy the attention of the Government and people. He intends to go on and perfect them in the drill, and to exhibit them in the Eastern and Western cities, so as to bring the matter to the immediate attention of military and civic officials and of the people at large. We understand the Captain will also present them at Philadelphia, to represent California at the coming Centennial, when this spark from the West will doubtless kindle a flame of enthusiasm among our Eastern brethren.

A BENEFIT SUGGESTED.

Some of our prominent citizens are desirous that a benefit should be tendered to the novel organization, and a time will no doubt soon be named. The public will then have an opportunity of witnessing the remarkable proficiency of these red men in the science of arms.

Daily Alta California, San Francisco, Dec 19, 1874, p1

Victoria 1876

THE "OCCIDENTALS."—Capt. McDonald's company of braves are called the Occidentals. They are training at Redwood City a few miles from San Francisco. The editor of the local paper recently visited their camp, and says this of them: "The company represents nine different tribes, being composed of four squaws and five men. All of them are the best specimens of the children of the forest. Capt. McDonald put them through a series of manœuvres in the Lightning Drill, which they executed so rapidly at the tap of a drum that the eye could scarcely follow them; so beautiful and stirring in their effect and picturesque positions that we were taken by surprise. The Indians were drilled in marching, wheeling, bayonet exercise, skirmishing, receiving cavalry, rolling and manual of arms. The men and women throughout the exercise acted like automatons and gave the highest satisfaction for the precision and ready execution of their movements. After the drill Capt. McDonald put the Indians through sixteen different pyramids, forming the most picturesque positions with the agility of old professional acrobats. After the pyramids the Indians went through an Indian war dance, which both squaws and men executed in their savage-like manner. After the war dance came the Indian Feast of Fire, which consists of eating fire, drinking burning naptha, devouring burning torches, breathing smoke and fire, and pulling long poles from their mouths. 'Twas one of the most startling performances we ever witnessed. When the fire feast was over the Indians took their places and executed a grand ribbon dance, pulling a number of yards of different colored ribbons from each other's mouths during the dance. There seemed to be no end to the quantity of ribbons they took from their mouths, and where it all came from we cannot surmise. Their costumes are among the most gorgeous that have ever been seen on any stage. Capt. McDonald has spared no expense to make his company of Indians the shining stars of the world, and he deserves credit for having succeeded so well in so short a time with such new and raw material. We were fairly charmed with the precision of all their motions, their strict attention and their clock-like movements. The performance lasted over two hours."

Colonist Jan 19, 1876 p2

5

Our Indians and Christianity.

EDITOR COLONIST:—His Excellency Lieut.-Governor Trutch in a letter on Indian Affairs makes the following remarks: "In my 20 years' experience among the aborigines of this coast I have not met with a single Indian of pure blood whom I consider to have attained to even the most glimmering perception of the Creed." Dr. Tolmie, in his speech on the Indian question, confirms the preceding statement by declaring that in a still wider intercourse of 42 years his experience has been to the same effect.

These are grave statements, opposed to the general experience, yet carrying weight, owing to the quarter from which they emanate, and I would not attempt to throw the least doubt upon the veracity of their authors. But while their experience may be such as they allege, the inference erroneous and wider than the facts would justify, is fairly implied and might be readily drawn, that there are no Indians on this coast believing and preaching the doctrines of Christianity.

The results of missionary efforts have been in many cases greatly exaggerated, but they have quite as often been unduly depreciated, and I cannot but think that the observations of His Excellency and Dr. Tolmie are exceptional in their character. Coming as they do from such sources statements of this nature suggest the broader construction that their experience is the experience of all.

That it correctly represents the spiritual condition of the Indians, I have the best reasons in the world for doubting. With a much briefer acquaintance with our aboriginal brothers, I have on several occasions met with pure Indians who were at the same time consistent Christians and eloquent expounders of Gospel Truth. Such an experience on my part does not at all invalidate a contrary experience on the part of others. It ought, however, to modify the conclusions we draw; it shows what different facts may present themselves to different minds in the same field of observation, and how carefully the public ought to be on their guard against sweeping assertions founded on an incomplete array of facts.

Whatever has been done for the moral and intellectual elevation of the Indian has been done mainly through the self-sacrificing zeal of missionaries, and to them the credit is chiefly due and not to any Governmental aid however generous. That in some cases the efforts made have yielded abundant fruit is matter of observation and congratulation, that in others the results have been meagre indeed is a source of deep regret, but considering the want of means, helpers and other conditions of success, not at all wonderful.

A discerning public will have no difficulty in deciding for itself what is the true condition of affairs among the Indians as regards Christianity. In the estimate of any enterprise two tendencies may be noticed, that of excessive laudation or of equally excessive depreciation. The partizans of each view range themselves at the opposite poles of thought, thundering back the eternal "No" to the equally thunderous eternal "Yes!" Occupying the middle ground, I think the proper summing up of the case is as follows: Missionary work has been neither as successful nor abortive as extremeists would make it out to be.

In conclusion I have to say that an experience of 20 or 40 years may or may not be worthy of our assent according as it has or has not been the result of careful observation. If it be merely an opinion grounded on no special examination and recording the impression derived from mere surface-contact, it has no value beyond that of an 'ipse dixit.' But if it be the deliberate statement of a man, whose investigation has been thorough and his information large, who has gone below the surface of things, who has put himself in close contact with his subject, and who has not by hearsay, but by personal inquiry, satisfied himself as to the acquaintance of the Indians with the articles of Christian belief, then the experience of such a man must carry the greatest weight. Whether this weight should be accorded to the statements at the opening of this letter, and whether the therein recorded experience is not overborne by other experiences of a totally different character, I leave to the public to judge.

CIVILIZATION.

Colonist Jan 23, 1876, p3

6

OUR INDIANS AND CHRISTIANITY.—The remark of Lieut. Governor Trutch referred to by our correspondent "Civilization," in his letter under the above heading in our issue of the 23rd instant, is extracted from a passage in a dispatch addressed by His Honour to the Secretary of State for the Provinces on the 26th September, 1871, which has been published among the "papers connected with the Indian Land Question" recently laid before the House of Assembly. The full text of that passage is as follows: "8. The strongest motives of duty and interest combine to press upon the government, as upon each honest individual member of our community, the urgency of our striving by every means in our power to advance the material and moral condition of our Indian population. By such influence may we hope so to change their habit of mind that in a following generation they may become susceptible of appreciating the truths of revealed religion; although, and I state it most regretfully, in my twenty years experiance among the aborigines of this coast I have not yet met with a single Indian of pure blood, whom I consider to have attained to even the most glimmering perception of the Christian creed. In fact the idiosyncracy of the Indians of this country appears to incapacitate them from appreciating any abstract idea, nor do their languages contain words by which such a conception could be expressed."

7

FROM THE SOUND.—The steamer North Pacific arrived at 3 p. m. yesterday from Puget Sound with a small mail, 17 tons of freight, six head cattle and the following passengers: Messrs. John Nation, Isaac Springer, A. Scott, T. Osgood, T. McCafferty, D. Watts, Lewis and wife, Burk, Warren, Nicholson, Gray, Campbell, Sykes, Wilson, Sweeney, Tibbals, 13 Indians and 5 Chinamen.

Colonist Jan 25, 1876, p3

8

The Indian Question.

EDITOR COLONIST: — Having read by chance the papers on the Indian question I came to the conclusion that everyone therein concerned must sincerely desire to see that question, on which depends the peace, tranquility and, in a great measure, the prosperity of this Province, ultimately and promptly settled. Allow me to make some remarks on this important question. Will the last arrangement proposed and accepted by the Dominion and Local Governments, both of whom no doubt have at heart the solution of this grave and difficult problem, have, as its result, a cordial and durable understanding between the honorable Commissioners and the Indians of this Province? I would wish to give an affirmative answer, for in theory and on paper, nothing appears more easy and advantageous than to locate the Indians on general reserves. This system seems to be simple and clear; it would at least, have the advantage of saving the agents and missionaries journeys, which in bad weather are far from being agreeable, and of affording, in a certain sense, more facilities for civilizing and instructing the Indians. But is this system, so apparently simple and clear, practicable? And will it satisfy the Indians? This is the question. Mr. Duncan does not seem to have entire confidence in this system proposed by himself; he admits that it might result in serious evils if acted upon with too much precipitation. In an affair of such great importance to the future peace and prosperity of the Province it is, above all, necessary to be guided by principles suggested by a true and impartial consideration of the question. To act with frankness and loyalty is, in my opinion, the best means to come to a lasting and cordial understanding. Fearing that I might be misunderstood I beg to state that I am not opposed in practice to the nations speaking the same language being located on one or several reserves. For more than thirty years during which the Catholic missionaries have been laboring in this wild country, they have learned by experience the amount of labor and suffering it has cost them to run after the wandering Indians, consequently it would be rendering them a great service to locate the Indians in large numbers on reserves. But, I ask once more, is it practicable? This system, so far from satisfying the Indians of this Province, would it not rather make them more discontented than heretofore? Some say the system of tribal reserves is a mistake and fraught with bad consequences. Others maintain and endeavor to prove that tribal reserves is by far the best way to settle the Indian difficulty. It is certain that the system of tribal reserves has been recommended by the Imperial Government and adopted by Sir James Douglas, who is better acquainted with Indian character than many others No doubt tribal reserves may have inconveniences, but who will be able to prove that the national reserve system will not have far greater difficulties? This the honorable Commissioners will soon have an opportunity of finding out. For my part, after more than twenty years experience and knowledge of the Indian character and their customs, I have no hesitation in stating that, with few exceptions, the national reserve system will be ultimately found altogether impracticable. To force the Indians to quit their villages against their will would not only be unjust but impolitic to the last degree. It would be imprudently exposing the country to all the horrors of war, lately experienced by our American neighbors for the very same thing, namely, for having endeavored to force the Indians on general reserves. Mr. Duncan, no doubt is not aware of what has happened to our next-door neighbors, if he were, or had witnessed it, his natural good sense and kind feelings would compel him not to even think of, much less propose, a system that could lead to the same awful consequences. A CATHOLIC PRIEST.

Colonist Jan 30, 1876

9

LETTER FROM A TRAINED INDIAN.

San Francisco, Feb. 20th, 1876.

To Mr. W. Higgins,

EDITOR OF BRITISH COLONIST:

DEAR SIR. — You will excuse the liberty I take in writing you a few lines, but I am prompted to do so from what I have read of the Governor and others in your valuable paper concerning the Indians.

I am a poor Indian Boy. I was raised in Victoria and taught to love my race and obey the Queen which I have always done, and my love for my race will never cease.

I felt very sorry when I read an artickle published in your paper headed *Indian Christainty*, writen by His Excellancy The Governer, and using Doctor Tolme for authority. His Excellancy said —*That the Indians were ignorent of what they worship, and that they did not know what they went to church for.*

In reply I will state while I lived in Victoria I attended church and school regular. I went to worship and beleive in God, which I do, and every other Indian who attended church beleives the same, and taught to worship and beleive in God by good Christainable, Honest Teachers.

Does his Excellancy and Doctor Tolme know more of God than I.—*Echo.—Answer.*

I am aware that his Excellancy is compelled to be taught Sunday after Sunday by a Borrowing Bishop, of a Borrowing Church, to beleive in some kind of a God. If his Excellancy is taught to beleive in the same God as I have been taught to beleive in and worship, then he knows no more about religion than I do. I firmly beleive that his Excellancy cannot define what God is, or what created God; if his Excellancy does, then he will know more than I, or the Teachers who taught me. Can his tutor, that Borrowing Bishop of a Borrowing Church, throw any light upon this question?

His Excellancy referred in his letter to one Doctor Tolme who is supposed to be a church member of good standing, no doubt he may be considerd a good church member by many, but not by me. * * * * The only thing I am sorry for is that his Excellancy had not another authority like Doctor Tolme, then there would have been a Trinity of his Excellancy's Christain make up. A Trinity of that kind would be more easy to understand by his Excellancy than the Trinity that the Scriptures make mention of. The latter Trinity I was taught by that good Christain Minister Mr. Pollert. [Pollard.]

There is several Indians, that have been born and raised in Victoria, who have received a good education. What I am supprised at is not why they did not answer the Governors letter. Probly the Educated Indians had not spirit enough to reply. Or else the love for the downtrodden race they sprung from has long since faded away, and sheer puppyism has taken deep root in their littleness.

I also read another Article, that their is a movement on foot to dispossess the Indians of their land, and move them farther away.

I would like to ask why a stranger in the Country the same as his Excellancy is who has not benefited the Whites or Indians, would sanction such a movement. Does his Excellancy wish to create a war with the few remaining tribes in the fond hopes of exterminateing them? No doubts he does, in all probilities his love for the Red man is oppression, taught him by Doctor Tolme and that Borrowing Bishop of a Borrowing Church.

I am a member of Captain McDonalds Trained Indians, and I intend to visit England next July and will perform before his Superior's the Queen of England, and may have the honor of makeing mention of his Excellancy's name to the Queen Personally. Since I have joined Captain McDonald's Band, I have seen some of the world, and learned to speak my mind to all men both high and low, and I look upon his Excellancy no better than what I am—or no worse.

Mr. Higgins I have now concluded my letter and hope that you will give it room in your valuable paper, if you see anything libel on Docter Tolme, you can alter it some. This is my own composition, and I wish to show all of my friends that I have not forgotten them although so far away, also my Christain Friends how I have improved in my studies since I have been with Captain McDonald. Please send twelve copys of the paper, also the account if any for publishing this letter.

I Remain Respectfully Yours,
JOHN SMITH.

Colonist Mar 5, 1876

1887-1889 Introducing Industrial Schools

Monarch: Queen Victoria
Prime Minister: Sir John A. MacDonald
Premier: A. E. Davie
Federal Ministry: Department of the Interior

In the News

1885	Northwest Rebellions lead by Louis Riel in Saskatchewan.
1887 May	First transcontinental train arrives in Vancouver.
1887 August	800 Tsimshian people move with William Duncan from Metlakatla BC to New Metlakatla, Alaska.
1887	Commission of Enquiry into the Condition of the Indians of the Northwest Coast.
1887	Buffalo Bill's Wild West Show tours England to celebrate Queen Victoria's Golden Jubilee, 50 years as Queen.
1888	St. Catherine's Milling Case - Privy Council recognizes Indian rights to land.

Backgrounder

In the 1880s the federal government's grip on the lives of First Nations people was tightening. British Columbia was divided into separate districts called Agencies, and Indian agents were hired to oversee First Nations communities in each of the districts. Indian Reserves were surveyed and assigned to individual bands, with little or no consultation with the First Nations people themselves.

In Ottawa John A. Macdonald was not only the Prime Minister (sometimes called Premier at that time), he was also the Superintendent of Indian Affairs, so he played a direct role in formulating the foundations of the Indian Affairs bureaucracy.

In some First Nations communities in BC, church missionaries ran schools as part of their mission work. Many people were converted to the religion of their resident missionary. Some became closely bonded to the Roman Catholic denomination, while others associated with one of the Protestant churches: Anglican, Methodist or Presbyterian.

As the Canadian parliament approved the budget for building schools in British Columbia, there was a discussion of whether they would be secular (also referred to as non-sectarian) or operated by the churches.

First Nations students could attend one of three types of schools. Day Schools were located in a reserve community, and children lived at home. Boarding schools were institutions in or near the local community, where students lived, but may have attended the local day school.

The main type of school discussed in these documents is the Industrial School. This was a large institution were students lived and studied, often a distance away from home communities. The original intention was to teach practical skills, but they developed into what we think of as residential schools, although that term was not used until 1920.

1

INDIAN AFFAIRS.

On the item in the estimates of $78,425 for the Indians of this province in reply to Sir Richard Cartwright, the premier said that last year there were no industrial schools, as the government was only commencing the system in British Columbia and asks a vote of $17,250. Sir John said that there are two industrial schools to be established. The Indians of British Columbia are of quite a different race from those in the Northwest and in the east. There is a good deal of Mongol blood in them and they are more industrious and self-reliant than the Indians farther east; they work in the mines and on the railways, and are a hard-working people. They do not ask for anything but schools, and especially industrial schools, for some time. The government think it well to establish one industrial school on the Island of Vancouver and another on the mainland, after the fashion of the industrial schools which have been in successful operation for the last two or three years in the Northwest. He believed, and in fact was sure, that this experiment will be a very successful one, because they are a fine people with a promising future before them if their education is promoted. The one will cost $2,500 and will accommodate twenty-five pupils at a cost of $130 each per annum. On the mainland there will be two schools; the buildings will cost $5000 and the cost of teaching twenty-five pupils there will be $3,500. He fancied the Indians taught in the schools could be safely allowed to join their tribes. They would be secular.

British Colonist 1887

2

INDIAN INDUSTRIAL SCHOOLS.

To The Editor :—It appears to be the intention of the Canadian government to establish at present three or four "industrial" schools in British Columbia. These establishments ought to be exclusively under government control. The teachers government officers. Sectarian prosobytisers should be rigidly excluded.

There are about four thousand aborigines living upon the west coast of Vancouver Island. These Indians are hale, robust, active and intelligent fellows. Although not yet well trained, they have improved of late years considerably, and have been, and are, employed by white men in carrying on the seal hunting and other fisheries. They are bold and brave upon the stormy ocean; expert at the management of canoes and boats, in which they may be said to be brought up and educated.

Indians are producers, and therefore of great benefit and value to the country. Were they educated industrially they would become still more so, for they have plenty muscular power which would be more and more made use of. Our Indian population has been, and is still, grossly undervalued. They are very great factors in the commerce and industries of the country, and might be made greater still with much advantage to themselves and the state.

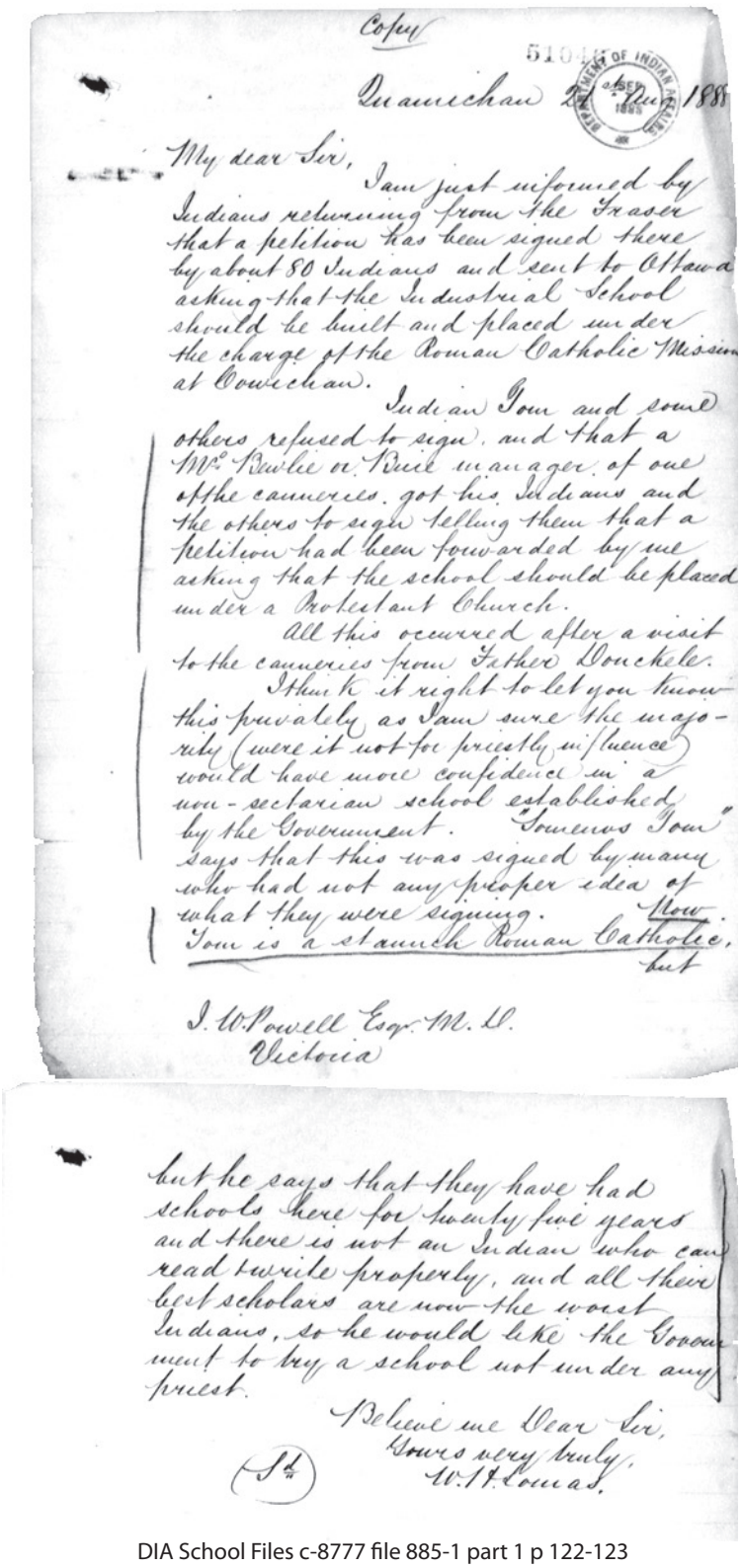
It is to be regretted that in days gone bye the government either of Canada or the province did not undertake the education of the aborigines, and not devote their attention almost exclusively to the

British Colonist April 6 1888

mes occupy a dozen separate villages, but there are two much larger than the others, viz: one near Woody Point and the other about Nootka Sound. Probably Nootka Sound would be a very suitable place for the school, as there will be found an excellent harbor, and what is rare on this coast, some acres of land fit for cultivation. Of course all materials abound for boat building whether large or small, and many fishing industries capable of greater development These Indians have been too long neglected—but it is never too late to mend. Let a government school be erected among them, and if the teachers be earnest and politic in their work, Indians and their belongings will be attracted to it, and in process of time become a large settlement—but it must be exclusively under government supervision. The province has had experience enough to prove the danger of allowing Indians to be massed together for the advantage of private individuals—or rather the employees who have betrayed their trust, not only to their employers but also to the country. With regard to other Indians—our fellow subjects—how is it that their children do not attend our public schools? There is a screw loose somewhere. All are, I believe, entitled to be educated under the provincial law, and yet the funds and teachers are only devoted to white children. Surely by education the Indians ought be made as profitable to the state as whites, and possibly more permanently so. This letter is already too long, so in conclusion let it be hoped that the government and the people will soon awaken to the fact that the Indians are, and may be made of more profit and advantage to the state.

