

National Inquiry into
Missing and Murdered
Indigenous Women and Girls



Enquête nationale
sur les femmes et les filles
autochtones disparues et assassinées

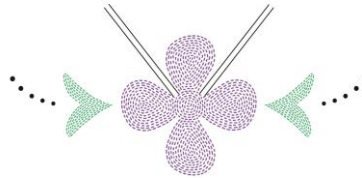
**National Inquiry into Missing and Murdered
Indigenous Women and Girls**

Truth-Gathering Process Part III

Expert & Knowledge-Keeper Panel : Racism

Chelsea Hotel, Churchill Ballroom, 33 Gerard Street West

Toronto, Ontario



Part III Volume X

Wednesday June 13, 2018

**Panel III: “Media, Journalism & Film”
Jesse Wentz, Director, Indigenous Screen Office
&
Tanya Talaga, Author & Journalist, Toronto Star**

**Panel IV: “Racism Against Indigenous Children and Youth”
Dr. Cindy Blackstock, Executive Director,
First Nation Children and Family Caring Society**

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Counsel: Christa Big Canoe (Commission Counsel)

Witness: Tanya Talaga, Author & Journalist, Toronto Star

Counsel: Christa Big Canoe (Commission Counsel)

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Chair: Christa Big Canoe (Commission Counsel)

Second Chair: Shelby Thomas (Commission Counsel)

Witness: Dr. Cindy Blackstock, Executive Director, First Nation Children and Family Caring Society

Counsel: Christa Big Canoe (Commission Counsel)

Heard by Chief Commissioner Marion Buller & Commissioners Brian Eyolfson & Qajaq Robinson

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Clerk: Maryiam Khoury

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1 Toronto, Ontario

2 --- The hearing starts on Wednesday, June 13th, 2018 at
3 8:19 a.m.

4 **MS. SHERI DOXTATOR:** ...travelling woman is
5 my name, (speaking in Oneida), I belong to the Turtle Clan.
6 (Speaking in Oneida), I am part of The People of The
7 Standing Stone or Oneida Nation that attends. We're
8 located just southwest of London, Ontario, so not too far
9 from here. I tell people it's about two hours. But, in
10 these days, it's probably more like four hours if you're
11 driving, if you know Toronto traffic, for those of you who
12 are from here, or have had to drive through Toronto.

13 Over the last couple of days, we've been --
14 we've had quite a few -- a lot of information, quite a few
15 presenters and, you know, I just want to acknowledge those
16 presenters, and the excellent information that they've
17 shared and the things that have been put into record and
18 things like that as well.

19 So, one thing I do want to say is that we
20 were just finishing up our Pipe Ceremony this morning with
21 our elders, which was amazing. And, it allowed me to
22 rekindle that flame that I have inside me and be reminded
23 that all of us here today, we do come in with a lot of
24 thoughts and, a lot of times, we live in our head.

25 And, just to remind ourselves that this

1 really is about looking and coming forward from your heart,
2 and that you really need to open your heart to understand
3 and to really feel that compassion and that love. Or, as
4 we would say, you know, (speaking in Oneida), and that
5 really is a place that you hold yourself up as well as
6 others in a space that is loving, caring and compassionate.

7

8 So, we want to make sure that this is a non-
9 judgmental space. This is a safe space for everyone that
10 is here and present. So, we want to share that space with
11 you, with everyone that's here with us today.

12

13 What I'd like to do at this time is just
14 start our day off in a good way. So, I would like to call
15 upon Grandmother Blu to put us forward in a good way. I'll
16 turn it over to you, Blu.

17

18 **GRANDMOTHER BLU WATERS:** They have to adjust
19 these mics so they're really low. That's why I don't stand
20 behind a podium because you'll just see a little bit of a
21 head. So, I want to start off by, again, acknowledging the
22 territories of the Mississaugas of the New Credit and the
23 Haudenosaunee for giving us another day to be on their
24 territory, to share in this space with them, to do this
25 work in a good way. And, I'll start off by saying,
(speaking in Cree).

26

So, my name is Earth Song, and I've used the

1 word "a-yok-way" to be inclusive of this inquiry, because
2 we're including the two-spirited people, the trans people,
3 all those that have been pushed aside. And, that word "a-
4 yok-way" means both man and woman, and that's part of my
5 name. So, I want to acknowledge all those that have been
6 left of ceremony for many years for whatever reason, and we
7 welcome you here.

8 We welcome you because this is the story of
9 the people. These are the stories of all those who have
10 had loved ones gone missing or have been murdered. And,
11 that's what our focus is in this Inquiry, to find the
12 reasons, to find out what contributes to all of our people
13 going missing and being murdered. That's our primary
14 focus, and to support each other, to hold each other up.