J. S. Helmcken.

3 Indian Agent Letter, Cowichan Agency



Copy

Quamichan 21st Aug 1888

My dear Sir,

I am just informed by Indians returning from the Fraser that a petition has been signed there by about 80 Indians and sent to Ottawa asking that the Industrial School should be built and placed under the charge of the Roman Catholic Mission at Cowichan.

Indian Tom and some others refused to sign, and that a Mr. Bewlie or Buie manager of one of the canneries got his Indians and the others to sign telling them that a petition had been forwarded by me asking that the school should be placed under a Protestant Church.

All this occurred after a visit to the canneries from Father Douchele.

I think it right to let you know this privately as I am sure the majority (were it not for priestly influence) would have more confidence in a non-sectarian school established by the Government. "Somenos Tom" says that this was signed by many who had not any proper idea of what they were signing. Now Tom is a staunch Roman Catholic, but he says that they have had schools here for twenty five years and there is not an Indian who can read or write properly, and all their best scholars are now the worst Indians, so he would like the Government to try a school not under any priest.

Believe me Dear Sir,
Yours very truly,
W. H. Lomas

J. W. Powell Esqr. M. D.
Victoria

DIA School Files c-8777 file 885-1 part 1 p 122-123

Transcription:

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4

INDUSTRIAL SCHOOLS FOR INDIANS

Four Schools to be Established in British Columbia—Kuper Island, Metlakahtla, Kamloops and Kootenay.

At the last session of the federal parliament a vote of money was made for the establishment of three industrial schools for the province of British Columbia, to be used in the instruction of the Indian population in the peaceful arts. Of these three one is to be located on Vancouver Island, the other two on the mainland—one at Kamloops, the other at Metlakahtla. Since the close of the session it has been decided to establish a similar school in Kootenay district. The appropriation for the first three is $5,750 each, $2,500 to be spent on buildings, and the balance for the maintenance of a school of twenty-five pupils at an estimated annual cost of $130 per head. For the Kootenay school a larger sum, $8,500, was appropriated, owing to the isolation of its location on St. Mary's reserve, $4,500 buildings and $4,000 for the maintenance and tuition of thirty pupils. Dr. Powell, superintendent of Indian affairs for this province, has already selected the sites for the schools, subject to the approval of the department.

Kuper Island, off Chemainus, has been chosen for the Island school, and is very favorable. The site is on Telegraph Harbor, facing Chemainus, with a considerable area of agricultural land adjacent, plenty of timber, well sheltered and with a bountiful water supply. On the northern end of the island is a village containing about 300 Penelakut Indians. The Chemainus Indians are at the mouth of the river, it is a short distance from the Cowichan and Oyster Bay Indians and within easy reach of Nanaimo. Nineteen hundred Indians are within a radius of fifty miles from the school.

At Metlakahtla, the old school house is being refitted for the purposes of an industrial school, and Agent Todd at the present time has a number of men at work. The site at Metlakahtla has become famous, and there can be no question that its central location is very favorable for the success of the school. The Indians of the Naas, Skeena and those in its immediate vicinity are within easy reach of Metlakahtla.

The site for the school for the Kamloops Indians is situated on the reserve, opposite the town, two miles from the mouth of the North Thompson river. This location is also central, being convenient for the North and South Thompson Indians in the Okanagon district, etc.

The site for the Kootenay school possesses similar advantages in point of convenience and location, on St. Mary's reserve, which abounds in good agricultural land, and plenty of water for irrigation purposes.

The educational system to be followed has not as yet been outlined, but it is presumed that it will consist of the ordinary English branches, agriculture, and instruction in two or more trades.

The school building is divided into two wings, and on a similar plan to that of the Woshacado Home and Industrial School at Elkhorn, in the Northwest Territories. The boys will occupy one wing, the girls another. Every provision is made for their comfort and convenience, and for the housing of their instructors.

British Colonist August 21, 1888

5

THE INDIANS.

The Annual Report of the Department of Indian Affairs for the year ending 31st December, 1888, gives the patient reader much information relative to the Indian population of Canada. We find from it that the number of Indians in all the Provinces and Territories is estimated at 69,554. This comparatively small number of aboriginal inhabitants is scattered over a wide extent of territory. There are in—

British Columbia	17,922
Northwest Territories	23,940
Ontario	16,903
Quebec	6,731
New Brunswick	1,594
Nova Scotia	2,145
Prince Edward Island	319
Total	69,554

The condition of by far the greater number of the Indians is exceedingly backward. But the progress made by some of the tribes, both in the East and the West, show that the Indian is improvable, and there are indications that, if the proper means are used, he will not, as some hastily conclude, be in time civilized off the face of the earth. Some of the Indian communities in the East have attained a fair degree of civilization. In the words of the report: "Indications are not wanting of nearer approach to that condition which, when reached, will merge them in the general population of the country, breaking asunder the very slight barriers which now separate many of them from the rest of the community." They cultivate the land, they build houses, they own cattle, they have learned handicraft trades, and many of them are fairly well educated. The object of those who have undertaken to elevate the Indian is to change his social condition and bring it as near as possible to the white man's standard. If they can dissolve the tribal bond and abolish the practises of which it is the origin, they think that they will do much to bring the Indians within the pale of civilization. In order to do this they are cultivating in him a love of property. They wish to make him feel a pride in the possession of land. For this purpose, both in Canada and the United States, they are trying to do away with the policy of settling Indians on reserves which belong to the whole community but to which the individual has no claim. They are encouraging the Indian to become the sole owner of the plot of land he cultivates and on which he has built his dwelling. And Indians are, in several places, beginning to see the advantage of possessing land in severalty. This desire, it is hoped, will spread and be one of the principal influences to induce them to abandon a wild and wandering life and to adopt the ideas and the practices of civilized men.

But the civilizing agent which the friends of the Indian principally depend upon is the education of the young. The Commissioner says:

"It is submitted and earnestly pressed that the most essential lever for the elevation of the race would be the adoption of a vigorous policy of imparting to the young a thorough, practical knowledge of mechanical arts and of agriculture, as well as of other employments, including a systematic method of ordering and managing their domestic affairs—in short, a complete training in industries and domestic economy."

There is no question that if the Indian is civilizable this is the most effective way of civilizing him. If he is taken young and taught to appreciate the advantages of civilization, the chances are that he will be much the superior of his brother who remains uneducated, and that he will be the means of elevating in some degree those of his race with whom he comes in contact. We are glad to see that the education to be extended to the Indians is to be of the right sort. It is to be a practical education. The position which the pupil is to occupy after he leaves school is to be kept continually in sight. He is to be taught to work with his hands so that when he is sent into the world he will be able to earn his bread by engaging in some useful and steady occupation. We see, too, that while he is serving his apprenticeship to civilization the Indian educationists think that the pupil should be separated as much as possible from old and degrading associations. They prefer boarding schools to day schools. They want to have the child all to themselves for a few years. This seems to be wise, but whether it is practicable or not we are not in a position to decide.

British Colonist Feb 22, 1889

1906-1910 THE BRYCE REPORT

Monarch: Edward VII
Prime Minister: Sir Wilfred Laurier
Premier: Richard McBride
Federal Ministry: Department of the Interior

In the News

1906	Delegation of BC Chiefs travel to England to meet with King Edward to discuss the Indian Land Question.
Mar 24 1906	"Census of the British Empire" shows England rules 1/5 of the world .
1907	Nisga'a form Nisga'a Land Committee.
Feb 13 1907	English suffragettes storm British Parliament and 60 women are arrested.
Apr 19, 1907	11th Boston Marathon won by Aboriginal athlete Tom Longboat of Canada.
1908	BC government decides to make no more reserve allocations.
1909	The group "Interior Tribes of British Columbia" is formed.
1910	BC refuses to submit question of Aboriginal Title in BC to British Privy Council.

BACKGROUNDER

Tuberculosis is a highly contagious disease, caused by bacteria that infects any organ, but most commonly affects the lungs. Today we have modern antibiotics to treat the disease, but in 1907 diet, rest, sunlight and fresh air were the main treatments.

TB, also known as consumption, was at epidemic levels among Aboriginal communities in the early Twentieth Century. With hundreds of children living so close together in dormitories, it is no wonder that the Industrial Schools, and later the Residential Schools, were breeding grounds for spreading the disease.

In 1907, Dr. Peter Bryce, the Chief Medical Officer for the Department of Indian Affairs conducted a study of the health of students in Industrial Schools in Manitoba, Saskatchewan and Alberta.

He found extremely high rates of death from tuberculosis in the schools. His findings were shocking, and his report received publicity across the country. Duncan Campbell Scott and the Department of Indian Affairs did very little to address the problem.

Bryce continued to push the government to recognize the problem. He conducted another study and report in 1909. This report was circulated to medical, school and church officials for comment. However, there was minimal action taken. You will read part of Scott's response in the documents.

Bryce continued to criticise the department and ultimately he was removed from his position. In 1922, after years of inaction and no change in the death rates, he published *The Story of a National Crime: An Appeal for Justice to the Indians of Canada* to bring awareness to the issue.

1

Local News

Mr. Burdis Recovering.—W. D. Burdis, secretary of the Fraser River Canners' Association, who had the misfortune to break his ankle three weeks ago, is still confined to the association rooms in Vancouver, but is gradually recovering strength in the injured limb.

Noted Baseball Team.—The noted Sioux Indian baseball team will visit British Columbia shortly if arrangements at present going forward are successful. After the Winnipeg fair the Sioux started west, and should arrive in the province late in the present month. In the eight years of its existence the Sioux nine has played 1558 games, winning 1263 and losing 304.

Trouble With Indian Girl—An Indian girl who did not wish to attend school gave Provincial Constable Cassidy considerable trouble at Ladysmith. The girl has been attending the Indian school on Kuper Island, and recently ran away and refused to return under any circumstances. Constable Cassidy received instructions from the Indian department to take the girl back. He found her, in company with her mother, in Mr. Vowell's field, digging potatoes; and upon the girl learning his errand the trouble started. She refused to come, and was backed up in her refusal by both her mother and father. Finally Mr. Cassidy was obliged to obtain assistance, and it was necessary to almost drag the girl through the field and into the rig. She was taken to Ladysmith and thence to the island in the Mission launch.

Rich Mineral Belt.—The last number of the Atlin Claim to hand has this to say of the new mining camp on the border between this province and Yukon Territory: "Last October the pro-

Daily Colonist August 9, 1906

2

INDIAN SCHOOLS DEAL OUT DEATH

Startling Rate of Mortality is Shown in Report to the Department

TWENTY-FIVE PER CENT

Dr. Bryce Shows That Conditions Are Such as to Encourage Disease

Winnipeg, Nov. 15.—Not too favorable a report on the health conditions prevailing in the Indian industrial and boarding schools of the Dominion is that just issued by Dr. P. H. Bryce in his capacity as chief medical officer of the department of Indian affairs. Taken in conjunction with the fact that the religious denominations in charge of Indian education have asked the government within the past month to take over control of the schools to a greater extent, the report is significant.

The Indian schools, as is generally known, are conducted by the Roman Catholic, Anglican, Presbyterian and Methodist denominations, who receive grants from the government to assist in carrying on the work. Attention having been drawn to a large number of deaths among the pupils, either while attending school or soon after leaving, Dr. Bryce was instructed to make a report on the subject. During the spring months, he visited all the schools with a few exceptions. He obtained a statistical statement of the past and present conditions of the health of children. A list of questions was left with each teacher, and from fifteen replies received some rather appalling deductions have been drawn. The report says that of the total of 1,537 pupils reported upon nearly 35 per cent. are dead, and in one school with absolute accuracy the statement shows that 69 per cent. of the ex-pupils are dead, and that everywhere the almost invariable cause of death is given as tuberculosis.

"It is apparent," the report says, "that general ill health from continuous respiration of the air of increasing foulness is inevitable, but when sometimes consumptive pupils, and very frequently others will discharging scrofulous glands, are present to add an infective quality to the atmosphere, we have created a situation so dangerous to health that I am often surprised that results were not more serious than they have been shown statistically to be."

Dr. Bryce remarks that conditions in a majority of schools are much as to demand an immediate remedy. In two or three schools there is a very noticeable absence of drill or manual exercise among boys or calisthenics or breathing exercises among young girls.

The report strange to say, does not contain any recommendations or suggestions as to what should be done to reduce this abnormal death rate among Indian pupils, although the statistics given and general conditions described, make it quite evident that vigorous action cannot be long delayed.

Daily Colonist November 16, 1907

VICTORIA DAILY COLONIST

3

In Woman's Realm

In devoting more space than formerly to the affairs of women, the Colonist is taking a step, which it is hoped our lady friends will appreciate. Any communication from them of general interest will be welcome and carefully attended to.

PERSONAL MENTION

The Colonist readers are asked to assist in making this personal column as complete as possible. Send or phone items to the city editor.

Another mournful chapter has been added to the sad history of the native races of North America by the publication of the report of P. H. Bryce, M.A., M.D., chief medical officer of the department of Indian affairs. This is a report of the Indian schools of Manitoba and the Northwest Territories.

Dr. Bryce has visited and examined the Indian schools scattered throughout the great territory east of the Rocky Mountains and is compelled to come to the conclusion that the spread of tuberculosis among the children in the schools is terribly rapid. The industrial schools for Indian children from which great things were expected, have not proved so successful as was hoped. The Indian children of the middle west, who are being educated at all are taught in boarding schools situated on or near the reserves. These schools, of which there are 38, are attended by 1,739 children, while the day schools have 694 and the eight industrial schools 693 pupils. The terrible prevalence of consumption in these boarding schools is attributed by Dr. Bryce to the unsanitary conditions prevailing in the buildings themselves, and especially in the sleeping rooms, and to the want of knowledge of the laws of health among the teachers. Where the superintendents of the schools realized the value of fresh air the children were, comparatively speaking, well.

Another feature which is deplored by Dr. Bryce is the absence from these schools of drill or manual exercise among the boys, or of calesthenics or breathing exercises among the girls.

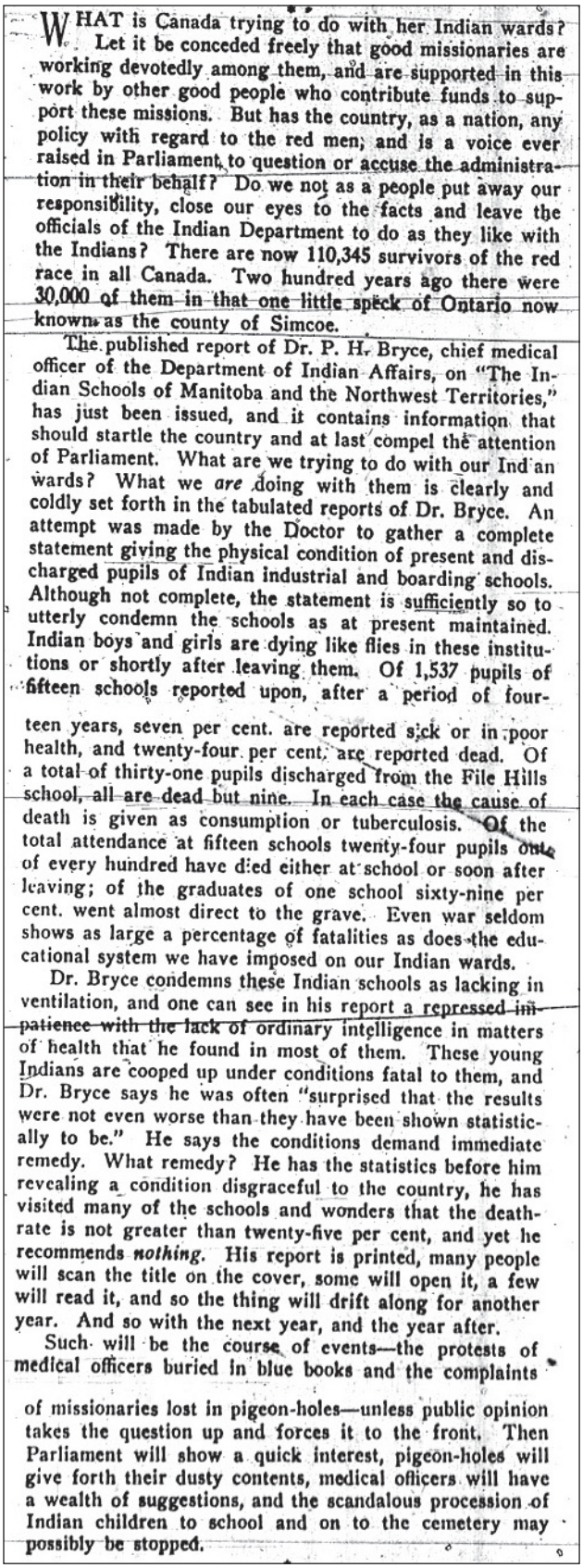
From a humanitarian point of view the report of Dr. Bryce, although alarming, is by no means hopeless. The causes to which he attributes the prevalence of consumption are avoidable. If new buildings were erected and an abundance of fresh air provided for the Indian schools of the future the children will improve in health while they attain what mental and moral development is possible to the remnant of the race. While the sufferings of the poor children cannot but excite our pity we are compelled to admire the bravery and self-devotion of the men and women, who in loneliness and isolation strive, in spite of many hardships, much discouragement and constant danger from exposure to an insidious disease to uplift the Indian children and to advance the cause of Christian morality.

* * *

If Canada ever becomes, as few doubt that she will become, a great nation, the most famous spot in the

Daily Colonist November 23, 1907

4 Clipping from Department of Indian Affairs Files



WHAT is Canada trying to do with her Indian wards? Let it be conceded freely that good missionaries are working devotedly among them, and are supported in this work by other good people who contribute funds to support these missions. But has the country, as a nation, any policy with regard to the red men; and is a voice ever raised in Parliament to question or accuse the administration in their behalf? Do we not as a people put away our responsibility, close our eyes to the facts and leave the officials of the Indian Department to do as they like with the Indians? There are now 110,345 survivors of the red race in all Canada. Two hundred years ago there were 30,000 of them in that one little speck of Ontario now known as the county of Simcoe.

The published report of Dr. P. H. Bryce, chief medical officer of the Department of Indian Affairs, on "The Indian Schools of Manitoba and the Northwest Territories," has just been issued, and it contains information that should startle the country and at last compel the attention of Parliament. What are we trying to do with our Indian wards? What we *are* doing with them is clearly and coldly set forth in the tabulated reports of Dr. Bryce. An attempt was made by the Doctor to gather a complete statement giving the physical condition of present and discharged pupils of Indian industrial and boarding schools. Although not complete, the statement is sufficiently so to utterly condemn the schools as at present maintained. Indian boys and girls are dying like flies in these institutions or shortly after leaving them. Of 1,537 pupils of fifteen schools reported upon, after a period of fourteen years, seven per cent. are reported sick or in poor health, and twenty-four per cent. are reported dead. Of a total of thirty-one pupils discharged from the File Hills school, all are dead but nine. In each case the cause of death is given as consumption or tuberculosis. Of the total attendance at fifteen schools twenty-four pupils out of every hundred have died either at school or soon after leaving; of the graduates of one school sixty-nine per cent. went almost direct to the grave. Even war seldom shows as large a percentage of fatalities as does the educational system we have imposed on our Indian wards.

Dr. Bryce condemns these Indian schools as lacking in ventilation, and one can see in his report a repressed impatience with the lack of ordinary intelligence in matters of health that he found in most of them. These young Indians are cooped up under conditions fatal to them, and Dr. Bryce says he was often "surprised that the results were not even worse than they have been shown statistically to be." He says the conditions demand immediate remedy. What remedy? He has the statistics before him revealing a condition disgraceful to the country, he has visited many of the schools and wonders that the death-rate is not greater than twenty-five per cent, and yet he recommends *nothing*. His report is printed, many people will scan the title on the cover, some will open it, a few will read it, and so the thing will drift along for another year. And so with the next year, and the year after.

Such will be the course of events—the protests of medical officers buried in blue books and the complaints of missionaries lost in pigeon-holes—unless public opinion takes the question up and forces it to the front. Then Parliament will show a quick interest, pigeon-holes will give forth their dusty contents, medical officers will have a wealth of suggestions, and the scandalous procession of Indian children to school and on to the cemetery may possibly be stopped.

Saturday Night, Toronto, November 23, 1907

5

Ottawa, March 7, 1910

Notes on Dr. Bryce's Report - with suggestions for future action

Dr. Bryce recommends that under existing conditions the following procedure be adopted:-

He proposes that the school system should be handed over to the Chief Medical Officer and be made in its first essentials a sanitorium system rather than an educational one:

That each child must be primarily considered an "individual case of probably tuberculosis."

That improvements be made in the buildings so that open air work-rooms and dormitories shall be provided.

That increased expenditure for extra clothing be provided for, also a special dietary. Also improved water supply for bathing &c.

Suggestions by the Department.

It will be obvious at once that Dr. Boyce's recommendations while they may be scientific are quite inapplicable to the system under which these schools are conducted. Even were the Department prepared to take the schools over from the Churches, it is self evident that the Churches would not be willing to give up their share of the joint control. These preliminary examinations by Dr. Lafferty and Dr. Bryce have already caused considerable irritation and brought protests from the Roman Catholic authorities who have the larger number of pupils under their charge.

If the schools are to be conducted at all we must face the fact that a large number of the pupils will suffer from tuberculosis in some of its various forms. The admission indiscriminately of such pupils into the schools in the past, and the failure to recognize any special treatment which could be accorded to them has no doubt led to the high death rate which has rendered ineffectual to a large degree the past expenditure on Indian education in Boarding and Industrial schools More stringent regulations as to the admission of pupils will doubtless have a beneficial effect, and it is only necessary to carry out some common sense reforms to remove the imputation that the Department is careless of the interests of these children.

I would lay down as the chief rules under which admission to residential schools and the future life of the pupils at these schools are concerned, the following rules:-

Ist. Continue the present system of refusing children where they are reported to be tubercular.

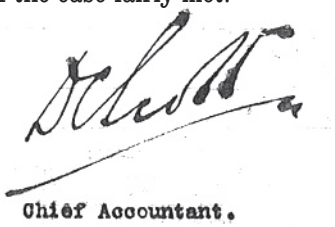
2nd. Improve buildings so as to have open air dormitories and workrooms where they have not already been supplied.

3rd. Establish a dietary which it shall be obligatory upon the school to provide for the pupils.

4th. Increase the per capita grant to Boarding Schools to $100.00 so that they may be able to meet the extra expense of this nutritious diet.

5th. Establish a form of contract to be entered into with the authorities of each school; the dietary and sanitary regulations to be attached to each contract, and a system of calisthenics, deep breathing exercises, &c, to be also included.

If these simple measure are carried out the enormous friction which would ensue upon attempting to reform the present medical and educational systems would be avoided, and the needs of the case fairly met.



Chief Accountant.

Department of Indian Affairs File 140,754-1 "Correspondence relating to tuberculous among the Indians in the various agencies across Canada 1908-1910" (c10167)

1913-1916 McKenna McBride Commission

Monarch: King George V
Prime Minister: Robert Borden
Premier: Richard McBride; William Bowser from December 1915
Federal Ministry: Department of the Interior

In the News

1913 April	British suffragette Emily Pankhurst sentenced to 3 years in jail.
1913 May	Nisga'a Land Committee send a petition to the British Privy Council to settle land issues.
1913 October:	Duncan Campbell Scott promoted to Assistant Superintendent of Indian Affairs, which he held until 1932.
1914 February	Railway construction causes a slide at Hell's Gate,bringing about the collapse of the salmon fishery and destruction of interior First Nations' major food supply.
1914 June	Interior Tribes make statement addressed to PM Robert Borden.
1914-1918	World War One.
1916	Allied Indian Tribes of British Columbia formed to pursue land and title rights.
1916 May 13	First official observance of American Indian Day in New York, USA.

Backgrounder

With encroachment on their traditional territories, First Nations of British Columbia continued to fight for a fair settlement of their land and title rights.

To try to resolve the "Indian Question" once and for all, a joint federal and provincial commission was struck, The Royal Commission on Indian Affairs for the Province of British Columbia. It is usually referred to as the McKenna-McBride Commission, after the two men who signed the agreement creating it in 1912: federal commissioner J. McKenna and BC Premier Richard McBride.

The primary goal of the commission was "to adjust the acreage of Indian reserves in British Columbia." The governments believed that if additional reserves were set aside for them, First Nations bands would be satisfied.

The six man commission travelled throughout the province, visiting nearly every band, asking them what little pieces of their traditional territories they would like included as reserves. Some communities refused to meet with the Commissioners. Most tried to discuss the basic question of Land and Title rights, which the commissioners refused to discuss as it was not in their mandate.

The testimony given at each meeting was written down and is still available to researchers today. While most of the discussion is about land use, the speakers bring up a variety of other topics of concern, including school and education.

The Commission held hearings throughout the province from 1913 to 1916, when it submitted its report. As well as adding reserves to most bands, it also removed land from previous reserves. These were usually in prime locations near urban settlements, and are known as "cut-off lands." The implementation of the report did not begin until 1923.

The documents included here are a small sample of the testimony given at the hearings, by both First Nations and non-First Nations. As you read them, remember that many of the First Nations leaders' testimony was being translated into English.

1 ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B.C.

Meeting with Scowlitz Tribe of Indians at New Westminster Saturday, September 4th, 1913.

Chief Joe Hall addresses the Commission as follows:

(Here reads an address)

CHAIRMAN: In regard to this question of aboriginal rights title. The Indians have an aboriginal title having lived here before the white man came and while the white man has come and has of course established a good many industries which have given assistance to a great many of the Indians in being employed in these different industries. I may tell you that this question of aboriginal title has been presented to the Dominion Government and they have at least agreed that that question of aboriginal title should be submitted to the Exchequer Court - that is a court established by the Dominion Government in which the Indians will be allowed to come before the court and submit their claims just as you have done here. [...] And then, if the Exchequer Court should decide against the Indians claim, they will have the right to appeal to the Privy Council in London. I don't think you could get anything fairer than that. [...] We have nothing to do with that aboriginal claim and I am simply pointing out to you how the Dominion Government intends settling this matter. [...]

Now, about your school, at what school do you send your children?

A. We used to send them to St. Mary's Mission school.

Q. Why don't you send them there now.

A. We have had complaints about that school and a great many other children come out sickly.

Q. What is the matter with them?

A. Sometimes consumption and we get afraid to send any more there.

Q. And you are under the impression that they get consumption from that building?

A. Yes, because the Mission school there is no partitions to the rooms and all the children sleep in one room.

Q. And you think it comes from one to the other?

A. Yes.

Q. Do you send your children to any other school?

A. No.

Q. Where do you send them now?

A. We don't send them anywhere. Two of my children are down at the Sechelt Boarding school.

Q. Are they in good health there?

A. Yes, and it is a very good school.

Q. Now, the Mission School, you are pleased with the school except that you think the building is unsanitary?

A. Yes, and another thing we had to furnish clothes at the Mission school.

Q. Don't you have to furnish clothes at the Sechelt school?

A. Yes, but at the Coqualeetza school they don't have to furnish clothes for the children.

Q. Do they clothe the children there?

A. Yes.

Q. And that is an inducement to send them to that school because the children get their clothes?

A. Yes.

Q. And you think the education is just as good there as it is at the Mission?

A. Yes.

Q. So there are only two at school out of the ten children?

A. You are right.

Q. Would you like them to go to school?

A. Yes, I would like to have them go to school.

Q. What would you propose as to the best way to make these children go to school?

A. If there was room enough at Sechelt it would be alright– the Mission school is generally crowded and there is hardly any room in it.

Q. Supposing the Mission school were enlarged?

A. If it were enlarged it would be alright.

Q. Is there not a public school at Harrison Mills?

A. Yes.

Q. Could you send your children there?

A. No, because the white people don't allow Indian children to go there. We sent two there at one time and the Council they made a kick and we had to take them away.

Q. Would you be willing to pay to be allowed to send your children to the school at Harrison Mills?

A. I don't know whether I would if I could get any where else.

Q. Is there room at the Mission school?

A. No, there are only 40, in that school and I applied twice to have children to put in but I was informed there is no room.

Q. Supposing it were enlarged would you put your children in there?

A. Yes.

COMMISSIONER CARMICHAEL: Do you seriously consider, apart from the growing of the school, that the conditions at the Mission school are so injurious that you are afraid of sending your children there for fear of getting consumption?

A. I think so - the reason why I say it is because I was in that school myself when I was a boy and with other boys and they took consumption and died, and that is why I know the school is not safe. [...] The other school they have doctors to come and examine the children during all the time I was at Mission I only saw a doctor once.

Royal Commission on Indian Affairs, 1913, p 408, 417-419.

2

MEETING WITH THE SPULMACHEEN or ENDERBY BAND OF INDIANS ON THEIR RESERVE AT ENDERBY, B. C. October 2nd, 1913.

INDIAN AGENT J. ROBERT BROWN IS HEREUPON SWORN TO GIVE EVIDENCE. [p10]
[p. 13]
DR. MCKENNA:- How many would there be of school age?
A. I can't tell you.
Q. Have they a day school on this reserve?
A. No sir.
Q. Where do the children go to school?
A. They don't go to school.
Q. Do none of the children go to school?
A. No sir.
Q. Is there no boarding school they could go to?
A. There is a boarding school at Kamloops, and I believe the Chief had a child who went there.
Q. Are the Indians anxious to have a school?
A. The late Inspector and myself were desirous of having a school and we wrote for seats, but the Indians refused to have anything to do with it.
Q. Why?
A. I can't tell you – They simply said they did not want to have a school.

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B. C.
BOARD ROOM, VICTORIA, B. C.
November 11, 1913.
T.J. Cumiskey, Inspector Of Indian Affairs, For The Okanagan And Kamloops Districts
In the Okanagan Agency there are 150 children within the School age. No educational facilities of any kind are provided for the children of the Okanagan Band of Indians. Attempts were made in 1909 to open a day school at head of Okanagan Lake, and in 1910 at Penticton and Enderby. This scheme was carried so far at Enderby that desks and seats were purchased by the Department and placed in the Old church building; but owing to the apathy and opposition of the Indians, no further progress was attempted.
I absolutely condemn day schools for the children of this land at their present state of civilization for many reasons which I can advance. The only true solution of the question, I consider, would be the establishing of an Industrial School, capable of accommodating 150 children under Government control at Whiteman's Creek, or on the West side of Okanagan Lake. Two or three hundred acres of land should be set apart from the reserve for this purpose.
[pp. 234-235]

3

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B. C.

Meeting with the Chilcotin, or Too-sey Band or Tribe of Indians, on the Too-sey Reserve, on Tuesday, 21st July, 1914:
George Meyers sworn in as translator
Chief TOOSEY gives evidence
Q. Do the children here go to school?
A. There should have been a school around on some of these Reserves. If there was a school here, I would put all the boys in school. That Mission school is pretty sharp for the Indians. The boys over at the Mission work, and they get tired, and then they hike out home by themselves, and I don't like putting the children there.
Q. You mean, the children that go there are worked too hard?
A. Yes. The children say they are worked too hard when they go to that school.
Q. And your opinion is that the boys are worked too hard?
A. If you fellows put up a school at the Anaham, we would send all the children to school there.
Q. Do you mean a boarding school?
A. We don't want them to board there at all.
Q. Is it a day school you want there?
A. Whatever you wish. If you want to board them, it is all right. If you don't want to board them, we will do it ourselves, because we are so anxious to have the children taught.
Q. But the school where they would be boarded and kept and not overworked, would be the school you would prefer?
A. I would like to see the boys out to school, and put them right at it where they would be educated.
Q. And not devoting their time to toil. You would not object to the boys doing such work as would be necessary to train them?
A. At the school they can teach them any work they like, such as blacksmithing, farming, or cattlemen, or anything like that.
Q. You don't object to their being taught anything that will be for their good?
A. No.
Q. But you object to having them do hard labor?
A. Yes.
[Williams Lake Agency testimony, pp 73-74]

4

Meeting with the Pemberton Band of Indians at Pemberton Meadows, on Friday, August 20th, 1915. WILLIAM BARCAL is sworn as Interpreter.

CHIEF JAMES STACKER addresses the Commission as follows:

I am glad to see you before us and I wish you to understand the feelings of all my people of this reserve. Ever since we have been here we have been longing to see you. There is just part of my people here — just half of them — the rest are all away and those people that are not here they have just the same feelings that we have here ourselves. Again we would like to tell you that we are pleased to see this body of men that has come here to straighten up our rights – that they have come here to straighten and tell us all about the past, and we will tell them what we think is right. Again I will let you know that we all feel glad that we have seen you.

There is one thing I wish you to understand and I am going to tell you that thing. It will be just a short story that hurts our feelings that we would like to have settled as soon as possible – yes, we are the inhabitants of this here province of British Columbia. Everything now is in the office at Ottawa that is everything we used to live on, and again I would call your attention to this matter. I suppose, gentlemen, you have seen it written by some of our men, but at the same time I suppose you have not heard it from any of us poor Indians, yes, we are really sorry and it hurts our feelings about our land and about our title to our land. Not only our title but our fishing, hunting and everything that we used to live on in the old days – the Government has taken it all and left us nothing. All my people are poor and living thin. Everything that we should live on now the Government has taken hold of it even the timber. [...]

There is another thing which I wish you to know that we did not know a long time ago. Now as soon as the first white man arrived in this country we began to get wise that we needed education – that education was as necessary to the Indian as to the white man that they might become wise so that all the Indians here think that that is necessary and they all agree to it. In this reserve here there are 92 children who are of school age so we wish you to understand the feelings of those who do not attend any school. Now, there are Indians who wish to put their children to school but being short cannot afford to supply them with clothing when they are in school. So, gentlemen, all these people here wish to have a school – an industrial school – where the Government will supply them with clothing, books, and everything necessary for them when they are in that school. That is all the Indians wish. They feel happy when their children are educated but on account of being short and not being able to supply them with clothing they are not able to send them to school or any where else. We want our children when go to school to learn a trade, such as blacksmithing, carpentering and all kinds of trades just like the white men do. We have been sending our children to Mission Junction a long time, and we have noticed that they never went very far ahead. So I am telling you we want an Industrial school here.

New Westminster Agency, p. 354, 357

5

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B.C.

Meeting with the Cowtain Band Of Indians at Cheakamus on Tuesday, August 17th, 1916.

CHIEF ANDREW OF CHEAKAMUS ADDRESSES THE COMMISSION AS FOLLOWS

I will just say a few words to the Royal Commissioners. I am a very poor Indian in this part of the country. That is why today I am glad to see the Royal Commissioners here because I know they are going to help the poor Indians and I am glad the Royal Commissioners will help me with my troubles.

Q: Which do you think would be better, a day school or a boarding school?

A: I wish to see a good, nice Industrial school here, in which the children would obey and the Government would buy their clothing and teach them, but as it is now, when my children go only to school I have to buy clothes and food for them, and it takes nearly all my money. The Government should buy the clothes for them.

Q: Where do you think the Government is going to get all the money to do all that with?

A: I think if the Government got hold of all our land, they ought to have enough money to look after the Indians.

Royal Commission on Indian Affairs 1916, p 333

6

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B. C.
Meeting with the Municipality of Sumas, also the Farmers' Institute
and Women's Institute, at Huntingdon, B. C. on, Monday,
January 11, 1915.

MRS. FADDEN representing the Womens' Institute reads the following petition:

To the Commission on Indian Affairs , Dear Sirs:
On behalf of the Upper Sumas Womens' Institute may I state that we are greatly interested in the offers to obtain the quarter section of Indian reserve land near Whatcom Road for a public park. Our society is yet in its infancy, but we have made it a point to celebrate Empire Day each year with a public picnic, the school children taking a prominent part in the programme.

In looking for a central location for this picnic, our thoughts are directed towards this piece of land apparently abandoned by the Indians. It is in a central and convenient location bordered by improved farms on all sides, and it seems strange that a tract of land like this, which seems to be of no use to the parties claiming it, could not be converted to the public good.

We think it would induce a greater and not necessary spirit of patriotism and pride in our public possessions, especially among our young people of our community - our coming citizens - if we had this public park where recreation grounds, walks and drives, suitable buildings, etc. could be placed. Such things go far towards the successful upbuilding of a prosperous and contented community, and we tried to encourage this wholesome spirit. Our motto is "For home and country." We feel like we would be taking nothing from the Indians that they really desire or need. They have more land at the common rancherie than they can now farm.

It does not appear that their race will multiply to any great extent where this land would be necessary to them, and I am sure it is much better to have them all congregated in the one location at the mountain-side rancherie then to have these small holdings of land scattered here and there among the farms of the white settlers. They rarely improve their farms to any extent – their habits of living are quite different, and their success as neighbours to us, I am doubtful of. [...]

How can we keep our orchards free from pests, our lands free from noxious weeds, the mosquitoes that harbour in the underbrush and numerous other things that arise when this place is centred amongst the wild and uncontrolled. It is unfair to us as upbuilders of and members in this country, and I can assure you that our hardships as early settlers have been many.

We cannot find fault with the Indian. He is as he is allowed to be, and considers this land as his heritage, but time and circumstances work vast changes, and it is to the Governments of our country to whom we must look to bring about those changes in an amicable manner as they are able to do.
Thank you for this kind hearing, and with hopeful feelings
I have the honour to remain,
Yours sincerely,
(signed) F. Bertha Fadden,
Sec - Treas. Upper Sumas Women's Institute.
(pages 136-138)

1920-1927 Indian Act Becomes More Restrictive

Monarch: King George V
Prime Minister: Robert Borden (to July 1920) Arthur Meighen (1920-1921) William Lyon Mackenzie King (1921-)
Premier: John Oliver
Federal Ministry: Department of the Interior

In the News

1920	Indian Act amendment makes Day or Residential School attendance compulsory.
1922	Dr. Peter Bryce publishes *The Story of a National Crime*.
1923 April	Insulin becomes generally available for diabetics.
1924	BC government approves McKenna-McBride recommendations, including cut-off lands.
1924 January	King Tut's tomb uncovered in Egypt.
1924 April	The Royal Canadian Air Force is formed.
1924 June	In the US, Native Americans are proclaimed US citizens.
1925	Ku Klux Klan sets up a local branch in Vancouver.
1925 July	"Monkey Trial"ends; John Scopes found guilty of teaching Darwinism (evolution).
1927	Indian Act amendment prohibits raising money or hiring lawyers to pursue land claims (to 1951).

Backgrounder

In the 1920s, First Nations people, far from being satisfied with the results of the McKenna-McBride Commission, continued to press for Aboriginal Rights and Title, and formed larger inter-tribal organizations such as the Allied Indian Tribes. Parents continued to pull their children out of the Industrial and Boarding Schools. The government's reaction to protests, largely under the advice of Duncan Campbell Scott, was to further tighten control over First Nations people by amending the Indian Act.

In Ottawa a Special Committee on the Indian Act held hearings to consider suggestions for changing the Act. At the same time federal and provincial governments were attempting to settle the land issues arising out of the McKenna-McBride Commission.

In 1920 the Indian Act was amended to make it compulsory for Status Indian children to attend either an Indian Residential school or a Day School. The problem was that often there were no Day Schools available for students, so the only options were Residential school or no school at all.

In 1923, the Allied Indian Tribes met with federal politicians and bureaucrats to discuss ongoing concerns over the McKenna McBride Royal Commission. They tried to convince the governments to reject the findings of the Commission and to settle the broader issue of Aboriginal Rights and Title.

Four years later the Special Joint Committee of the House of Commons and Senate on Indian Affairs heard representations from a number of organizations, including the Allied Tribes.

They submitted a petition in June, 1926, resulting in a Special Committee of the Senate and House of Commons to inquire into the Claims of the Allied Indian tribes of British Columbia. The committee concluded "that the claims of the Indians were not well founded, and that no aboriginal title, as alleged, had ever existed."

In 1927 Canada amended the Indian Act to make it illegal to obtain funds or legal counsel to advance Aboriginal Title cases. This ended the Allied Tribes' hope of having a case heard at the Privy Council in London and the Allied Tribes dissolved. Indigenous resistance moved underground.

1

Duncan Campbell Scott

I want to get rid of the Indian problem. I do not think as a matter of fact, that this country ought to continuously protect a class of people who are able to stand alone. That is my whole point. I do not want to pass into the citizens' class people who are paupers. This is not the intention of the Bill. But after one hundred years, after being in close contact with civilization it is enervating to the individual or to a band to continue in that state of tutelage, when he or they are able to take their position as British citizens or Canadian citizens, to support themselves, and stand alone. That has been the whole purpose of Indian education and advancement since the earliest times. One of the very earliest enactments was to provide for the enfranchisement of the Indians. So it is written in our law that the Indian was eventually to become enfranchised.

... Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill.

Remarks made to the Special Committee on the Indian Act, 1920

2

BILL RELATING TO INDIAN LANDS

Minister of Interior Introduces Measure Dealing With British Columbia Reserves—Indian Deputation to Ottawa

OTTAWA, March 12.—Hon. Arthur Meighen, Minister of the Interior, introduced a bill this afternoon respecting Indian lands in British Columbia. In 1912 a royal commission was appointed to report on differences between the Governments of the Dominion and British Columbia in respect to Indian lands. It has been found impossible, Mr. Meighen said, to ratify the findings of the commission. The bill was to enable the Government to negotiate with the Government of British Columbia and reach a conclusion on the basis of the commission's findings with certain modifications. Similar legislation was being introduced in the Legislature of British Columbia.

Mr. Meighen also introduced a bill amending the Indian Act. The bill, he said, looks to a more ready enfranchisement of the Indians—that was to say, the elevation of Indians to a full status of citizenship.

It also provided for the compulsory education of Indian children, and made other minor changes in the Indian Act. The bill was read a first time.

WINNIPEG, March 12.—In an endeavor to get the Dominion Government to take a more reasonable view of the question of Indian reserves in British Columbia, and in order to get an equitable settlement of the whole matter, outside the courts if possible, a delegation representing the allied tribes of British Columbia is on its way to Ottawa, and the matter will be taken up with the Federal Government.

Victoria Daily Colonist March 13, 1920

3

COMPLAINTS MADE BY B.C. INDIANS

Restoration of Land, Fishing and Hunting Rights Is Demanded—Proposed Amendment of Act Is Not Wanted

OTTAWA, April 22.—The high cost of living formed a basis for a vehement argument by the British Columbia Indians today before the committee on the proposed amendments to the Indian Act.

"Our Heavenly Father gave us food long before the white man came, by placing salmon in our rivers. Now the white men millionaires who can afford better food and want to make a little more money, come and take our food away from us," said George Matheson, of Sardis, B.C.

Indians had been arrested for taking their Winter's food supply from the rivers running through their own reserve.

Matheson, along with other braves, declared that the Indians would never be at peace until their land, fishing and hunting rights were fully restored to them. Other matters, such as education and enfranchisement, could wait.

D. C. Scott, Deputy Minister, sympathized with the Indians, but other foods had been substituted. This was not satisfactory. The prohibitory order was necessary to preserve the salmon industry.

Henry Jackson, president of the Grand General Indian Council of Ontario, asked that the bill be set aside to give his association an opportunity to examine it. This closed the evidence, and the committee will now sit to consider the actual terms of the bill. The committee will reconvene next Tuesday.