15 So, this morning, we lift our hands, and our
16 eyes, and our hearts up in prayer. And, we ask the Creator
17 and all those ancestors, those ones that have gone on
18 before us, those ones that have just recently made the
19 transition, and those ones that are yet to come, we ask
20 them to come and sit and be with us. Help us say the hard
21 words that need to be said. Help us to express our truths
22 to the way that we know them. Sometimes the hardest thing
23 to do is express the truth to what our experiences have
24 been because they've been so hard. We've been oppressed
25 and regressed for over 500 years, and it's not coming --

1 easy for a lot of people to be able to speak those truths,
2 to be able to share what's in their hearts.

3 So, today, we ask that the Creator help us
4 open up our minds so that we can remember those things that
5 have gone on and how they contribute to our women being
6 murdered and going missing. We ask that our ears be open
7 to hear those truths from those speaking that -- those
8 words because it's hard to hear as well, because it
9 retriggers in us our own experiences. And, we ask that our
10 mouths speak that truth, and our hearts help us to heal
11 from those experiences.

12 We're very grateful that each and every one
13 of you came here today, and that we are grateful to our
14 witnesses on our panel that they're going to be coming,
15 sharing their experiences, sharing their findings so that
16 we can, again, learn this information, and we can compile
17 this information and produce the best report that we can
18 produce, because it's a very hard job. Our Commissioners,
19 all the staff of the Inquiry, they work many long, hard
20 hours. It's not a 9:00 to 5:00 job. It's not something
21 that we can just leave at our desk and say, "We'll carry on
22 that paper the next day."

23 These are stories that they carry with them
24 and will carry with them for the rest of their lives as
25 well as what we will once we hear them. So, we ask that

1 the Creator and those ancestors be gentle with us and help
2 us to process this information in a good way. For these
3 things we say, hai-hai-miigwetch, and we look forward to a
4 great day today. Hai-hai.

5 **MS. SHERI DOXTATOR:** Chi-miigwetch, Blu.
6 Now, I would like to ask Naulaq Ledrew, and we'll look at
7 lighting the qulliq. So, I'll turn it over to you now.

8 **MS. NAULAQ LEDREW:** Thank you. I'm going to
9 open with the Lord's prayer (Speaks in Inuktitut). Amen.
10 I would like to acknowledge missing and murdered women, and
11 also my ancestors, and I am going to do a little drumming
12 for them.

13 (DRUMMING)

14 **MS. SHERI DOXTATOR:** Thank you. Thank you,
15 Naulaq. So, now that we've opened our hearts so that we
16 can listen with them today, I just want to recap yesterday,
17 that we looked at racism in institutions, in those various
18 sectors such as health, justice, or specifically, police
19 services and education. And, we also looked at racism in
20 the 2SLGBTQQIA communities as well.

21 So, today, we'd like to look at media,
22 journalism and film, and we're going to look at racism
23 against Indigenous children and youth today as well. So,
24 keep your hearts open and listen with those sharp ears.

25 So, we're just going to take a couple of

1 minutes while we get our first panel set up. So, I'd like
2 to ask them to do that, and with that, I'd like to say chi-
3 miigwetch, inushik (phonetic). Thank you very much. Merci
4 beaucoup.

5 **MS. CHRISTA BIG CANOE:** We're about to get
6 started folks. Good morning, Chief Commissioner,
7 Commissioners. (Speaks in Anishnaabe) Christa Big Canoe
8 (speaks in Anishnaabe) Jesse and Tania.

9 So, good morning. I'll just introduced
10 myself quick for anyone who is joining by video or for the
11 public that's watching from afar. I am Commission counsel,
12 and today my job and my pleasure is to introduce two
13 witnesses that will be speaking on truth, telling truth in
14 media, journalism and film. And, this morning, we have two
15 witnesses. First, we'll be hearing from Jesse Wente. He
16 is a highly respected broadcaster and cultural industries
17 leader, and then we'll be hearing from Tania Talaga.

18 So, before we start, I would ask Mr.
19 Registrar if we could affirm Jesse in on an eagle feather,
20 please?

21 **MR. BRYAN ZANDBERG:** Good morning, Jesse.
22 Do you have an eagle feather with you? Jesse, do you
23 solemnly affirm to tell the truth, the whole truth, and
24 nothing but the truth?

25 **MR. JESSE WENTE:** I do.

1 JESSE WENTE, Affirmed:

2 MR. BRYAN ZANDBERG: Thank you.

3 --- EXAMINATION-IN-CHIEF BY MS. CHRISTA BIG CANOE:

4 MS. CHRISTA BIG CANOE: So, good morning,
5 Jesse. The first thing I'd like to do, Chief Commissioner
6 and Commissioners, is actually qualify Jesse as an expert.
7 So, I'm going to ask some questions, and then I'm going to
8 actually check with the parties with standing if there's
9 any objections.