Peter Calder, a stalwart brave of the Nishge tribe of British Columbians, told the committee that unless the Government looked fully into the land rights and gave satisfactory settlements the members of the band would ignore any new legislation as now proposed. Through an interpreter, Calder pleaded with the committee to settle the dispute without the expense or worry of law proceedings. He had learned of this when a boy, and after he was gone his children would carry on until the tribe was satisfied.

Calder was unwilling to discuss enfranchisement or educational matters until the land question was settled.

Victoria Daily Colonist April 23, 1920

4

ENFRANCHISEMENT OF INDIANS.

The enfranchisement of Indians is one of the proposals in the bill to amend the Indian Act now before Parliament, but the provisions as drafted are causing some uneasiness among those whom the Government assumes to benefit. Three thousand of them enlisted during the war, and the offer of the franchise might be taken as a *recognition* of their services, but the bill appears to force this privilege upon them with consequences for which perhaps they are not yet prepared.

One section of the bill reads: "The Superintendent-General may appoint an officer or person to make inquiry and report as to the fitness of any Indian or Indians to be enfranchised," and the next section reads: "On the report of the Superintendent-General that any Indian, male or female, over the age of twenty-one years is fit for enfranchisement, the Governor in Council may, by order, enfranchise such Indian." The bill does not appear to leave any choice to the Indian, but if the Superintendent-General reports that he is fit for enfranchisement the provisions of the Indian Act will no longer apply to him or to his children. Provision is made for the payment to enfranchised Indians of their share of the common interest of the band in the lands of the reserve, and when a whole band, or the majority of the members of the band, is thus enfranchised on reports from the Superintendent-General the common land or other public property of the band may be sold and the proceeds placed to their credit.

The people of Canada have endeavored to treat the Indians fairly, and have set aside for them reserves of land where they have been encouraged to grow self-reliant, and to that end they have been given a certain measure of self-government. But another bill to amend the Indian Act which was passed last session authorized the Deputy Superintendent-General to grant to an Indian settler "a location ticket for common lands of a band without the consent of the Council of the band," *and the effect of* this is to thrust upon one band of Indians certain other Indians who *may not* be acceptable. The administration of the Indian Act is attended with difficulties, but more attention to their wishes would *render* administration easier. The present bill contemplates the extinction of the *system of* reserves, and it is doubtful whether the country or the Indians themselves are prepared for this departure from traditional policy.

Toronto Globe April 1920

5

SESSIONAL PAPER No. 27

AMENDMENTS TO THE INDIAN ACT

Important amendments to the Indian Act with regard to the subject of enfranchisement and education were passed at the 1920 session of Parliament.

The amendments repealed sections 107 and 122. These clauses had been upon the statutes since 1857 and under them it was found possible to enfranchise only 65 Indian families of 102 persons since Confederation or during a period of 53 years. As the ultimate object of our Indian policy is to merge the natives in the citizenship of the country, it will be seen that these clauses were inadequate. Under these clauses, it took six years for an Indian to become enfranchised, and the applicant was wearied by this additional six years of tutelage before he was deemed fit to handle his own property and take his place among the citizens of the country.

At the session of 1918, Parliament passed an amendment to the Indian Act, which enables the Governor General in Council to enfranchise, on application, all Indians who have no land on reserves and who are willing to accept their share of the funds of the band and to give up any title to the lands on the reserve. This amendment has served to show that numbers of Indians desire to take the final step towards citizenship, as to date the department enfranchised 97 families of 258 individuals under its provisions. There is further evidence bearing in the same direction, consisting of individual applications for enfranchisement from Indians who are holders of property on reserves.

The new sections passed at the session of 1920 give the Superintendent General power to make inquiry and report from time to time as to the fitness of any Indian or Indians for enfranchisement, and they give the Governor General in Council authority, acting on such reports, to enfranchise an Indian and his wife and minor unmarried children forthwith. The clauses provide adequately for the protection of the individual interests in the lands and moneys of the band.

The amendment provides for the repeal of sections 9, 10 and 11 of the Act, and the substitution of the sections drafted. The department is thus enabled to establish a system of compulsory education at both day and residential schools. Prior to the passing of these amendments the Act did not give the Governor in Council power to make regulations enforcing the residence and attendance of Indian children at residential schools, as the department could only commit to a residential school when a day school is provided, and the child does not attend.

The recent amendments give the department control and remove from the Indian parent the responsibility for the care and education of his child, and the best interests of the Indians are promoted and fully protected. The clauses apply to every Indian child over the age of seven and under the age of fifteen.

If a day school is in effective operation, as is the case on many of the reserves in the eastern provinces, there will be no interruption of such parental sway as exists. Where a day school cannot be properly operated, the child may be assigned to the nearest available industrial or boarding school. All such schools are open to inspection and must be conducted according to a standard already in existence. A regular summer vacation is provided for, and the transportation expenses of the children are paid by the department.

Department of Indian Affairs Annual Report for 1920. Canada Sessional Papers 1921, p. 13

6

. In another hundred years civilization will have reached all peoples except those that have no resources worth stealing.

Vancouver Sun, June 24, 1925

7

CONFERENCE of Dr. Duncan C. Scott, Deputy Superintendent-General of Indian Affairs of the Dominion of Canada, W.E. Ditchburn, Chief Inspector of Indian Agencies of British Columbia,

WITH THE EXECUTIVE COMMITTEE OF THE ALLIED INDIAN TRIBES OF BRITISH COLUMBIA:

Held at Victoria, B.C. beginning on Tues. August 7th, 1923, at 11 A.M.

The following being present, composing the said Executive Committee:-

Rev. P. R. Kelly, of the Haida Tribe, Chairman,
Andrew Paul, of the Squamish Tribe, Secretary
Ambrose Reid, of the United Tribes of Northern B.C.
Alec. Leonard, Kamloops Tribes,)
Thos. Adolph, Fountain Tribes,) Representing Interior
Narcisse Batiste, Okanagan Tribes,) of British Columbia
Stephen Bataskat, Lillooet Tribes,)
Geo. Matheson, Lower Fraser Tribes,
Simon Pierre, Lower Fraser Tribes,
Chris. Paul, Saanich Tribes,
John Elliot, Cowichan Tribes,
Mrs. Cook, Kwawkewlth,
A. E. O'Meara, of Victoria, General Counsel of the Allied Tribes
(Proceedings reported by Mr. Justin Gilbert, Victoria)

MR. KELLY: We are under the impression, and I think it is a correct one, that the Commission deals with just the Reserves—nothing else but the reserves.

DR. SCOTT: Nothing but the reserves.

MR. KELLY: It does not touch any question in connection with the Indian land question. And I think we have pointed out, that we have been a little cautious in making that binding, because, as I think I pointed out in my speech in Vancouver, we have no rights, apart from our aboriginal rights—which of course is in the lands of this Province. By agreeing with the Royal Commission, which does away with all our land rights, it seems we would have surrendered everything, without having received what we would like to have included in the terms of the settlement. Our idea has been to discuss what we may call the terms of settlement, in a very full way [...] come to an understanding along general lines of settlement before we accept the report of the Royal Commission. [...]

DR. SCOTT: Mr. Kelly, my understanding is that I am not here with powers to accept; I am only here with power to report to the Government, or the Honourable Superintendent-General. Of course, while we want full discussion, the reserve question is one of paramount importance; and it is not, I think the intention of the Minister that you should be asked to definitely state that you accept or do not accept the final settlement of the report of the Royal Commission. [...]

MR. KELLY: You can understand how it was necessary for us to be very careful that we did not jeopardize the Indian position by agreeing to anything that we were not absolutely certain about. As we have pointed out time and again, although we were assured that the Royal Commission dealt with nothing but reserves, yet the order-in-council under which that Commission was appointed, said in so many words that, resulting from the Commission's work it would be the final settlement of all the matters relating to the Indian affairs. Now those words must have been ambiguous. If those words said, all matters relating to Indian Reserves, then the matter would have been clear. Bur you can understand, gentleman, that having those words before us, I think we could not draw any other conclusion than the one we did. It was a dangerous suggestion for us to agree to. That is exactly the stumbling block in the whole thing. [...] If you were not confused we were confused, because those words were so distinct, you see, that at once we protested it — you know the history of that just as well as I do — but we vigorously protested against that.

Conference minutes, 1923, p. 1; 3-4

ON HEALTH

DR. SCOTT: There are some valuable provisions in the Indian Act now with reference to the health of Indians, and the treatment of communicable diseases, which no doubt you are aware of. But in British Columbia, unfortunately we have not the hospital accommodation necessary to deal with such a prevalent disease as tuberculosis. Under the Act we would have the right to—I don't want to use the word incarcerate—to take an Indian as having tuberculosis or any communicable disease and place him in a hospital. We simply have to make a recommendation to that effect, and any Indian in Canada can be taken against his will, just as if he was arrested, so to speak,—but of course a beneficial arrest, and placed in a hospital. In other parts of the country, while in some districts we have our own hospitals, we usually make use of the hospitals established for white persons. And upon the whole I think that is the best policy, where they can accommodate the Indians who require treatment. I am sure that this question will receive the very earnest attention of the Minister.

MR. REID: I might state, Doctor, that the Indians being placed in what we will call a white man's hospital, that is intermixed in the hospital, they do not get very satisfactory treatment there. That is the Indians themselves say so. Some Indians that we know of have been in these, what we are pleased to call white man's hospitals, and they come out and they have gone into the hospitals that are solely for Indians, and they think that they get better treatment in their own hospital than what they do in the white man's hospital. [...] What I am meaning is this, it is in the northern district that I speak of as the Indian hospital, because there are mostly Indians in there. They think if there was a hospital set aside for their own particular use, it would be better than having to go to hospitals where they are mixed up with the other patients.

MRS COOK: My experience of the matters has been that. That is the policy of the Indian Department, that when an Indian needs medical attention, and it is a bad case, he will be sent to a hospital near by. And there is a grant given to that hospital; and the Indians pay for themselves in most cases. But we have found that they are not wanted there. They are not wanted in those hospitals; they may take them in for a few days, but after a few days they are told well, you can go home as soon as you like—and of course if you tell an Indian they are well enough to go home they will go home right away. But they are made to feel they are not wanted there and it is better for them to go home. I speak from experience as we have a hospital at Alert Bay under the Coast Mission there. And we have found, and the doctors that have been in that hospital have told me repeatedly, Mrs. Cook, the only way you can do is to ask the Indian Department to put up a little hospital, it does not matter how small, even cottages, that will take in these Indians, because I cannot find nurses that will come in here and are willing to nurse the Indians in these hospitals. And another thing, he says, we find that the white people, you see—that is [the] central hospital in that locality—the white people coming in there are afraid of these contagious diseases that the Indians might have. And another things is that they have to take in so many maternity cases, and the maternity cases are afraid knowing that there are Indians in the hospital. And so they find that difficulty.
[…]

MR. ELLIOTT: I wish to confirm what my lady friend has said. I took sick one time of Typhoid fever, and I was sent to the Nanaimo Hospital. […] When I was able to get out of bed I was sent to the ward. I was told by the Doctor he thought I was able now to get along without his aid, and I was to go home. Now I was only three days out of the other ward, and could not hardly stand on my feet. I believe it was God's power that put me on my feet. I was turned out of that hospital, out to the station, taken out in the buggy and dumped out at the station; I had hardly strength enough to get my ticket to come home. […]Now we want different treatment from that. Honourable sir, I thank my lady friend for her stand; and in view of what she says, it ought to be attended to; and I think we ought to have hospitals on the Indian reserves.

Conference minutes 1923, p. 212-215.

ON EDUCATION

MR. KELLY: Connected up with this very important matter of medical attention, which we have been speaking of, education naturally comes as the next order of things. […]

We beg to maintain that, as important as the work that has been done in the past is, it is not altogether sufficient to qualify the Indian to meet the conditions that he is called upon to meet at the present time. To be able to read and to write and do elementary kinds of arithmetic I do not think is quite enough. He has been brought to realize that if he is going to compete with his white brethren, with his white neighbours, he must have certain qualifications, he must have certain trainings. […]

We would like to have an institution where our young men and women would be so fitted that they will be able to take their place in the larger public life of this country, and feel that they are equal to any life. Now I do not see why that should not be. We stress that because we think it is a necessity.

DR. SCOTT: If anybody else would like to make a concrete statement as to education, it will be well; but I think practically enough has been said; although I would like it placed, as you did the fishing question, in a more concrete form.

Mr. KELLY: I think it could be done.

DR. SCOTT: For instance, on a half a page of foolscap the Minister could get your mind on the question of education.

Beyond that, I am not aware that there is anything left, except a few general things.

MR. KELLY: Well, we will agree to an adjournment.

DR. SCOTT: And it will be a definite arrangement that we will close tomorrow. I think we can clean the plate tomorrow.

MR. KELLY: We will strive to do that.

Friday August 10 1923 at 2pm

DR. SCOTT: I think we were discussing the question of education when we adjourned. Are you prepared to go on with that subject now?

MR. KELLY: Yesterday we discussed in a general way educational matters. We realize that today we must confine ourselves to something definite; but at the same time until actual negotiations are entered into, we find it a little difficult to talk about all the details of an adequate system of education. Anyone who gives that a thought can see that point at once. But we realized this, there are certain defects in the present system of education as it affects the Indians in this Province. […]

It was brought to our notice this morning by one of the Executive Members that in one section of the Province during the past two years several pupils were passed into the High School, and after they were passed into the High School, it was found in those particular localities that they could not continue their studies. This happened when they were about fifteen and sixteen years of age. Although their parents, when they entered those schools signed an agreement that they would be there until they are eighteen, because they passed into the High School earlier, there was no provision made at all for the continuation of their study in that place. The result was that they had to go out. And as far as making provision is concerned for the studies of those pupils, it is ended, unless their parents are in position to send them down to the centres where there are High Schools. […]

Now I want to illustrate what I want to bring out. I have been through the Chilliwack Industrial School, and know at least in my time the things that obtained there. I came from a country where farming is not a necessity, we did not have land for farms, and farming was a useless thing for myself; but for three years I went out—I don't say it did me any harm, I think it did me good, I admit that—for three years I used to go out there half a day, and pretty much during the whole summer, work out in the fields. […] What I m saying is this: instead of that time being occupied in a thing that is not an absolute necessity, it would be a grand thing if provision were made for those pupils to spend their time on something that will fit them for the battle of life. […]

I think it is generally conceded that the educational system not only of B.C. but the general education system of our country is rather defective; and instead of scattering their energies over things that are not altogether considered necessary, bend all their training towards something, so that when they come out they will be prepared to take their place, and put their hands to the wheel; and feel that they are equal to stand side by side with other men and women. Now that is what we would like to see done.

Conference minutes 1923, pp 219; 224-225; 227-228

1947-1948 Post War Social Change

Monarch: King George VI
Prime Minister: William Lyon Mackenzie King
Premier: John Hart
Federal Ministry: Department of Mines and Resources

In the News

1947 Feb 10	World War Two peace treaties signed.
1947 April	Jackie Robinson becomes first black in modern major-league baseball.
1947 August	India and Pakistan declare independence from Great Britain.
1948	First television stations begin broadcasting in USA (but not until 1952 in Canada).
1948 Dec 10	The Universal Declaration of Human Right adopted by UN General Assembly.
1949	Aboriginal people in British Columbia given right to vote in provincial elections.

Backgrounder

The years following World War Two saw many social and political changes in Canada and other parts of the world. People were appalled by the degree of death and atrocities that occurred in the war, and became more aware of human rights. Canada joined with other countries at the United Nations to sign The Universal Declaration of Human Rights.

Many people recognized that the treatment of Aboriginal people was unjust. Some noticed that Aboriginal war veterans, who had stood alongside other Canadian soldiers on the battlefields, were not treated in the same way when they returned home.

The time was ripe for changes to the Indian Act. A Special Joint Committee of the Senate and the House of Commons held hearings from a variety of people and organizations. This included the Native Brotherhood, a new organization that had begun to organize Aboriginal fishers, but grew into a significant agent for change in all areas of Aboriginal Rights and Title. One of its leaders was Rev. Peter Kelly, who had previously been one of the chief spokesmen for the Allied Tribes.

In 1946, the Native Brotherhood began a monthly newspaper, called *The Native Voice*. Many of the following documents are from its pages.

Some of the oppressive sections of the Indian Act were removed or amended. The anti-Potlatch laws were taken out and First Nations people were allowed to enter pool halls and to gamble if they wanted. As well, the restrictive laws making it illegal to raise money to pursue land claims were repealed. Women were allowed to vote in band councils.

The changes opened the door for First Nations to be able to vote in elections as other Canadians did. However, they did not receive the vote in federal elections until 1960.

The documents in this section illustrate the relationship between First Nations and other Canadians in the period leading up the the new Indian Act, 1951.

1

URGES NATIVE SCHOOL HERE

A motion by Trustee Mrs. Earl Becker that the Indian Department be asked to establish a separate native school in Prince Rupert failed to find a seconder at last night's school board meeting, despite the fact that 50 native children are attending city schools.

Mrs. Becker based her contention on grounds that native children require a special curriculum and that there are sufficient of them in the city to justify such a school.

"The cost involved as compared to the tuition received for them from the Indian Department does not justify keeping them in the city schools," she said. "Seal Cove school is ready to be set up again. Maybe they could take it over."

The discussion arose over the application for three native children to enrol at Borden Street School. Two of the children, aged 12 and 10, were in Grade One, and the third, aged seven, had had no previous schooling.

The Board moved that the two older children be accepted, but that the younger child not be accepted at so late a date in the term.

When it was suggested that such large children would create a problem in Grade One, Trustee A. B. Brown commented: "Ten and 12-year-old children are a problem in Grade One whether they are native or white. If they were white we would have to take them, so I see no reason for discrimination."

At present there are 50 children in the city's schools for which the Indian Department pays tuition. There are 23 at Borden Street, 15 at Conrad, three at King Edward and nine at Booth High School.

Prince Rupert Daily News, January 25, 1947

Victoria Daily Colonist, April 23, 1920

2

LETTERBOX

SEGREGATION

Editor, Daily News:

I've just read my copy of The Daily News, January 9, and I am rather surprised that in this day and age when everyone seems to be striving for a better world to see where Mrs Becker, a trustee of the school board, tried to pass a motion to segregate the native children, also to ask the Indian Department to establish a separate school in some ancient 2-roomed building (which incidentally the school board itself decided should be torn down.) Perhaps Mrs. Becker has never read or heard of some of the aims and aspirations for which the Native Brotherhood and Sisterhood of B.C. are struggling. One of their chief aims is a better education for the native child. Yet in the small townsite which not so very long ago was a favorite camping and hunting grounds of our grand ancestors, she smugly suggests segregation.

Really, I understood to be able to sit on any Board one must be wholly aware of the meaning of true democracy Evidently Mrs. Becker misconstrues the entire meaning. The town of Prince Rupert is well patronized by native people who spend their money freely at the restaurants, the taxi-cabs, the picture shows (where I'm sorry to relate segregation is practised) and, whenever there are street carnivals, they patronize them fully. Yet, when the native father and mother strive for better educational facilities, segregation is suggested. I know from my own family's experience and other families', that, given a chance, the native child can keep up and sometimes surpass his classmates. My own boy was ready for University at 18 and now my darling daughter at 12 is already enrolled at Junior High. They have been able to enjoy to their heart's content all the sports and goings-on at the schools and churches and clubs they have attended without even a hint of discrimination.

A cheery note was introduced when Mr. Brown spoke favorably for the native children. What a grand and glorious world this would be for us true Canadians if more people modernized their views. Who knows, perhaps in future years some of those native children, given a chance for better education, will be sitting as trustees of the school board? I'm just dreaming but why shouldn't my dreams become a reality? I understand my subject as I am the daughter of the late Chief George Kelly (Chie Legaic) who was well known up and down the entire coast and who always worked hard for the betterment of his people and instilled in me the same desire.

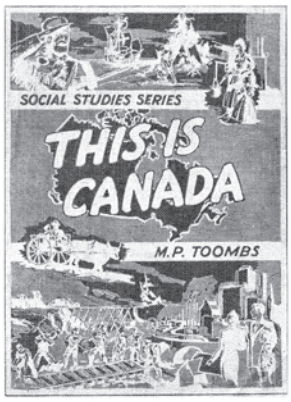
I wonder if Mrs. Becker reads your editorials occasionally, as you have had some good ones especially "Working For a Better World", January 7 issue.

One of your Native Readers,
MRS. F. BEYNON.

You saw it in The News!

Prince Rupert Daily News, January 27, 1947

3



This is Canada, a Social Studies text book for Grade 5 and 6 in Saskatchewan, published in 1942.

Before the White Man

Why was the name, Indian, given to the people who lived in our country before the coming of the white man? From your reading, you have likely guessed the reason. When Columbus sighted land, after his long Atlantic voyage, he thought he had reached islands which were only a short distance from India. He named these islands, the West Indies. The inhabitants, he called Indians. Soon this name was being given to the people on the whole continent of North America.

There were several large groups of Indians living in Canada. The names are not so very important to you, but it is better for you to make a note of them, anyway.

To the north, in what are now the Yukon and Northwest Territories, lived the *Athabascans*. South of them, in the country stretching from the Rocky Mountains to the Atlantic Ocean, were the *Algonquian* Indians. The *Sabish* Indians lived west of the Rockies. Then, south of the Great Lakes, and Upper St. Lawrence River regions, the *Iroquoian* Indians lived. Do you find these names hard to *pronounce*? Just write them on the blackboard, and then, on your map, try to point out the general location of each group.

Each group was divided into tribes. The names of some of these tribes sound very strange; others are amusing. For instance, the Athabascans were divided into tribes such as these: Hares, Slaves, Yellow Knives, and Beavers. Among the western tribes of the Algonquian Indians were the Crees, the Snakes, the Piegans, the Bloods, and the Blackfeet. To the east, were the Ottawas, the Chippewas, the Nipissings, and the Algonquins. (Note the difference between *Algonquin* and *Algonquian*.) The Iroquoian group included the Iroquois, the Hurons, the Eries, and the Neutrals. Now here is a good question. Can you find out how some of these tribes got their names? Boys and girls, we do not expect you to remember *all* these names, although you will naturally think of some of them. But here is what we do want you to remember. (1) There were four main groups of Indians living in what is now our country. (2) Each group was divided into several tribes, and each tribe had its own government. (3) Each tribe had a language of its own. (4) Each tribe had habits and customs peculiar to itself. (5) The ways of living of each tribe depended upon its surroundings. For example, the Indians living on the plains differed greatly, in their habits of living, from those living in the wooded areas to the north.

The Indian Problem

The Indians looked upon the land as theirs by right of inheritance. Therefore, if the white man was going to take control, some settlement had to be reached with the Indians. This was done by a series of treaties or agreements between the Indians on one hand and the Dominion government on the other. In these treaties, it was agreed to set aside *reservations* for the use of the Indians; to pay to the heads of Indian families certain sums of money annually (called treaty money), and to provide the inhabitants of the *reserves* with certain tools for farming purposes.

Sometimes the Indians didn't look upon these arrangements very favorably. In the following dramatization, the attitude of the Indians is revealed.

(Continued next page)

BIG BEAR REFUSES TO SIGN

Characters

Lieutenant-Governor Morris
Big Bear, a Cree Indian chief
Poundmaker, an Indian councillor
Other Indian chiefs

Scene, near Fort Carlton. As the scene opens, Lieutenant-Governor Morris is speaking.

Morris: Often, when I thought of the future of the Indian, my heart was sad. I saw that the buffalo was getting scarcer and scarcer, and I feared that the Indians would no longer be able to find food on the great plains. I wondered if the Indians of the plains would join with the white men in planting gardens and building houses. I am glad to know that some of you have already begun to build and plant; and I would like, on behalf of the Queen, to give each band that desires it, a home of its own. The country is wide and you are scattered. The white man might come and settle on the very place you would like to be. Take land now. We shall *reserve* it for you. For every family of *five*, a reserve to themselves of one square mile. Then, too, every man, woman, and child will get five dollars, paid to the head of the family, for his wife and children not married. Each chief will receive twenty-five dollars, and each headman fifteen dollars. To cultivate the land, we shall give to every chief, for his band, one chest of carpenter's tools, one cross-cut saw, five handsaws, five augers, and one grindstone. To help all of you to farm, we shall give to every chief, for the use of his band, one plow and two harrows for every ten families; one or two yokes of oxen; four or five other cattle; and seed to plant in the land actually broken. Then, we shall give, to every family actually carrying on farming operations, two hoes, one spade, one scythe, and one axe.

Poundmaker: Big Bear, the Queen wants us to dig and plant for ourselves. That is what it says in the treaty.

Big Bear: We cannot and we won't. It is squaw's work, and how can old men like you and me, hunters all our days, learn *now* to plant gardens. It makes me feel wicked, Poundmaker, the trash they offer us for our vast hunting grounds. When I was a young man, we saw buffalo on the plains as far as the eye could see. Now when I go out on the plains it seems as if all the buffalo are gone.

Poundmaker: Last time our band killed only five, and if it not been that rabbits were plenty, we would have all died.

Big Bear: The white men come from the east; they kill our buffalo; they take our land and they give us one square mile without the buffalo—nothing but rabbits—and two hoes and one spade. It makes me feel wicked. My heart gets black. Some day I'll shoot and kill.

Morris: Come, the treaty is ready. Come and sign.

Big Bear: No, I cannot sign. The other chiefs have signed the treaty but I cannot. My heart is black with anger.

Eventually, arrangements were made to place all the Indians on reservations. Have the plans for farming on the reservations been successful? See if you can find out the names of the reservations in your province.

4

Forgotten Man

Native Voice, February, 1947 p 5

5

ative Brotherhood of B.C. ssumes Prov. Leadership

The citizens of Canada were recently awakened to the fact t the organized might of British Columbia Indians have a ICE that is being heard and will continue to be heard oughout the whole country.

The "proclamation" issued to the Hon. John Hart, Premier B.C. by Chief Wm. Scow had the desired effect. The whole anada was awakened. Reaction was instantaneous. Lead- daily papers throughout the entire Dominion devoted much ce to the problems confronting the Natives of Canada. Edi- al comment in many of our newspapers took a serious view he whole situation, despite some humurous angles that were ated.

any thousands of our citizens e supplied through press and o (the Indian problem is the blem of the voting citizens of ada) realized, for the first time many cases, that the Native ple are not satisfied with the ting laws of B.C. or Canada a whole, when they continue gnore the Indians in any leg- ion that is passed and other onalities given first considera-

ews regarding the Indian tak- over the duties is dealt with ther columns of this issue but s important to note at this e that the Native Brotherhood B.C. have an engagement to t the Premier of B.C. and cab- at the end of this month. That e result of the publicity given he causes of our people.

e Native Brotherhood of B.C. es at this time to thank all e people from Nova Scotia to for backing us up so splen- y. Indeed it is most gratifying s in our struggles as a minority to find that we are being backed up by so many voters of Canada.

THE SPARKPLUG

The following telegram through Chief Wm. Scow on January 22, 1947, to the Premier was the result of news issued from the Parliament Buildings at Victoria, B.C., stating that voting privileges may be extended to both Chinese and East Indians while the Native people were not given serious consideration. The wire read:

"Hon. John Hart.

"Premier of British Columbia:

"In view of the proposed granting of votes to Chinese and East Indians by the provincial government we would like to remind you that aborigines of British Columbia—the native Canadians—are still treated as a conquered race and have not yet been granted their right of citizenship to vote.

"We respectfully ask you to give this your deepest consideration before putting the Canadian-born of foreign origin ahead of native Canadians."

Native Voice, February, 1947 p 1.

6

NO REASON FOR PRIDE

(From The Vancouver Sun, Monday, February 3, 1947.)

The means that the native Inians of British Columbia took ecently to dramatize their underrivileged position in the midst of ur vaunted Canadian democracy ave had the result intended. The usiness of "taking over" the govrnment of B.C. from Mr. Hart had s humorous side, but it also made lot of white people, busy with heir own affairs, take a little time ut to consider the case the Inians on the reservations can ake for a squarer deal.

White men's organizations in the rovince are taking notice. The ed Men have invaded the uniersity campus and at two large eetings students' resolutions ave been passed urging the ominion and provincial governents to institute policies leading larger citizenship for the "wards f the government."

The economic and social condiion of the wards is proof of the ailure of the administration of ndian affairs. White citizens usuly admit there is no reason why, or instance, Indian children hould not have the same educaonal opportunities as white, yelow or brown children. There hould be no reason why the ndian death rate from TB and he infant and maternal mortality ates among Indians should be igher than among the rest of the tizenry.

There is also no reason why this ountry can not follow the lead of he United States and give Indians ull citizenship rights without rejudicing their treaty rights. hat an elder of the Assiniboines old members of the Saskatchewan egislature a few days ago is so ue as to hurt. He said, did Dan nnedy of the Sintaluta reserve, "under the present tutelage ystem, democracy and the Redian are not even on speaking rms."

The first things that need overauling are the educational and ealth services of the Indians. hey should be on an equality ith white and others with respect old-age pensions and other soal benefits. It might be feasible r the Dominion and provinces to dopt the New Zealand system of iving block representation to porigines in the legislatures. The roblem of the Indian requires mmediate thought by government.

Native Voice, February, 1947 p 8.

7

Special Joint Committee of the Senate and the House of Commons

Presentation of Brief of the Native Brotherhood of British Columbia by the Rev. P. R. Kelly;

The Native Brotherhood of British Columbia have the honour and pleasure to present for your earnest consideration the within brief. The subject matter thereof considers Indian administration in general, and in particular the matters specified and numbered one to eight in the orders of reference of both the Senate and House of Commons.

7. DAY AND RESIDENTIAL SCHOOLS.

Education of Indians at present is the sole responsibility of the Federal Government therefore, in conformity with the other educational practice in Canada generally, Indian day and residential schools should be free from denominational jurisdiction. In British Columbia the B.C. curriculum should be used exclusively and the supervision and inspection of the schools under the Provincial inspectors, the cost of such supervision to be borne by the Federal Government. The school age should be advanced to eighteen (18) years due to the broken period of attendance occasioned by the casual geographical employment of the parents. Where fathers have to leave home for their employment, the mothers should be encouraged to remain at home and keep their children attending school. Wherever possible the Indian children should be permitted to attend the public schools and the per capita cost thereof paid by the Federal Government. As a fundamental principle Indian children should be allowed to attend Canadian Public Schools.

Residential schools should be maintained for pupils not within range of the day schools and these schools should also be non-denominational. At Port Alberni, for instance, there is a large residential school which should include high school facilities. If this particular school cannot be equipped and staffed for high education then the pupils should be allowed to reside there and attend the regular high school. However, wherever possible the day school system should be encouraged and day schools established.

There are two salient features pertaining to schools and aducation generally which should be stressed:—

(a) **The schools should be undenominational:**—The Indians appreciate that at one time the entire cost of education was borne by the Churches but they believe that education being the sole responsibility of the Federal Government under the law the Federal Government should exercise and implement this responsibility into direct action.

At the present time the Churches furnish part of the moneys expended on education and the Indians are very grateful and appreciative thereof. If the Dominion Government assumed the cost then the Churches would have additional money to advance their ministry in additional social services and practical benefits to the Indians. Education is the primary duty of the Government and not of the Church and as such, should be undenominational.

(b) **Greater facilities and opportunity for Education:**—The opportunity to obtain high school and university education should be available more generally for Indian youth. In isolated instances in British Columbia the Indian Agent has permitted Indians to attend the regular high schools but a great number of deserving Indian students have been denied this privilege, that is, refused by the Indian agent. What a situation this is when we consider that the Indian agent is, in a sense, in control of the intellectual development of, and thereby controlling, the destinies of a people, a race! No individual should be denied the right of intellectual advancement at the behest of one man however benevolent a despot he may appear to be.

The time has certainly come for the Government to inaugurate a higher standard of training in the schools and employ more highly trained and competent teachers. The need for more advanced vocational traning is evident. There are many reasons for the Government's deficiency, such as the difficulty in obtaining white teachers to handle this more difficult work and to pay adequate salaries therefor. The Dominion Government could and should alleviate this problem by training Indian workers.

There must of necessity be improved educational facilities. It should be the objective in Indian education to train Indian leaders and teachers, nurses and others for work in the Indian communities. How then can this be done without proper educational facilities?

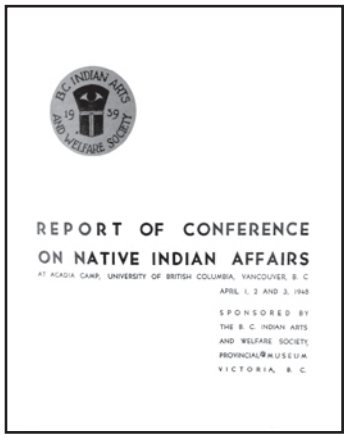
It has been very difficult and in many instances impossible to get properly trained white teachers and nurses to live in isolated areas. An Indian girl trained as a nurse would feel quite at home at Kitamaat, for instance, whereas a white girl nurse finds the district far too isolated and dreary. This illustration is from actual experience. Why should there not be an adequate supply of Indian nurses made available? With proper educational facilities this would soon be possible. The same applies to all branches of Indian education and social service.

In British Columbia the educational situation is deplorable, as shown by the following statistics:

According to evidence presented by Major D. M. MacKay, Commissioner for Indian Affairs in British Columbia, to the Special Joint Committee of the Senate and the House of Commons in June, 1946, 12,000 or nearly 50% of the Indian population of B.C. are 17 years of age or under. In the year 1945-1946 only 4,100 Indian children were enrolled in schools. It was estimated by Major MacKay that approximately 1200 Indian children in B.C. were receiving no education whatsover. Of those enrolled, only 87 had reached Grade VIII, while 142 were in Grade VII, 261 in Grade VI and 382 in Grade V. Only 24 Indian pupils were receiving high school education. There were 201 Indian pupils attending the elementary public schools of the Province.

Native Voice, May, 1947 p 3

8 Conference on Native Indian Affairs April 1-3, 1948



In April 1948 a three-day conference was held at UBC by supporters of Aboriginal Rights. The 84 attendees included a wide spectrum of people: First Nations leaders and artists, government officials, church representatives, anthropologists, and university students.

Presentations and discussions were held on these topics: Arts and Crafts, Health and Welfare, Education, and Training of Professionals in Health, Welfare and Education.

The speeches and discussion were written down and printed. A copy of the document was sent to the Special Joint Committee of the Senate and the House of Commons.

Here are a few samples of quotes from presenters and commentators regarding education and residential schools.

Mr. R. F. Davey
Inspector of Indian Schools for B.C.

As an official of the Indian Affairs Branch it is not possible for me to express my personal opinion or to participate in a discussion of controversial matters which have a bearing on the policy of the department. I may, however, be able to make a contribution by outlining some of the policies about which there appears to be some misunderstanding, or about which I am frequently questioned. [...] Permit me first to give some idea of the scope of the work in B.C. by giving a few figures:

	No.	Teachers
Residential Schools	13	51
Day Schools	55	68
Hospital Schools	3	4
Seasonal schools	9	

Attendance at Indian Schools of all types in 1944-45 and 1945-46, which are the latest figures available in this office: 1945-46 : 4160 1944-45 : 3650
Increase : 510

At present there are 311 pupils attending white schools which is double the number over last year and is about 7% of our school enrolment. [...] To try to minimize as far as possible the element of segregation of white and Indian children it is the policy of the Department to seek the admission of Indian pupils to white schools wherever that is possible.

On the whole the authorities have been most co-operative in this regard. They have, however, their own problem of accommodation and we have been refused admission in a number of cases because of lack of space. [...]

Residential Schools

The function of these schools is at the present time to provide for the following, and priority for admission is in the order given.

1. Children whose home conditions or other circumstances require their admittance to some institution where they will receive adequate care.
2. Pupils for whom there is no provision for education on or near the reserve.
3. Pupils who wish to reside at Residential Schools and attend High School.
4. Pupils whose parents wish them to attend a Residential School.

The general organization within the Residential Schools varies from school to school. This variation is chiefly due to the physical features of the school. The amount of time devoted to classroom instruction is in some cases the same as in the day schools – five hours a day for five days a week, but varies to a low of half this amount at one school. Before it is possible to bring the standard up to the five hour day, classroom accommodation must be provided and it is the policy of the department to institute the five hour class day in all schools. [...]

In summary the Department is endeavouring to secure the admission of as many Indian pupils to white schools as possible, both High and Elementary schools. Its policy is to extend Day Schools and provide better class-room facilities at existing Residential schools. The Department does not favour the establishment of Indian High Schools.

[pages 39-44]

Dr. Rev. G. Raley (United Church Minister, Past principal of Kitamaat and Coqualeetza schools)
We blame the Government for failure of interest, for lack of sympathetic consideration of Indian claims. I believe that the Government is seriously considering assistance and improvements. And anyway who are the Government? You and I, the people, we are the Government in a democratic country like Canada. And until the people are aroused to take a sympathetic interest in the welfare, the education, the economic condition and housing and social life we shall not get very far. Indifference is a brake to progress and legislation. A conference of this nature is very helpful and encouraging.

George Clutesi - Alberni (Tseshaht artist, writer and actor)
I do not think bigger and more imposing boarding schools will make the Indian responsible, self-supporting, part of this great economic system, if that institution persistently advocates the complete separation of the child from his home life. It is a well known fact that the coastal tribes of B.C., especially the Island tribes are renowned for the unselfish love for their children. It was a custom to hold one's child on his knee and to impart what was in his heart, to prepare him for the responsibilities of life. It is therefore not difficult to understand the shock the child experiences when taken entirely away from his parents, from the love of the mother and father, the companionship of brother and sister, so essential to every child at that age. That shock, to put it mildly is bewildering, frustrating, it kills the incentive, before he has a chance to make a start.

I think whenever advisable more and more day schools should be instituted and operated in an up to date manner. The core of educating the Indian is to teach and prepare him for the many aspects of this complicated country called civilization. I tell you friends it is complicated. [...]

Again I repeat. Day schools should be encouraged given all the chances it deserves and all the equipment required. Right now the tendency is to build these new schools and maintain them on a shoe-string. That should not be so. It has been repeatedly pointed out that we have adequate funds held in trust for us, and specially ear-marked for education.
(p 61-62)

Mrs. Cook (Jane Constance Cook, Kwakwaka'wakw leader and activist)
What has grieved me all my life is the ignorance, the misunderstanding about the Indian's religion. Vancouver found that already before the white man came the Indians had their laws, and respect for authority, they had their religion. The Indian saw God in nature – the sun, moon and stars and he worshipped and practised his religion. He was a good Indian. I was old enough to see the tail end of that era. Everything that an Indian man or woman could be – honest, courageous. It was the thing that came after that I saw the awful results of what the other nations brought into the country to the Indians. It was not God – it was the Devil.

What we are struggling with today is the teaching of the white man who did not understand the Indian and taught that these things which were good were bad. They did not understand his past. [...]

There is another thing which the missionary didn't understand. He couldn't see the beauty of a totem pole. He discouraged the Indian from making them. They didn't recognize what the totem poles meant.

Mrs. K. Green (Tsimshian)
It is a pleasure to be here today and to bring up again the question of our people, what we want for our young people today. We are holding out our hands to education. We are striving for betterment of our young people. I have in my travels met many of those dear children around the ages of 15-16-17 years. I have asked their opinion. They have said: "Will you try to get more education for us." They need a few more years of education. They haven't had a chance to got to school every day. At Kitkatla the older children haven't been able to go to school for 2 years. The older ones and the little ones have had to take turns. How can we allow their schooling to go on this way? We pleaded with the officials. Couldn't a child be given 2 more years if he really wanted a chance to learn. Then there is the problem of teachers. Young people have been backward in going to an outlying place. It takes a married couple to make a go of things.

Frank Assu (Cape Mudge; Native Brotherhood Executive)
I don't want people to think the Government is not obligated to us. We owned this country. The Dominion Government is obligated to the Indians in B. C. [...] People must donate more money to alleviate those bad conditions today among the Indians. When that word "Indian" is mentioned he feels mad. The word to describe us is "Native." That will indicate to the general public that he owns the country and it raises his morale. (pp 74-75)

Mr. William Tatoosh (Hupacasath)
Not so very long ago a special memorial service was held at Alberni for one of our people killed in the service of this country. A sort of plaque was put up. All that was said was of credit to him. He was especially smart. One speaker said: let this plaque be an example to you. But that was as far as they went. They didn't say why he didn't get higher education. He didn't get it because it was not available, at that time, to him. How can that be an example to the other students? Are they going to run up against the same things as that boy? The sad part is that that boy gave his life for this country with this in mind: he figured he would come back and get more education through being in the Army. I believe there again it falls back on the Department. He wasn't able to get help. He did correspondence school, but he had to go out to work and it is important for him to do his work. (pp 75-76)

Mr. Guy Williams (Haisla; Native Brotherhood executive; later became Canada's second Aboriginal Senator)
Regarding after school — the Department of Indian Affairs has no follow through system. That is definite. Only in a very limited number of cases have a native girl or boy taken higher education. It takes too much red tape, and the result is that the children and parents are discouraged, or a year is lost. [...]
As to education in the past, as an Indian and as a child, I went through it, it was something — and I'm not going to pull my punches — that stank. [...] Residential schools have been far too much along the lines of penal schools. I have seen boys flogged. That is what our people have to endure to acquire an education for their children. Some children do not go home from their residential school for four years. I don't think that system should be.

9

A SHAMEFUL CONDITION

Canada spends a little over $2,000,000 a year on Indian education and the sum is, apparently, only about half enough. The joint committee of the Senate and House considering Indian problems at Ottawa received a brief on Tuesday from the Oblate Fathers, who have a great deal to do with Indian welfare and training, and the part of the brief dealing with education is little short of an indictment of the Indian affairs branch.

Forty-two percent of the Indian children of school age in Canada, it seems, are unable to attend school because there is no school for them to attend. Four hundred classrooms are needed immediately.

The Indians are wards of the Dominion Government. That is their recognized status. And this is the way the Dominion Government is discharging its responsibility. It is well known that the health of the Indians is poor. The amount of tuberculosis on the reserves has long amounted to a scandal. And now, if the Oblate brief is to be credited, the school situation is a scandal, too.

In British Columbia, the brief indicates, conditions are considerably worse than the average. Here, according to the last census, we have 24,875 Indians. The last report showed that 3650 were enrolled in schools. The Oblate brief states that only 41 percent of those of school age are able to attend schools, which means that six Indian children out of ten in British Columbia are denied educational facilities.

It is a long time since the poet Pope held up the Indian as an example of the "untutored mind." We are still, callously, parsimoniously and shamefully keeping him untutored.

Native Voice, August 1947, p. 13

10

Waiting For The Sunrise

By WILLIAM FREEMAN

The whole North American Indian world is waiting for the Sunrise. Our leaders have placed our hopes and dreams of a happier destiny on the table of the combined committee of the Senate and the House of Commons, and with breathless expectation we stand at attention and constantly watch the horizon for that new and better day. Our freedom must be restored to us and we must be granted the full rights of citizenship in our own native land, for this land is ours by heritage, peopled by our forebears from time immemorial. We are not an alien race and furthermore we are not a conquered race and we still retain our aboriginal title. This title is not extinguished through conquest or treaty with the white man. Our lands are not ceded to the white man and the white population of the province is transgressing on our land.

If our prayer is unheeded and if our brief is pigeon-holed again in Parliament, the ruling class of people of the day shall be denounced and branded with black and unimaginable names by the historians of the future. For we are also the creation of God and we are full-fledged human beings with rights equal to others. Let the wheels of justice roll and grant us full rights of citizenship with social benefits and civil rights for Time Marches On and we want to keep abreast with the marchers, but we don't want to be left stranded eternally between the Bow and Arrow age and the white man's Civilization. Detestful as it is we must become ordinary members of the North American Society in order to survive the inroads and ravages of the white man's civilization.