10 So, Jesse, if we could start, can you tell
11 me a little bit, to your own comfort level, of your
12 background for the Commissioners and the public?

13 MR. JESSE WENTE: Sure. Hello. First, I
14 just want to say what an honour and privilege it is here to
15 speak at this Inquiry, this Commission. My name is Jesse
16 Wente. I am Anishinaabe, born in Toronto. My family comes
17 from Chicago and the Serpent River First Nation.

18 I've been in the media for 23 years, mostly
19 with the Canadian Broadcasting Corporation. I've also
20 spent time at the Toronto International Film Festival, and
21 I now am the first director of something called The
22 Indigenous Screen Office.

23 MS. CHRISTA BIG CANOE: And, if you could
24 tell us a little bit about some of the work you do, and not
25 just broadcasting, but I understand that you do curating,

1 producing and also some activism.

2 **MR. JESSE WENTE:** Yes, I spent 11 years with
3 the Toronto International Film Festival as a programmer,
4 first, for Canadian feature films at the Festival, and
5 later as the first director of film programs for their
6 venue here in Toronto, the TIFF Bell Lightbox, which I ran
7 for seven years. In terms of the -- what else did you ask
8 me?

9 **MS. CHRISTA BIG CANOE:** Just in curating and
10 activism.

11 **MR. JESSE WENTE:** Sure. In terms of my
12 activism, I speak out in favour of Indigenous
13 representation in the media and against false
14 representations in the media. And, my current position at
15 The Indigenous Screen Office is as an advocate for
16 Indigenous screen storytellers in Canada.

17 **MS. CHRISTA BIG CANOE:** Thank you, Jesse. I
18 understand in your material you have your CV, your
19 curriculum vitae?

20 **MR. JESSE WENTE:** Yes.

21 **MS. CHRISTA BIG CANOE:** Can we just look at
22 it for a moment?

23 **MR. JESSE WENTE:** Sure.

24 **MS. CHRISTA BIG CANOE:** Is there anything
25 that you would like to highlight from your curriculum

1 vitae?

2 **MR. JESSE WENTE:** Not really. I mean, I
3 think perhaps the biggest highlight was -- or the most
4 notable for the terms of this Commission is that I was the
5 first nationally syndicated columnist for CBC Radio, which
6 began in 1996. I was heard in more than 22 locations every
7 week right across the country, more than 2 million
8 listeners. However, I don't consider being first as an
9 honour. I consider that reflective of the lack of previous
10 representation in the media.

11 **MS. CHRISTA BIG CANOE:** I understand in your
12 testimony today you're actually going to be talking a
13 little bit about that exact representation and inclusion of
14 Indigenous people within broadcasting and film, and that
15 you're well-equipped to address that issue having the
16 experience you've had; is that fair to say?

17 **MR. JESSE WENTE:** Yes. I've spent most of
18 my professional career -- I studied film with the
19 University of Toronto, film history. In 2012, I curated
20 the world's largest exhibition of Indigenous cinema called
21 "First Peoples: 1500 Nations, One Tradition" at the TIFF
22 Bell Lightbox. And, I've contributed to curating
23 Indigenous cinema globally, both in Australia, New Zealand,
24 US and Canada.

25 **MS. CHRISTA BIG CANOE:** Excellent. And, I

1 understand that you've also done some work or curation with
2 ImagineNative. Can you just tell us a little bit about
3 what ImagineNative is?

4 **MR. JESSE WENTE:** Sure. ImagineNative Film
5 and Media Festival is the world's largest Indigenous media
6 festival. It occurs every October in Ontario. I started
7 on the board of directors there early in its existence in
8 2002, spent four years on the board there. I also served
9 as the president of Canada's oldest Indigenous performing
10 arts company, Native Earth Performing Arts, and I was the
11 president of that for a decade.

12 **MS. CHRISTA BIG CANOE:** So, Chief
13 Commissioner, Commissioners, I would request and I am
14 tendering Jesse Wente's CV as the first exhibit, please?

15 **CHIEF COMMISSIONER MARION BULLER:** The CV is
16 Exhibit 38, please.