Native Voice, September 1947, p. 11

11

Education

RESPONSIBILITY FOR the education of Indians lies exclusively with the Federal Government. Most of the schools are denominational and intelligent Indians indignantly protest against the determination of their children's religious affiliations by some far away committee or official; they feel that the Government is exploiting the missionary enterprise of Christian churches and leaving to these latter many responsibilities that belong properly to the State; and as a result of this manipulation of the missions, the Indians feel that their own children are being exploited.

IT IS NOTORIOUS that very many of the teachers in Indian schools are as incompetent and ill-trained as they are underpaid; a few weeks ago I saw in a Vancouver paper an advertisement for a teacher for an Indian school on Vancouver Island. The advertisement included the startling phrase: "No qualifications necessary."

Native Voice, Aug-Sep 1948, p. 10

1967-1969 Canada's Centennial and the White Paper

Monarch: Queen Elizabeth II
Prime Minister: Lester B. Pearson 1963-1968; Pierre Elliot Trudeau, from April 1968
Premier: W. A. C. Bennett
Federal Ministry: DIAND (Department of Indian and Northern Development)

In the News

1960	Status Indians given the right to vote in Canadian elections without losing status.
1966	The Department of Indian Affairs becomes the Department of Indian Affairs and Northern Development (DIAND).
1967 July 1	Canada celebrates 100 years as an independent country.
1967 Nov	The play *The Ecstasy of Rita Joe* by George Ryga is produced in Vancouver, the first Canadian play to deal realistically with difficulties facing some Aboriginal people.
1969 April 1	Federal government takes direct control over Indian residential schools.
1969 June	The federal government releases a White Paper which outlines sweeping changes for Indian policy, the end of the Indian Act and dissolution of the Department of Indian Affairs.
1969 June	Apollo 11 space mission lands people on the moon.
1969 Nov	The Union of BC Indian Chiefs (UBCIC) forms as 144 chiefs and delegates from all over BC meet to discuss the White Paper and its effects on Indian people in BC.

Backgrounder

The 1960s saw great changes in social values. A newfound freedom was expressed by youth with the emergence of "the pill," hippies, the Beatles, and student protests over wars and racial discrimination.

For First Nations, change, though still slow, was beginning to happen. In 1960, Status Indians were finally given the right to vote federally without losing status.

In 1967 Canada celebrated its Centennial – 100 years as a country. For many Aboriginal people, however, it was a time for highlighting the injustices they had suffered over that 100 years.

In 1968 the newly elected government of Prime Minister Pierre Trudeau brought in many social changes. These included major changes to Indian Affairs. In 1969 Minister of Indian Affairs Jean Chrétien put forward a new policy paper, "The Statement of the Government of Canada on Indian Policy."

The government generally calls such policy papers "White Papers" but in this case the White Paper on Indian Policy took on a different meaning.

The policy was intended to "lead to the full, free and non-discriminatory participation of the Indian people in Canadian society." However, the steps to achieving this would have meant extinguishment of Aboriginal Rights and Title, and devolving most Aboriginal issues to the provincial level.

There was swift reaction against the White Paper. The First Nations communities around the province were united in opposition to it, with the resulting formation of the Union of B.C. Indian Chiefs.

1

Indian pavilion tries not to be restful

MONTREAL (CP) — The colorful wood-and-steel teepee that makes up the Indians of Canada pavilion at Expo 67 offers a fascinating collection of ancient ceremonial masks, buffalo headdresses and bows and arrows, but leaves the non-Indian visitor with little to feel proud of.

"This is horrible. I'm not going to stay here," one Montreal woman told fellow visitors yesterday as she came face to face with a large panel reading "The white man's school is an alien land for the Indian child."

Adjoining the showplaces of Canada and the Atlantic provinces on Ile Notre-Dame, the pavilion encloses a quiet pool with birchbark canoes drawn up on its banks and a simulated campfire around which visitors can sit and meditate.

But the total effect is intended to be anything but restful.

"If it's making some visitors angry then the message is coming through," deputy commissioner-general T. R. Kelly, a Haida from British Columbia, said in an interview.

"The situation of Canada's 240,000 Indians is something that needs to be looked at. Why should we foster complacence here when there are so many disadvantaged, undereducated and underdeveloped people in Canada."

On Saturday the pavilion had also aroused feelings of kinship among Mexican entertainers at the fair who arrived in front of the teepee declaring they were Spanish Indians come to sing and play for others of their blood.

Inside the pavilion, visitors pass by symbols of Canada's six major Indian cultural groupings — British Columbian, Plateau, Plains, sub-Arctic, Iroquois and Eastern — and then into an area describing the early arrival of the white man.

There the signs read:

"When the white man came we welcomed him with love, we sheltered him, fed him and led him through the forest.

Many Indians feel our fathers were betrayed."

Paid for by the Canadian Government, the $400,000 pavilion was designed and staffed entirely by Indians who were also responsible for its theme.

Mr. Kelly said one person who was not pleased with the pavilion was Indian Affairs Minister Arthur Laing, who visited it several weeks ago and expressed dissatisfaction because the contributions of the Canadian Government to Indians had not been given recognition.

"But we are a people who have been administered for years and that is exactly what we are protesting here," Mr. Kelly said.

Photographs of tattered, unhappy-looking Indian children placed beside pictures of white Canadian children playing in the comfort of suburbia, line the walls of the final display room which is intended to provoke questions.

Globe and Mail May 1 1967 p 17

2

Text Panels in the Indians of Canada Pavilion, Expo 67, Montreal

The Indians of Canada bid you welcome.
Walk in our moccasins the trail from our past,
Live with us in the here and now.
Talk with us by the fire of the days to come.

You have stolen our native land, our culture, our soul...

The white men fought each other for our land, and we were embroiled in the white men's war...

The Indian on his reserve was a conquered enemy..

The welfare of the Indians was regarded as proper work for retired soldiers, many of whom were kindly and well-intentioned, but treated their charges like amiable backward children...

Give us the right to manage our own affairs...

The early missionaries thought us pagans, they imposed on us their own stories of God, of heaven and hell, of sin and salvation...

But we spoke with God – the great spirit – in our own way. We lived with each other in love and honored the Holy Spirit in all living things...

The white man's school, an alien land for an Indian child...

An Indian child begins school by learning a foreign tongue.

Dick and Jane in the storybook are strangers to an Indian boy...

The sun and the moon mark passing time in the Indian home. At school, minutes are important and we jump to the bell.

At the end of the tour, at a campfire:

And now, my brother, sit down by the fire. Let us talk about the times which are coming. You have traveled over the long footpaths along which your forefathers trudged ... In a moment we shall take to the trail again. But during this stop, let us search in the flames for visions of the future.

3 Chief Dan George: Lament for Canada

LAMENT

(Following the publication in our April edition of "Soliloquy" by Chief Dan George, the Native Voice has been asked to reprint "A Lament for Confederation" which he delivered at Empire Stadium when the crowd of over 32,000 was silenced by the moving, and bitter soliloquy. He repeated it by request at the Vancouver Indian Centre before the presentation of a Talking Stick to Eartha Kitt during her visit to Vancouver. The chief willingly granted permission for this reprinting. Story on the presentation ceremony on Page 1. — The Editor).

How long have I known you, Oh Canada? A hundred years? Yes, a hundred years. And many many *seelanum* more. And today, when you celebrate your hundred years, oh Canada, I am sad for all the Indian people throughout the land.

For I have known you when your forests were mine; when they gave me my meat and my clothing. I have known you in your streams and rivers where your fish flashed and danced in the sun, where the waters said come, come and eat of my abundance. I have known you in the freedom of your winds. And my spirit, like the winds, once roamed your good lands.

Freedom Disappears

But in the long hundred years since the white man came, I have seen my freedom disappear like the salmon going mysteriously out to sea. The white man's strange customs which I could not understand, pressed down upon me until I could no longer breathe.

When I fought to protect my land and my home, I was called a savage. When I neither understood nor welcomed this way of life, I was called lazy. When I tried to rule my people, I was stripped of my authority.

And I Forgot

My nation was ignored in your history textbooks — they were little more important in the history of Canada than the buffalo that ranged the plains. I was ridiculed in your plays and motion pictures, and when I drank your fire-water, I got drunk — very, very drunk. And I forgot.

Oh Canada, how can I celebrate with you this Centenary, this hundred year? Shall I thank you for the reserves that are left to me of my beautiful forests? For the canned fish of my rivers? For the loss of my pride and authority, even among my own people? For the lack of my will to fight back? No! I must forget what's past and gone.

Oh, God in Heaven! Give me back the courage of the olden Chiefs. Let me wrestle with my surroundings. Let me again, as in the days of old, dominate my environment. Let me humbly accept this new culture and through it rise up and go on.

I Shall Rise Again

Oh God! Like the Thunderbird of old I shall rise again out of the sea; I shall grab the instruments of the white man's success — his education, his skills, and with these new tools I shall build my race into the proudest segment of your society. Before I follow the great Chiefs who have gone before us, oh Canada, I shall see these things come to pass.

I shall see our young braves and our chiefs sitting in the houses of law and government, ruling and being ruled by the knowledge and freedom of *our* great land. So shall we shatter the barriers of our isolation. So shall the *next* hundred years be the greatest in the proud history of our tribes and nations.

(Copyright)

Native Voice, July 1967

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Residential School Values Doubted

By GEORGE N. WILSON JR.

THE WRITER of this article, formerly from Bella Bella, is a graduate of Alert Bay High School. He attended the University of Victoria for three years and registered in the faculty of education.

Married now, and living in Prince Rupert, he is vice-principal of Seal Cove School in that city. As a teacher, and with a thorough knowledge of the needs of the Indian children, we feel that his opinions are worthy of attention. (Editor)

RESIDENTIAL SCHOOLS

This criticism is not in reference to any statement by anyone or any group of people. It is merely a conviction which may be food for thought. In this way I wish to present some arguments against the typical Indian Residential Schools as they exist today. The arguments will centre around the value of these schools as far as the Indian child's language development is concerned.

A question may arise as to the validity of these points I wish to raise, therefore, I would like you to know that the writer feels he is an authority, since he is both a person who has spent nine years in just such an institution and is at present an educator.

EFFORTS SMOTHERED

Firstly, if any child is placed in an institution, such as the Residential school, for any length of time, the child will be adversely affected in his language development. Furthermore, it has been argued and proven with positive results that good language development results in high measured intelligence.

Though it is one of the Indian Affairs Department's aim to increase the Indian child's ability to use the English language with a good degree of competence, the Residential School set-up has to some degree smothered its efforts.

The second reason that these institutions are sterile language laboratories which stems from the lack of experiences the children have with the outside world. It would be worth noting that in an institution such as has been mentioned, that control of the youngsters is often gained by virtual confinement to the grounds of the school.

EXPERIENCE NECESSARY

The quality of one's ability to express himself is dependent on his experience—but sad is the case of the institutionalized child. A child with a variety of experiences is better able to practice his language skills by relating them to others in a more meaningful expression. One of the basic needs of a child is to communicate, but if he has little to communicate his potential for a rich vocabulary is dwarfed.

Thirdly, in a Residential School 95 percent of the verbal interaction is in a peer group situation. It is most imperative that these Indian children have good language models if they are to practice their language skills. If a child is in the company of adults, he will learn to communicate at adult level; however, if he is with peer group or below peer group, there is no urgency to communicate upwards. It isn't surprising then to find that Indian children in Residential Schools are retarded in their language development.

HALO EFFECT

My fourth argument deals with the ramifications, in short, of the inability to express oneself. The 'halo effect' comes into full play; that is, if a child's ability in one area, as in language, is exceptional (exceptionally good or exceptionally bad) then his abilities in other areas may be exceptional also.

For example, a child who is unable to communicate sensibly is very apt to become a 'school drop out' and eventually a juvenile delinquent.

These facts which I have pointed out, while few in number, are to my way of thinking important in view of the fact that changes may be forthcoming. I feel strongly that Residential Schools had their place and purpose, but I doubt their efficacy in the present.

PROBLEMS ENCOUNTERED

I trust that the Indian Affairs Department has thought often of the problems that the Indian children encounter and wished that they had these problems under control. I hold no steadfast conclusions concerning what is good for the present or for the future. However, I do feel strongly that when the residential schools are abolished something better is forthcoming. In this connection I'd suggest that whatever is forthcoming, the Indians must have a strong voice in its construction and in whatever policy is needed. This would be only fair in that it is their lives and future that are at stake. I hope that what I have written is of some reinforcement value to my readers.

Native Voice, April 1968

5

MEN DON'T UNDERSTAND

Indian Women Call For Prompt Action

By TERRY FRENCH

Indian women from reserves all over B.C. rallied at Sardis recently and "struck out for independence" from the Department of Indian Affairs.

Indian Homemakers Clubs, a cross-Canada group originated on reserves by the Department to foster knitting and sewing, now wish to be recognized as a pressure group.

Under chairmanship of Mrs. Albert Douglas, wife of Chief Douglas of Cheam band, Rosedale, they met, decided to change their constitution, be registered under the Society's Act and hold a tag day to raise money. The money will be used as emergency fund and to carry out their plans to better the lot of the Indian.

EXECUTIVE ELECTED

A provincial executive was elected to represent the 52 Homemakers clubs among B.C.'s 47,000 Indian population in 250 bands.

When their new consttiution is ratified, the Homemakers hope to gain the co-operation of church groups and other interested organizations and to ask the government for a Citizenship and Integration grant.

The women explained before the rally that the Department's failure to provide money for delegates to the recent Homemakers Club convention in Chilliwack prompted them to hold the rally and to become independent.

Mrs. J. S. Michel of Musqueam commented, "We're not feeling sorry for ourselves. The (Indian Affairs) Department is not helping us, but it is really giving us a boost to get going on our own."

LESS SUPPORT

At a pre-rally meeting, a member said that the Department encouraged the clubs for the first few years but that since they've become more of a pressure group they've received less and less support.

"This year there has been no money at all. Other years they paid for a delegate to the convention. We wrote and phoned for money this year but there was no answer."

Finding enough money to attend meeting and conventions is a problem.

Mrs. Ben Paul of Richmond, granddaughter of the late Pierre Lewis, Chief of Okanagan No. 1 band for 27 years, said at the rally that her mother, Mrs. Ben Lewis of Vernon would be there if she could sell her horse. She sold it and she was there by noon.

Many others couldn't make it, but phoned their encouragement.

The Homemakers say they want more than sewing and cooking from their clubs now — they want to be bargaining agents between the Indian Affairs and the reserves. Many of the clubs already act as counselling groups on the reserves and in many areas are recognized as spokesmen for their bands.

NO ACKNOWLEDGEMENT

Mrs. Burns Mussell of Chilliwack's Skwah band said, "We feel we should be heard here—that are so many of us. We have sent resolutions to the Department, but we've received no acknowledgement that they have received them. There has been no action."

They decided that an executive on provincial level would have more influence, provide administration for funds they hope to raise in a province-wide tag day, keep their business together, keep contact with all the other clubs and follow up resolutions made.

The Indian women have much to say, but they feel no one is listening and no one is interested.

They want people to know more about Indians, and they want people to hear their objections, observations, complaints and opinions.

ALLOWED TO DIE

They claim that Indians are allowed to die in situations where help would be brought for non-Indians. They say they are very concerned about the high rate of suicides among Indians, the suicides caused by hopelessness and frustration on the reserves.

They claim inequality in treatment from welfare agencies who insist they go through not only the welfare agency but the Indian agency as well.

Would they like to see the abolition of the Department of Indian Affairs?

The answers varied with each woman—some saying yes, others saying no, and still others saying not just yet, but eventually. "I'd like to see more of our people have more education than those working in those offices," said one member. Before the Department is abolished, they agreed, they have to be stronger. They have to get along together, and the Indian organizations which don't work together must start to do so.

They met from 10 in the morning until five in the afternoon with just a half hour lunch stop, and came away exhilarated with hope and ideas. They came away savoring independence and wanting to find out why, as one member put it, "they are not treated as other citizens."

MEN DON'T UNDERSTAND

At the rally, chairman Mrs. Douglas commented that "the men don't really understand what we're trying to do (a sentiment universally shared by many husbands of club women) but they expect to go ahead just the same and to be "just like everybody else."

Named president was Mrs. Earl Underhill of North Surrey; vice-president, Mrs. Rose Charlie of Harrison Mills; second vice-president, Mrs. Simon Baker, wife of Chief Baker of Squamish; recording secretary, Miss Marlina Peters of ,Vancouver, formerly Mount Currie; corresponding secretary, Miss Laura Williams of Harrison Mills; treasurer, Miss Virginia Peters, Harrison Mills.

Native Voice, April 1968

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LESS HATRED

Editor, Native Voice.

I would, be more in favor of the 'Native Voice' if its attitude were a little more one of good will, with a little less hatred and bitterness. If we nurture hatreds because of the past which nobody can change now, consider how hopeless is the world situation after two great wars. The quicker we forget certain things, the better.

Do Indians still believe that anybody can lay claim to large areas of the earth, merely because their ancestors lived there? Do they not recognize that nobody can make binding and lasting agreements for generations yet unborn, for the simple reason that the unborn generation may not agree and living men always win arguments over dead ones?

As an instrument of goodwill and liaison, the Native Voice can perform a vast service for all Canadians — nothing can be gained for anybody by keeping ill-will alive. Why not get with all the progressive Indians who have made good, who hate nobody in particular, who ask for their people — particularly the younger ones — a chance to succeed without discrimination, and who make no such wild claims as owning all British Columbia!

There are many Native people who are reasonable and progressive, a credit to their race and to mankind. Very often the haters, it would seem, want concessions of oil and negotiable assets that they may squander these in drunken debauchery on Reserves where even their daughters are unsafe. In so many cases, the Indian not the white man has been his own worst enemy. If Indian culture is so superior, why have Indians adopted whiteman's vices more readily than any other part of his culture, generally? Best Wishes, Native Voice, for another look!

Eldred Miller
Namao Pastoral
Charge of United
Church of Canada.

Native Voice, Aug-Sept 1967, p 13

7

School Superintendent

VICTORIA, B.C. — Donald A. Smith, a Cree Indian from Manitoba, has been appointed superintendent of Indian schools for the north coast district of British Columbia. He is the first Indian to hold a school superintendent's position in the province.

Canadian Author's Book on School Textbook List

PORT ALBERNI, B.C.—George Clutesi, Sheshaht Indian poet, artist and lecturer, has written a book about his people called "Son of Raven, Son of Deer."

It has been added to the prescribed textbook list for 1968 — probably the first time in Canadian history that a book written by an Indian has been so listed.

Clutesi, well known as one of the finest painters of British Columbia's native art, was invited to paint a mural for the Indians of Canada Pavilion at Expo '67.

INDIAN PLIGHT 'MAJOR SHAME'

HALIFAX — Robert Andras, minister without portfolio, said recently the continuing plight of Indians is Canada's "earliest failure and probably its major national shame.

"We must and should bring about a dramatic reversal in our past performance," he said.

Native Voice, SEpt 1968, p 4

8

Indians reject plan

Four B.C. Indian groups voted Sunday to reject the federal government's proposal to repeal the Indian Act and turn over responsibility for Indian matters to the provinces.

More than 100 delegates from the Native Brotherhood of B.C., the Southern Vancouver Island Tribal Federation, the Confederation of Native Indians and B.C. Indian Homemakers' Association voted "almost unanimously" to reject the proposal, said spokesman Ben Paul.

Indian Affairs Minister Jean Chretien, who had asked a meeting with 25 delegates at the regional office in Vancouver today, will be invited to meet with the groups at the Musqueam Hall instead, said Paul.

Questions of legal guarantees in land, and hereditary, aboriginal, educational, health and welfare, offshore and reclaimed land rights must be settled, said Paul.

He said the Indian delegates were concerned that the machinery was already in motion to implement the policy over five years, without consultation with the Indians concerned.

"As far as these groups are concerned the Indians here have never been conquered, and we want to be compensated for all the lands in B.C. which belonged to the Indians."

Paul said the Indian groups want to draw up their own policy under their own terms of reference to protect these rights.

Chretien called for equal rights for Indians and proposed repeal of the Indian Act. The provinces would take over services to Indians and the Indian Affairs department would be wiped out in five years.

Paul claimed Chretien already had sent a letter to Indian Affairs personnel saying the policy will be implemented as soon as possible.

Vancouver Province, July 7 1969

9

B.C. Indian chiefs vote for united front

Special to The Province

KAMLOOPS — B.C.'s Indian chiefs voted unanimously Thursday to establish a united front to deal with problems common to B.C. Indians.

The resolution introduced by Heber Maitland of Kitimat and seconded by Nick Prince of Fort St. James asked the chiefs' conference here to reaffirm its adherence to the principle of a united body dealing with problems common "to all our people in B.C."

Maitland said it is in the best interests of Indians if they speak with one voice on questions of Indian status, land claims based on aboriginal titles, administration of reserve lands and other issues such as those arising from the federal government's new policy proposals.

The conference did not give any indication what the organization's structure will be.

Guy Williams, president of the Indian Brotherhood of B.C., said, Indians have never attained unity but throughout the years they have never lost sight of it.

"We have to strive for unity to create a better way of life for our people. We have all lived in hopes that one day there will be unity among the B.C. Indians. You're very close to that now," said Williams.

He said that adopting the resolution was a simple task but "in passing it you must shoulder the responsibility that will be yours to keep and support the organization that will be spawned on the trust that is being put before you."

Other appeals for unity were made by James Stelkia of Oliver, Chief John George of North Vancouver, Mrs. Evelyn Paul of the Indian Homekakers Association, Richmond, and Chief James Gosnell of New Aiyanish.

Chief Gosnell said even the weakest band should be part of the united organization.

"Some people like me are speaking for 1,100 people but other delegates are speaking here for six people," he said.

"It is the six that we have to concerned about and consider. They are not unified by strength of numbers."

Chief Harvey Jules of Chase appealed to delegates to consider the future generations "who will come after we can be united and walk forward together, shoulder - to - shoulder, and that is the only way we can survive and pave the road for our future people."

Chief Earl Tatoosh of Port Alberni and Chief Cecil Mack of Ucluelet urged unity but called for the rejection of the federal government's White Paper on Indian policy.

"We want a strong, united front to tackle the White Paper," said Mack urging chiefs to watch what the federal government is doing.

Chief Wilson Bob of Wellington said he would not join with other chiefs and delegates "to have my picture taken under false pretenses."

He said that if the chiefs were to be photographed together they must first decide on unity.

When conference chairman Gus Gottfriedsen of Kamloops called for the vote it was given unanimous approval and was followed by one minute of applause and table - thumping.

Vancouver Province Nov 21, 1969

10

Meeting ends in city today

The first annual B.C. Indian chiefs conference which closes this afternoon after six days of sessions, struck an interim committee yesterday to bring in recommendations on the organizational structure of the united front.

The chiefs had earlier agreed to present a united front to discuss problems facing the Indian people.

The committee is made up of Dennis Alphonse of Cowichan; Gus Gottfriedsen, Kamloops band councillor; Heber Maitland of Kitimat; Joe Mathias of North Vancouver; Mrs. Ben Paul of the Indian Homemakers Association and a resident of Richmond; and Phillip Paul of Qualicum Beach.

Alvin Dixon of the Department of Indian Affairs will act as advisor.

Delegates also tabled a resolution that called for the drafting of a counter proposal to the federal government's white paper on Indian policy.

The resolution, debated most of yesterday afternoon, stated that while the white paper has principles that are acceptable to some Indians and other Indians do not accept any part of the white paper, be it resolved that "this conference strike a committee responsible for drafting a counter proposal to the said policy."

The resolution also stated that this committee report its final draft of proposals to the next chiefs conference.

Counter proposals

"Be it further resolved that the federal government be requested to discontinue all negotiations with the Indian people of the province of B.C. with respect to its policy of British Columbia until such time as the counter proposals are presented."

The resolution also called for the report on the white paper prepared by former Kamloops MP Davie Fulton to be used as a guideline.

After a shuffling of guest speakers and possible guest speakers coupled with poor airline connections, Guy Williams, president of the Native Brotherhood of B.C., was guest speaker at last night's banquet attended by 250.

Indian Affairs Minister Jean Chretien was first slated to appear at the banquet but said Wednesday he couldn't make it because of an important debate that was in the House Friday.

It was then thought that Bill Mussell, a Vancouver Island Indian and special assistant to Mr. Chretien would attend the banquet.

The banquet was delayed more than an hour waiting his arrival and the PWA Stampeder flight from Calgary was also delayed but Mr. Mussell failed to make plane connections in Calgary.

Mr. Williams, who was slated to introduce Mr. Mussell, then assumed the job as guest speaker.

He said the Native Brotherhood is the oldest Indian organization in B.C. as it was founded in May 1917.

Should note effort

Referring to the government's white paper Mr. Williams said, "Perhaps the government should explain some of the effort that went into preparing this paper. We may not agree with it. We may want more than it is prepared to offer us."

"Those who came to Canada did their best to exterminate us. The Indian people survived but our society was destroyed and the white people failed to put us into their level. That is the one thing they failed to do.

"At least after the Roman invaders left England after 400 years they left roads. I understand you have a man in this city who claims to have built many roads. I say, 'Go back to Europe and leave us the roads.'"

Mr. Williams challenged Indians to accept the offer of the white society, to accept at least a portion of the white paper, but only accept if the offers are made to the Indian people as equals!

Delegates are faced with 33 resolutions today and, according to Kamloops chief Clarence Jules, the debate on resolutions will determine if the conference is a success or not.

Kamloops Daily Sentinel, Nov 22 1969

11

Indian peoples' future which is now at stake

It is a great pity that Indian Affairs Minister Jean Chretien was unable to keep his commitment to speak tonight at the Indian Chiefs' Conference in Kamloops.

The minister informed the conference two days ago of his inability to attend because of other pressing business—presumably in the House—but it is difficult to imagine business any more important than the opportunity to meet all the Indian leaders of one province, to explain the federal government's white paper policy proposals for Indians and, most important, to hear what the Indians themselves have to say about those proposals. Here was a hand-made opportunity for a free exchange of views on a most controversial issue: policy proposals which the Hon. Davie Fulton has stated could mean the end of the Indians as a people, and for which Alberta Indian leader Harold Cardinal has called complete rejection.

These are proposals which the Indian people have stated were formulated unilaterally and without consultation of those to be affected. These are proposals which would make the provinces responsible for Indian affairs with the provincial governments assuming the costs. But, as Mr. Fulton pointed out in his appraisal of the white paper proposals, "It is doubtful that the provinces would agree in any event and this would seem to be an attempt by the federal government to evade or abandon its constitutional authority."

So here we have a people—the first Canadians—faced with the dilemma that no level of government apparently wants to assist them to attain equal status with non-Indians, and to receive the same treatment and benefits as non-Indians. Under these circumstances, it is not surprising that the 154 chiefs who have been meeting here this week have produced wide divergences of opinion on how to deal with the situation.

To Mr. Chretien a particular piece of House business may be more important, but to the Indians of this nation nothing is more important than their future as a people. Mr. Chretien's absence is, to say the least, unfortunate.

Editorial, Kamloops Daily Sentinel, Nov 21 1969

2005-2006 Accords and Agreements

Monarch: Queen Elizabeth II
Prime Minister: Paul Martin, to February 2006; Stephen Harper, from February 2006
Premier: Gordon Campbell
Federal Ministry: Indian Affairs and Northern Development Canada

In the News

2005	The Supreme Court of Canada asserts Canada was 75% responsible and the churches 25% responsible for damages in Blackwater v. Plint.
2005 Nov	In Kelowna BC, First Ministers and National Aboriginal Leaders sign an agreement to strengthen relationships; this becomes known as the Kelowna Accord.
2005 Nov	The claims for compensation by thousands of Indian Residential School Survivors represented in class action lawsuits are resolved with the Indian Residential School Settlement Agreement.
2006 March	A new federal government dismisses the Kelowna Accord, advocating different strategies for Aboriginal affairs.
2006 March	The United Nations General Assembly establishes the UN Human Rights Council
2007	Duncan Campbell Scott and Joseph Trutch are placed on historian's panel of Worst Canadians.
2007 Sept	The United Nations Declaration on the Rights of Indigenous Peoples is signed in New York; Canada does not endorse it until 2010.

Backgrounder

The first decade of the 21st century was a pivotal time for the changing relationship between First Nations and other Canadians. Much of this was brought about through the courts.

In the 1990s Indian Residential School survivors began to take legal action to get compensation for physical and sexual abuse they had suffered. At first these were individual claims but in 1996 the first class action suit was initiated by Nora Bernard in Nova Scotia. By 1998 there were more than a thousand claims against the federal government. That year, Canada issued a "Statement of Reconciliation" apologizing for the tragedy of the Residential Schools.

The number of claims filed against Canada continued to grow, and in 2002 a National Class Action was filed for compensation for all former Indian Residential school students in Canada, as well as their family members.

As a result of further judgements by the Supreme Court going against Canada, and the overwhelming number of lawsuits seeking compensation, Canada and nearly 80,000 survivors reached an agreement, called the Indian Residential School Settlement Agreement, in 2005. Out of this agreement came the commitment not only for individual compensation, but for the creation of the Truth and Reconciliation Commission, and moneys dedicated to a healing process.

1 Supreme Court of Canada Judgement
Blackwater v. Plint 2005 (excerpts)

Legal Glossary
- non-delegable statutory duty: an obligation that only one body can hold, and can not delegate
- statute-barred: when an offense occurred too far in the past to be allowed at trial
- vicarious liability: when one body is liable for the negligence of another body, even though the first body was not directly responsible for the injury.

SUPREME COURT OF CANADA
Citation: Blackwater v. Plint, [2005] 3 S.C.R. 3, 2005 SCC 58
Date: 20051021
Docket: 30176

The judgment of the Court was delivered by

THE CHIEF JUSTICE —

1. Introduction

1 Are the Government of Canada and the United Church of Canada ("Church") liable to Aboriginal students who attended residential schools operated by them in British Columbia in the 1940s, 1950s and 1960s? If so, on what legal basis are they liable, and how should liability be apportioned between them? Finally, what damages should be awarded? These are the central questions on this appeal.

2 The appeal arises from four actions commenced in 1996 by 27 former residents of the Alberni Indian Residential School ("AIRS") claiming damages for sexual abuse and other harm. The children had been taken from their families pursuant to the Indian Act, S.C. 1951, c. 29, and sent to the school, which had been established by the Church's predecessor, the Presbyterian Church of Canada, in 1891 to provide elementary and high school education to Aboriginal children whose families resided in remote locations on the west coast of Vancouver Island. The children were cut off from their families and culture and made to speak English. They were disciplined by corporal punishment. Some, like the appellant Mr. Barney, were repeatedly and brutally sexually assaulted.

3 A number of former students, including Mr. Barney, brought an action for damages for the wrongs they had suffered. The trial proceeded in two stages; an inquiry into vicarious liability ((1998), 52 B.C.L.R. (3d) 18 ("1998 decision")) followed by a further liability and damages assessment three years later ((2001), 93 B.C.L.R. (3d) 228, 2001 BCSC 997 ("2001 decision")).

4 The trial judge found that all claims other than those of a sexual nature were statute-barred. He held a dormitory supervisor, Plint, liable to six plaintiffs for sexual assault. He held Canada liable for the assaults on the basis of breach of non-delegable statutory duty, and also found that Canada and the Church were jointly and vicariously liable for these wrongs. He apportioned fault 75 percent to Canada and 25 percent to the Church. The trial judge awarded Mr. Barney $125,000 general damages and $20,000 aggravated damages, against the Church and Canada. In addition, the trial judge awarded Mr. Barney punitive damages against Plint in the sum of $40,000 plus a future counselling fee of $5,000. Other plaintiffs were awarded amounts commensurate with their situations.

5 All the parties appealed to the B.C. Court of Appeal. The Court of Appeal applied a doctrine of charitable immunity to exempt the Church from liability and to place all liability on Canada on the basis of vicarious liability ((2003), 21 B.C.L.R. (4th) 1, 2003 BCCA 671). It expressed the view that Canada was more responsible than the Church and in a better position to compensate for the damage, and concluded that vicarious liability should not be imposed on the Church. It also granted one of the plaintiffs, M.J., a new trial, and increased the damages of two others. The Court of Appeal awarded Mr. Barney an additional $20,000 for loss of future earning opportunity. Otherwise, it maintained the differing awards for sexual abuse.

6 The plaintiff Mr. Barney and the defendant Canada now appeal to this Court. Mr. Barney alleges errors in the application of the principles of liability and the assessment of damages. [...]

7 Canada raises the following issues relating to liability and fault:

1. Whether in the circumstances of this case the Court of Appeal erred in granting the Church

charitable immunity from vicarious liability;
2. Whether the trial judge erred in finding Canada owed and breached a non-delegable duty arising from the Indian Act such that Canada is liable for the abuse the plaintiffs suffered at the AIRS; and
3. Whether the trial judge erred in apportioning fault between Canada and the Church on anything but an equal basis in circumstances where both defendants were liable solely on no-fault legal principles.

8 The two appeals, considered together, raise the following legal issues, which I propose to deal with in order:

1. Negligence
2. Vicarious liability
3. The doctrine of charitable immunity
4. Non-delegable statutory duty
5. Fiduciary duty
6. Apportionment of damages
7. Damages: the effect of prior harm
8. General and aggravated damages: quantum
9. Punitive damages
10. Loss of future opportunity

9 A more general issue lurks beneath the surface of a number of the specific legal issues. It concerns how claims such as this, which reach back many years, should be proved, and the role of historic and social science evidence in proving issues of liability and damages. For example, to what extent is evidence of generalized policies toward Aboriginal children relevant? Can such evidence lighten the burden of proving specific fault and damage in individual cases? I conclude that general policies and practices may provide relevant context for assessing claims for damages in cases such as this. However, government policy by itself does not create a legally actionable wrong. For that, the law requires specific wrongful acts causally connected to damage suffered. This appeal must be decided on the evidence adduced at trial and considered by the Court of Appeal.

10 In the result, I conclude that the Court of Appeal erred in finding that the Church was protected by the doctrine of charitable immunity, and that the trial judge erred in finding a non-delegable statutory duty on Canada on the terms of the Indian Act. I would not interfere with the trial judge's conclusions on negligence, vicarious liability, breach of fiduciary duty or the assessment of damages.

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2.2 Vicarious Liability

18 The trial judge accepted that the Church and Canada were vicariously liable for the wrongful acts of the dormitory supervisor, Plint. The Court of Appeal disagreed. While it upheld the trial judge's finding that Canada was vicariously liable because of its control over the principal and activities at AIRS, the court held that the Church's non-profit status exempted it from any liability.

19 I conclude that the trial judge was correct in concluding that both the Church and Canada are vicariously liable for the wrongful acts of Plint.

20 Vicarious liability may be imposed where there is a significant connection between the conduct authorized by the employer or controlling agent and the wrong. Having created or enhanced the risk of the wrongful conduct, it is appropriate that the employer or operator of the enterprise be held responsible, even though the wrongful act may be contrary to its desires: Bazley v. Curry, [1999] 2 S.C.R. 534. The fact that wrongful acts may occur is a cost of business. The imposition of vicarious liability in such circumstances serves the policy ends of providing an adequate remedy to people harmed by an employee and of promoting deterrence. When determining whether vicarious liability should be imposed, the court bases its decision on several factors, which include: (a) the opportunity afforded by the employer's enterprise for the employee to abuse his power; (b) the extent to which the wrongful act furthered the employer's interests; (c) the extent to which the employment situation created intimacy or other conditions conducive to the wrongful act; (d) the extent of power conferred on the employee in relation to the victim; and (e) the vulnerability of potential victims.

21 I turn first to the vicarious liability of the Church. On the documents, the Church was Plint's immediate employer. Plint was in charge of the dormitory in which Mr. Barney slept and was answerable to the Church. The trial judge considered the legal test for vicarious liability and concluded that the Church was one of Plint's employers. It employed him in furtherance of its interest in providing residential education to Aboriginal children, and gave him the control and opportunity that made it possible for him to prey on vulnerable victims. In these circumstances, the trial judge found the Church, together with Canada, to be vicariously liable for Plint's sexual assault of the children. However, the Court of Appeal concluded that because of management arrangements between the Church

and Canada, the Church could not be considered Plint's employer for purposes of vicarious liability.

22 The trial judge made at least eight factual findings that support his conclusion that the Church was one of Plint's employers in every sense of the word and should be vicariously liable for the assault.

[Paragraphs 23 to 31 not included]

32 The Court of Appeal, in rejecting the Church's vicarious liability, relied on Canada's degree of control over AIRS, the Church's specific mandate to promote Christian education, and the difficulty of holding two defendants — Canada and the Church — vicariously liable for the same wrong. I conclude that none of these considerations negate the imposition of vicarious liability on the Church.

33 The Court of Appeal's first reason for not imposing vicarious liability on the Church is that this would be inappropriate, given the degree of control over the operations exercised by the government. [...]

34 Despite these assertions, the incontrovertible reality is that the Church played a significant role in the running of the school. It hired, fired and supervised the employees. It did so for the government of Canada, but also for its own end of promoting Christian education to Aboriginal children. The trial judge's conclusion that the Church shared a degree of control of the situation that gave rise to the wrong is not negated by the argument that as a matter of law Canada retained residual control, nor by formalistic arguments that the Church was only the agent of Canada. Canada had an important role, to be sure, which the trial judge recognized in holding it vicariously liable for 75 percent of the loss. But that does not negate the Church's role and the vicarious liability it created.

35 The Court of Appeal's second reason for not holding the Church vicariously liable is that Plint's employment as dormitory supervisor fell outside the only area in which the Church was mandated to make decisions — the provision of a Christian education. Again, this argument flies in the face of reality. The Church in fact ran the dormitory, as well as other parts of the school. Whether or not that fell within some formal definition of its objects is irrelevant.

36 The third reason, and the one that seems to drive the decision of the Court of Appeal on the Church's vicarious liability, is discomfort with the idea that two defendants can be vicariously liable for the same conduct.

37 This concern, however, may be misplaced. There is much to support the view of P. S. Atiyah in Vicarious Liability in the Law of Torts (1967), that "[t]here is, of course, no reason why two employers should not jointly employ a servant, and this would normally be the case with the employees of a partnership. Here the servant is the servant of each partner and of all jointly, and they are all jointly and severally liable for the servant's torts": p. 149. Thus, joint vicarious liability is acceptable where there is a partnership.

38 In this case, the trial judge specifically found a partnership between Canada and the Church, as opposed to finding that each acted independently of the other. No compelling jurisprudential reason has been adduced to justify limiting vicarious liability to only one employer, where an employee is employed by a partnership. Indeed, if an employer with de facto control over an employee is not liable because of an arbitrary rule requiring only one employer for vicarious liability, this would undermine the principles of fair compensation and deterrence. I conclude that the Church should be found jointly vicariously liable with Canada for the assaults, contrary to the conclusions of the Court of Appeal.

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3. Conclusion

97 I conclude that the Court of Appeal erred in finding that the Church was not vicariously liable for the sexual abuse to Mr. Barney. The Court of Appeal also misapplied Bazley to find the Church immune from liability. The trial judge erred in finding a non-delegable statutory duty on the terms of the Indian Act. The trial judge correctly apportioned the damages unequally between the Church and Canada. No basis has been established for finding negligence, breach of fiduciary duty or for reassessing the damage awards in this case.

98 The appeal of Mr. Barney is dismissed. The appeal of Canada is allowed in part. The judgment of the trial judge on the issues of joint vicarious liability against the Church and Canada, and assessment and apportionment of damages, is restored. The judgment of the Court of Appeal on the issue of charitable immunity is set aside. The Court of Appeal's award to Mr. Barney for loss of future earning opportunity is upheld. In the circumstances, I would make no order as to costs, leaving each party to bear its own costs.

Source: http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2239/index.do

2 Supreme Court of British Columbia Approves the Residential School Settlement Agreement, 2006

IN THE SUPREME COURT OF BRITISH COLUMBIA

Quatell v. Attorney General of Canada,

2006 BCSC 1840

Date: 20061215

Before: The Honourable Chief Justice Brenner

Reasons for Judgment

INTRODUCTION

[1] This is an application for certification of this action as a class proceeding and for approval of a proposed settlement. The underlying case relates to claims arising throughout Canada as a result of the existence and operation of institutions known collectively as "Indian Residential Schools." Parallel proceedings have been filed in nine jurisdictions in Canada and approval of the proposed settlement in each jurisdiction is a condition precedent to the resolution of all of the pending class action cases.

[2] The residences and numbers of the proposed class members may be seen in the following information assembled in 2001 and provided to the court by one of plaintiff's counsel:

Ontario (including Atlantic) - 11,257
Quebec – 10,479
Manitoba – 8,736
Saskatchewan – 14,911
Alberta – 11,002
British Columbia – 14,391
Territories – 7,724

Counsel advise that these numbers have likely reduced by some 6% as of 2006.

[3] The parties authorized the judges in the nine jurisdictions to communicate with each other prior to, during and following the hearings in each jurisdiction. [...] My colleagues have summarized the history of the residential schools and the tragic consequences for many who attended. They also describe and analyze the settlement terms. I concur with their reasons and analysis.

[4] I conclude that the requirements for certification pursuant to the Class Proceedings Act, R.S.B.C. 1996, c. 50 have been met and the proposed settlement is fair, reasonable and in the best interests of the Class, subject to the matters raised by Winkler J and itemized by Ball J at paragraph 19 of his reasons. In these reasons, I deal with certain additional matters raised during the B.C. application

[5] In this court the hearing proceeded for five days. In addition to the submissions of counsel, in excess of eighty objectors spoke directly to the court. Many others filed written submissions either at the hearing or subsequently. In his reasons, Winkler J comments that the residential school policy "has now been widely acknowledged as a seriously flawed failure." In their statements to the court, the objectors underscored the accuracy of that observation. Most spoke of their experience at residential school. While each had an individual story to tell, there were also common shared themes that ran through many of the submissions: being taken from home, often forcibly, at an early age; having their language and culture banned; and being prevented from even communicating with their siblings at the same school. They described poor or inadequate food, harsh corporal punishment and instances of physical and sexual abuse.

[6] Many of the objectors had concerns with the proposed settlement. Others supported it. Yet others spoke of being torn between the advantage of accepting the proposed settlement and their concerns with a number of the provisions of the Settlement Agreement.

[7] This settlement represents a compromise of disputed claims. For that reason it is undoubtedly the case that claimants will not be happy with every provision of the settlement. Some might well choose to reject it. However, those members of the class who decide that the disadvantages of the Settlement Agreement outweigh its advantages are free to opt out of the provisions of the Class Proceedings Act and pursue their individual claims against the defendants. If they choose to opt out, nothing in this class proceeding will affect them or any actions they may choose to bring. In my view, the opt out right supports approval of the agreement.

[8] Another factor favouring approval of the agreement is the Common Experience Payment ("CEP"). This may be claimed by any class member solely on the basis of attendance at an Indian Residential School. They do not have to prove that they suffered any injury or harm; they are only required to establish the fact of their attendance.

[9] A repeated theme in these cases is the effect that attendance at Indian Residential Schools had on the language and culture of Indian children. These were largely destroyed. However, no court has yet recognized the loss of language and culture as a recoverable tort. Even if such a loss was actionable, most claims would now be statute barred by the Limitation Act, R.S.B.C. 1996, c. 266. The CEP can therefore be viewed, at least in part, as compensation for a loss not recoverable

at law. In my view, this represents an important advantage to the class.

[10] The class members who wish to also advance a claim for serious physical or sexual abuse can choose to participate in the Independent Assessment Process("IAP"). The IAP should provide a fair and expeditious means of having these claims assessed and paid. Since most claims for abuse of a non-sexual nature are also statute barred under B.C. law, the IAP offers a recovery mechanism not otherwise available to the class members in this province.

[11] That said, it is nonetheless imperative that the administrative deficiencies raised by Winkler J be addressed. For more than 100 years, Canada was principally responsible for the residential schools. In the leading case of Blackwater v. Plint, [2005] 3 S.C.R. 3, 2005 SCC 58, the Supreme Court of Canada ruled that Canada was 75% at fault for the abuse suffered by students at the Alberni Indian Residential School.

[12] Many objectors expressed concern over the fact that Canada, the very party that was largely responsible for creating this problem, will be administering this settlement. Not surprisingly, the class members do not have a high level of confidence in Canada's ability to fairly or properly deal with them. In my view, this particular dynamic adds additional weight to the concerns articulated by Winkler J.

[13] I agree that Canada's administrative function should be completely isolated from the litigation function, with an autonomous supervisor or supervisory board reporting ultimately to the courts. As Winkler J states in his Reasons, this separation will serve to protect the interests of the class members and insulate Canada from unfounded conflict of interest claims.

[14] In saying this I am not critical of the efforts of the parties, including Canada, to date in this case. Likely, the parties focussed on reaching an acceptable settlement and only when that was done turned their minds to its execution. Some of the challenges are accurately described in the affidavit material filed by Canada. However, what is readily apparent to everyone in this case is the necessity to avoid yet another exercise in failed paternalism, real or perceived. For this reason I agree with Winkler J and would condition my approval on the filing of an administration plan acceptable to the courts.

LEGAL FEES [paragraphs 15 to 20 not included]

ISSUES ARISING

[21] I now propose to respond to a number of issues that arose during the B.C. hearing.

DAY STUDENTS NOT COVERED

[22] This agreement and the certification will cover only those individuals who were in residence at an Indian Residential School. Many individuals attended these schools, but only as day pupils. While they did not live at the residential schools, their housing arrangements were nonetheless problematic. They, as well, were forced to live far from their homes and families; they too suffered loss of language and culture. They were subject to abuse both at the residential schools during the day and in the homes where they lived outside school hours. They experienced similar challenges to those who resided at the schools.

[23] Counsel for the plaintiffs advised me that the inclusion of the day students in the settlement was the subject of extensive negotiation. They said that the agreement was a compromise, which in the result meant they could not achieve the inclusion of these students in the class.

[24] However, although they are excluded from the settlement, the defendants have agreed that day students will be eligible to advance an IAP claim should they so choose. If they participate in the IAP process, those day students who suffered serious physical abuse will be able to advance claims that are likely statute barred. Those who wish to advance claims for sexual abuse will have a choice between the IAP process and the court system. In addition, since the day students are not class members, there will be no need for them to formally opt out in order to preserve their IAP claim, which they will be at liberty to advance within the time limits set out in the Settlement Agreement.

HEALING FUND

[25] Canada has agreed to commit $125 million over five years for a healing fund. Many objectors said that the funding would be insufficient and the time line too short. Many objectors observed that the damage done by the Indian Residential Schools went on for over a century and that the healing process would likely and understandably take longer than five years.

[26] The healing fund is a very positive aspect of the Settlement Agreement. While more may be required, it does contain a provision (paragraph 8.01) wherein Canada can revisit the question of the healing fund on or before the fourth anniversary of the fund. While Canada is not obligated to extend the time or the funding under the Settlement Agreement, that provision at least contemplates a review to assess whether the object of the healing fund has been met.

VERIFICATION PROCESS

[27] To receive the CEP, class members must prove their attendance at an Indian Residential School. For most members

of the class this will not cause any difficulty as attendance records are available. However, for some members of the class particularly the older members, the Churches and/or Canada have either lost or destroyed the attendance records and, hence, it will be difficult for them to prove their CEP claims. At the hearing, counsel advised me that Canada was working to overcome this difficulty. At the end of the hearing counsel advised that Canada has agreed to convene a meeting of the National Administration Committee to consider solutions. Counsel advised that they expected to be able to report a resolution of this problem to the court by the end of November.

[28] It is important that CEP recoveries for the class members not be prejudiced because Canada or the other defendants have discarded the attendance records. Given the advanced years of those most affected by this, an early solution is imperative. I will look forward to the further report from counsel.

NOTIFICATION[[paragraph 29 not included]

APOLOGY

[30] The Settlement Agreement and the financial commitments of Canada and the other defendants to resolve the Indian Residential School claims is a very positive development. However, many of the objectors said that if the parties, both class members and defendants, are to successfully put the tragedy of the Indian Residential Schools behind them, it is necessary that a full and appropriate apology be proffered to those who have suffered as a result of these schools. Minister Jane Stewart did read a statement of regret in the House of Commons several years ago,but many of the objectors said that this was insufficient.

[31] The Leadership Council of British Columbia is an unincorporated entity comprised of the Executive of the Assembly of First Nations (BC Region), the First Nations Summit and the Union of British Columbia Indian Chiefs. The Leadership Council submitted that "a formal and unequivocal apology from the Prime Minister of Canada to the Aboriginal People of Canada must be an integral part of this settlement. It is further submitted that in order to work towards achieving true resolution, the form of apology should include a request for forgiveness."

[32] As I explained at the hearing, the court does not have the power to order or direct Canada to issue such an apology. Even if the court had such power, an apology offered pursuant to an order of the court would be of doubtful value; its underlying compulsion would destroy its effectiveness.

[33]However, I received many eloquent and passionate submissions from objectors seeking a suitable recognition by Canada of the inordinate suffering of the Aboriginal peoples caused by the Indian Residential School experience and expressing the hope that they could receive a full apology from the leader of Canada's government.

[34] There is an important cultural component to this. As submitted by counsel for the Leadership Council of British Columbia: "Aboriginal Justice Systems almost always stress reconciliation. Aboriginal Justice Systems also usually stress the need to restore harmony and peace to a community. Leaving parties dissatisfied or with feelings of inadequacy or lack of completion does not restore community harmony or peace. For Aboriginal students of Residential Schools and their families, an apology will acknowledge the wrong suffered by them and validate their struggle for compensation and redress."

[35] Although I am making no order and I am issuing no directions, I would respectfully request counsel for Canada to ask that the Prime Minister give consideration to issuing a full and unequivocal apology on behalf of the people of Canada in the House of Commons.

[36] Clearly by committing to these settlement negotiations and by entering into the Settlement Agreement and the ongoing process, Canada has recognized its past failures with respect to the Indian Residential Schools. However, based on what I heard during these hearings and in other residential school litigation, I believe that such an apology would be extremely positive and would assist the objective of all parties in achieving the goal of a national reconciliation.

[37] I would also respectfully suggest that Canada give consideration to offering an appropriate statement at the opening of the Truth and Reconciliation Commission. While this is ultimately for Canada and the Commission to decide, I would suggest that such a statement delivered in the early stages of the Commission's hearings would do much to emphasize both Canada's recognition of the extent of the failure of past policy as well as Canada's desire to achieve a national reconciliation with the Aboriginal people of Canada. It would also serve to underscore and emphasize the importance of the work to be carried out by this Commission.

CONCLUSION

[38] I conclude by confirming that I find this action should be certified and that the proposed settlement is fair, reasonable and in the best interests of the class members. I propose an early hearing with counsel so that the administrative deficiencies in the agreement can be rectified and the appropriate orders finalized and entered.

D. Brenner, CJSC

The Honourable Chief Justice Brenner

3

May 8, 2006

Indian Residential Schools Settlement Agreement

WHEREAS:

A. Canada and certain religious organizations operated Indian Residential Schools for the education of aboriginal children and certain harms and abuses were committed against those children;

B. The Parties desire a fair, comprehensive and lasting resolution of the legacy of Indian Residential Schools;

C. The Parties further desire the promotion of healing, education, truth and reconciliation and commemoration;

D. The Parties entered into an Agreement in Principle on November 20, 2005 for the resolution of the legacy of Indian Residential Schools:

(i) to settle the Class Actions and the Cloud Class Action, in accordance with and as provided in this Agreement;

(ii) to provide for payment by Canada of the Designated Amount to the Trustee for the Common Experience Payment;

(iii) to provide for the Independent Assessment Process;

(iv) to establish a Truth and Reconciliation Commission;

(v) to provide for an endowment to the Aboriginal Healing Foundation to fund healing programmes addressing the legacy of harms suffered at Indian Residential Schools including the intergenerational effects; and

(vi) to provide funding for commemoration of the legacy of Indian Residential Schools;

E. The Parties, subject to the Approval Orders, have agreed to amend and merge all of the existing proposed class action statements of claim to assert a common series of Class Actions for the purposes of settlement;

F. The Parties, subject to the Approval Orders and the expiration of the Opt Out Periods without the Opt Out Threshold being met, have agreed to settle the Class Actions upon the terms contained in this Agreement;

G. The Parties, subject to the Approval Orders, agree to settle all pending individual actions relating to Indian Residential Schools upon the terms contained in this Agreement, save and except those actions brought by individuals who opt out of the Class Actions in the manner set out in this Agreement, or who will be deemed to have opted out pursuant to Article 1008 of The Code of Civil Procedure of Quebec;

H. This Agreement is not to be construed as an admission of liability by any of the defendants named in the Class Actions or the Cloud Class Action.

THEREFORE, in consideration of the mutual agreements, covenants and undertakings set out herein, the Parties agree that all actions, causes of actions, liabilities, claims and demands whatsoever of every nature or kind for damages, contribution, indemnity, costs, expenses and interest which any Class Member or Cloud Class Member ever had, now has or may hereafter have arising in relation to an Indian Residential School or the operation of Indian Residential Schools, whether such claims were made or could have been made in any proceeding including the Class Actions, will be finally settled based on the terms and conditions set out in this Agreement upon the Implementation Date, and the Releasees will have no further liability except as set out in this Agreement.

4 FIRST MINISTERS AND NATIONAL ABORIGINAL LEADERS STRENGTHENING RELATIONSHIPS AND CLOSING THE GAP

KELOWNA, BRITISH COLUMBIA

NOVEMBER 24-25, 2005

INTRODUCTION

First Ministers and National Aboriginal Leaders agree to take immediate action to improve the quality of life for the Aboriginal peoples of Canada in four important areas – health, education, housing and relationships. They also agree that enhancing economic opportunities is a key priority area for multilateral action. To ensure that tangible progress is made, First Ministers and National Aboriginal Leaders have set goals and agreed on the need for indicators to measure progress.

Aboriginal and treaty rights, including rights under modern land claim agreements, play an important role in improving the quality of life of the Aboriginal peoples of Canada.

The Aboriginal peoples of Canada includes the Indian, Inuit and Métis peoples of Canada. This is inclusive of all Aboriginal peoples, who may reside on reserves or settlements, in rural or urban areas, or northern and Arctic regions.

Indians (First Nations), Inuit and Métis have unique histories, cultures, traditions and relationships with federal-provincial-territorial governments. Their social and cultural distinctions are a defining feature of Canada and form an important context for cooperative efforts to improve their well-being. In addition, this document contains commitments that address the interests of Aboriginal peoples living in urban and rural areas.

This meeting fulfills a commitment made at the September 2004 Special Meeting of First Ministers and Aboriginal Leaders to convene a meeting dedicated to Aboriginal issues, including the key determinants of health.

PRINCIPLES

The following principles will guide how the parties will work together:

- Recognizing and respecting the diverse and unique history, traditions, cultures and rights of the Aboriginal peoples of Canada which include the Indian, Inuit and Métis peoples of Canada – by adopting a distinctions-based approach;
- Addressing the differing circumstances of Aboriginal peoples in all regions and communities regardless of place of residence (on reserves or settlements, in rural or urban areas, or northern and Arctic regions) or legal status under the Indian Act;
- Working collaboratively with First Nations, Inuit and Métis women to address their needs through their participation in the development of culturally relevant policies and programs that affect Aboriginal peoples;
- Working collaboratively with First Nations, Inuit and Métis in an inclusive manner on policy and program development to ensure that their interests are appropriately reflected in programs and services that affect all Aboriginal peoples, as well as, where appropriate, engaging Aboriginal service delivery organizations;
- Respecting existing bilateral, tripartite and multilateral agreements and processes;
- Respecting regional differences; and,
- Being accountable and reporting regularly to their respective constituencies on achieving progress through agreed-upon culturally relevant indicators and targets, at regional and national levels, as appropriate.

Source: http://www.health.gov.sk.ca/aboriginal-first-ministers-meeting

5 DOCUMENT : 800-044/ 012

MEETING OF FIRST MINISTERS AND NATIONAL ABORIGINAL LEADERS

VERBATIM TRANSCRIPT (Unrevised) Public Session November 24, 2005
KELOWNA, British Columbia

CHIEF PHIL FONTAINE (AFN): I want to extend greetings to all the first ministers, our brothers and sisters from the Métis and the Inuit and to the Okanagan Nation who are our host for this meeting. I also want to express my deepest thanks and appreciation to all of those kind people that blessed the success of this gathering. [...]

I want to begin by speaking to a very recent development, the agreement in principle we achieved yesterday with the federal government on a fair and just settlement package for residential school survivors. It is of crucial importance that we resolve this issue from our shared past if we are going to truly engage in a discussion of our shared future.

Simply put, yesterday was a great day. I hope today will be another great day and the beginning of a new era in the relationship between First Nations and first ministers. [...]

My message today is straightforward. Poverty among First Nations can be eliminated. This goal is achievable within the near, not the distant, future and our achievement will benefit Canada as a whole.

Every First Nation citizen and every human being is entitled to have their basic needs met and governments have the responsibility to establish the conditions to make this possible. This principle lies at the heart of the constitutionally protected treaty agreements between the First Nations and other people. This principle must lie at the heart of the relationship between our people and other governments in Canada now and in future.

The denial of the existence of First Nations people and their rights has led to the deplorable social and economic conditions and crushing poverty in our communities. We need a new government-to-government relationship based on recognition, respect and accommodation of Aboriginal title, inherent rights and treaty rights. Through this new relationship, we can commit to the reconciliation of Aboriginal and Crown titles and jurisdictions.

I know that there are pessimists and cynics who think I am too optimistic. We are well aware of the many decades of failed efforts to tackle the oppressive conditions in many First Nations communities. It is my hope that we have finally learned a fundamental lesson.

Social theorists have confirmed that poverty is a structural outcome, not an accident or the result of some flaw in First Nations character. Quick fixes or, worse yet, blaming the victims of poverty will not work. Poverty can only be undone by dismantling the structure that created it in the first place, structures like the Indian Act. It will be necessary to replace this with a commitment to new structures that recognize and implement First Nations governments and their jurisdictions. [...]

First Nations governments and people require our federal and provincial partners to step up and make a first real installment and a real investment in this project.

Let me be very clear, this is not a handout or a guilt tax. This is about Canada resolving its unfinished business. It is a dividend to the First Nations who have contributed and continue to contribute so much to the prosperity of this country by investing in our lands and resources. With this dividend, First Nations governments will reinvest in their communities and their people.

In all the areas we will be discussing at this meeting, the First Nations seek three basic elements: recognition, investment and development. We must cast aside all approaches and outdated thinking. We must challenge ourselves to be creative and to do nothing less than imagine the new federation and the new Canada.

I have no doubt that when we conclude this meeting there will be those outside this room who will not be satisfied. This refrain plays in the background of every bold leap and brave step forward. I have my critics. I am sure you have noticed. Mr. Prime Minister, I understand that even you on occasion have your critics.

I just wanted to express my thanks to all who have made it possible for us to be gathered here in this historic and fundamentally important meeting. I believe we will satisfy everyone eventually because we will have created better homes, healthier communities, stronger citizens that live and breathe the spirit and intent of their treaties, strong, revitalized self-governing nations that care for their citizens and a country that can serve as a model for the rest of the world. The fact is that sometimes the hardest thing to do is to say yes because fundamental change can create fear and fear leads to paralysis. [...] It is my sincere hope that we are all brave enough and bold enough to say yes, yes to a new beginning and yes to a better future.

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Transformative Change Accord

-between-

Government of British Columbia

-and-

Government of Canada

-and-

The Leadership Council

Representing the First Nations of British Columbia

The Government of British Columbia, First Nations and the Government of Canada agree that new approaches for addressing the rights and title interests of First Nations are required if First Nations are to be full partners in the success and opportunity of the province.

At the First Ministers' Meeting on Aboriginal issues on November 24th/25th, 2005, First Ministers and Aboriginal Leaders committed to strengthening relationships on a government-to-government basis. and on focussing efforts to close the gap in the areas of education, health, housing and economic opportunities.

This accord respects the agreement reached on November 25th and sets out how the parties intend to implement it in British Columbia.

Two important documents preceded the First Ministers' Meeting:

- *First Nations-Federal Crown Political Accord on the Recognition and Implementation of First Nations Governments* signed in May 2005
- *The New Relationship* - A vision document setting out an initial work plan to move toward reconciliation of Aboriginal and Crown Titles and Jurisdictions within British Columbia

The goals in each document continue to be pursued and the understandings reached in both serve as the foundation for this tripartite accord.

The purpose of this Accord is to bring together the Government of British Columbia, First Nations and the Government of Canada to achieve the goals of closing the social and economic gap between First Nations and other British Columbians over the next 10 years, of reconciling aboriginal rights and title with those of the Crown, and of establishing a new relationship based upon mutual respect and recognition.

The Accord acknowledges and respects established and evolving jurisdictional and fiduciary relationships and responsibilities, and will be implemented in a manner that seeks to remove impediments to progress by establishing effective working relationships.

The actions and processes set out herein are guided by the following principles.

- Recognition that aboriginal and treaty rights exist in British Columbia.
- Belief that negotiations are the chosen means for reconciling rights.
- Requirement that consultation and accommodation obligations are met and fulfilled.
- Ensure that First Nations engage in consultation and accommodation, and provide consent when required, freely and with full information.
- Acknowledgement and celebration of the diverse histories and traditions of First Nations.
- Understanding that a new relationship must be based on mutual respect and responsibility.
- Recognition that this agreement is intended to support social and economic wellbeing of First Nations.
- Recognition that accountability for results is critical.
- Respect for existing bilateral and tripartite agreements.

Signed November 25, 2005

Source: Government of BC http://www.newrelationship.gov.bc.ca/agreements_and_leg/trans_change_accord.html

Today

What is the relationship between First Nations and other Canadians like today? Find contemporary documents that illustrate recent expressions of opinion about First Nations issues, particularly the legacy of Indian Residential Schools and the Reconciliation movement.

One document is provided as a starting point. (Excerpts from the current Indian Act)
It is up to you to collect other documents that comment on the diverse attitudes and perspectives Canadians have about the relationship.

Much of your research will probably be on the internet. Look for websites that comment on issues of the day. You may also find videos that express opinions.

Also include recent newspapers, magazines and books.

Concluding Activity

Essential question:
How has the relationship between First Nations and other Canadian changed over the last 150 years?

1. After examining documents from different time periods in British Columbia's history, what conclusions can you make about changes to this relationship?

2. How have attitudes towards Indian Residential Schools changed over time?

Use evidence from the documents that you have studied to support your conclusions.

INDIAN ACT, 1985

CURRENT TO 2014-03-16

(Excerpts)

Indian Act
R.S.C., 1985, c. I-5

An Act respecting Indians

APPLICATION OF ACT

4. (3) Sections 114 to 122 and, unless the Minister otherwise orders, sections 42 to 52 do not apply to or in respect of any Indian who does not ordinarily reside on a reserve or on lands belonging to Her Majesty in right of Canada or a province.

R.S., 1985, c. I-5, s. 4; R.S., 1985, c. 32 (1st Supp.), s. 2.

SCHOOLS

115. The Minister may

(a) provide for and make regulations with respect to standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools;

(b) provide for the transportation of children to and from school;

(c) enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations; and

(d) apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.

R.S., c. I-6, s. 115.

116. (1) Subject to section 117, every Indian child who has attained the age of seven years shall attend school.

(2) The Minister may

(a) require an Indian who has attained the age of six years to attend school;

(b) require an Indian who becomes sixteen years of age during the school term to continue to attend school until the end of that term; and

(c) require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age.

118. Every Indian child who is required to attend school shall attend such school as the Minister may designate, but no child whose parent is a Protestant shall be assigned to a school conducted under Roman Catholic auspices and no child whose parent is a Roman Catholic shall be assigned to a school conducted under Protestant auspices, except by written direction of the parent.

119. (1) The Minister may appoint persons, to be called truant officers, to enforce the attendance of Indian children at school, and for that purpose a truant officer has the powers of a peace officer.

(2) Without restricting the generality of subsection (1), a truant officer may, subject to subsection (2.1),

(a) enter any place where he believes, on reasonable grounds, that there are Indian children who are between the ages of seven and sixteen years, or who are required by the Minister to attend school;

(b) investigate any case of truancy; and

(c) serve written notice on the parent, guardian or other person having the care or legal custody of a child to cause the child to attend school regularly thereafter.

(3) Where a notice has been served in accordance with paragraph (2)(c) with respect to a child who is required by this Act to attend school and the child does not within three days after the service of notice attend school and continue to attend school regularly thereafter, the person on whom the notice was served is guilty of an offence and liable on summary conviction to a fine not exceeding five dollars or to imprisonment for a term not exceeding ten days or to both.

(5) A child who is habitually late for school shall be deemed to be absent from school.

(6) A truant officer may take into custody a child whom he believes on reasonable grounds to be absent from school contrary to this Act and may convey the child to school, using as much force as the circumstances require.

learning first peoples
classroom resources

FIRST NATIONS EDUCATION STEERING COMMITTEE
& **FIRST NATIONS SCHOOLS ASSOCIATION**
113-100 PARK ROYAL SOUTH, WEST VANCOUVER, BC V7T 1A2

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