17 --- Exhibit 38:

18 CV of Jesse Wente (three pages)
19 Witness: Jesse Wente, Director,
20 Indigenous Screen Office
21 Submitted by Christa Big Canoe,
22 Commission Counsel

23 **MS. CHRISTA BIG CANOE:** Thank you. I intend
24 to qualify Mr. Wente, but I did want to canvass the parties
25 if there's any objections or anyone who wanted to take no

1 position on qualifying him as an expert. Seeing no
2 objection, Chief Commissioner and Commissioners, based on
3 the knowledge, skills and practical experience as well as
4 the training and education as described by Jesse Wente and
5 as evidenced in his curriculum vitae, I am tendering Mr.
6 Wente as a broadcaster, advocate, curator, producer,
7 activist and public speaker with a particular focus on
8 Indigenous inclusion in representation in film and
9 broadcasting.

10 **CHIEF COMMISSIONER MARION BULLER:** Okay.
11 Certainly. We are satisfied that Mr. Wente has the
12 requisite knowledge and experience to give opinion evidence
13 regarding Indigenous inclusion in film and broadcasting.
14 Thank you very much.

15 **MS. CHRISTA BIG CANOE:** Yes, and
16 representation in film and broadcasting. Thank you. So,
17 Jesse, one of the things we can probably start with as well
18 is that Indigenous representation in popular culture from
19 movies, television, even video games and sports mascots.
20 Can we talk about what we've seen historically
21 representative of Indigenous people in those areas and what
22 it really should look like?

23 **MR. JESSE WENTE:** Sure. So, media
24 portrayals of Indigenous people have tended to be reductive
25 in their portrayals. This would be going back to the start

1 of modern movie making, which started in the late 19th
2 century. Typically, they reduced nations into one
3 particular nation, they reduced to particular iconography
4 of characters and characterizations in the work. And, this
5 is in particular in absence of Indigenous made work at the
6 same time.

7 And, in fact, for, you know, a large portion
8 of early movie making and, indeed, when early cultural
9 institutions in Canada were founded, the Potlach ban in
10 Canada was in place under *The Indian Act* which actually
11 prevented Indigenous peoples from sharing our stories and
12 practising our customs, but it -- and allowed for the theft
13 of that culture by the larger mainstream Canada. So, in
14 the absence of Indigenous storytelling for much of that
15 time in the popular mindset, the false narratives created
16 in popular media actually took the form of truth.

17 Indigenous peoples are by far the most
18 chronicled peoples in the moving image in North America.
19 So, the very first moving image captured by Thomas Edison
20 in 1884 in upstate New York was of Indigenous people, Sioux
21 dancers performing the Buffalo Dance and the Ghost Dance.
22 It was, in fact, illegal for those performers to perform
23 those dances in their home communities at that time. It
24 was only legal for them to perform for a non-Indigenous
25 camera or non-Indigenous audiences.

1 So, from the very beginning of what we would
2 call moving image media in -- on Turtle Island, there has
3 been a disconnect between what is Indigenous performance
4 and what is Indigenous reality, and that disconnect is
5 created largely by non-Indigenous storytellers who wish to
6 position Indigenous peoples in a convenient way for best
7 consumption by their audience. And, this has had
8 longstanding detrimental effects in terms of the
9 understanding of Indigenous people by non-Indigenous
10 peoples, because while those misrepresentations were
11 happening, the assimilation as to relocation policies of
12 both governments on Turtle Island were removing Indigenous
13 people from the site of the larger population. So, it in
14 fact became harder to know each other.

15 And, for sports mascots, most of those were
16 established in the same time period, so before 1950. If
17 you look at, say, the Cleveland Indians, that would be
18 1914. The Washington Red Skins, 1931. So, these were all
19 in -- at the height of residential school, at the height of
20 relocations and land seizures at the height of the Potlatch
21 ban.

22 **MS. CHRISTA BIG CANOE:** And, if I can just
23 touch on the last point, the sports mascot, because, I
24 mean, more recently we've heard a lot of pushback from
25 Indigenous communities about things like Red Skin. But, I

1 want to situate it in Indigenous peoples reality and what
2 they see when they see these icons that are created by non-
3 Indigenous people that are supposed to be representative of
4 Indians, particularly what type of impact or affect that
5 has on youth when they see representation that's not truly
6 theirs.

7 **MR. JESSE WENTE:** So, there's been actually
8 studies done. I should have included them here, but there
9 are studies done on the emotional detrimental impacts seen
10 in Indigenous iconography in sports mascots, the way it
11 excludes participation from athletics for Indigenous
12 peoples, but also the trauma that it triggers within
13 Indigenous peoples.

14 I know certainly from my own experience I
15 feel traumatized by seeing those images in the sports, and
16 it requires an education for my children to actually
17 explain those images so that they understand where they
18 came from and what they mean.

19 We have seen some slight progress. The
20 Cleveland Indians will be removing their most offensive
21 icon, Chief Wahoo, at the end of this year. But, of
22 course, in Canada, particularly in minor league sports, you
23 will still find a proliferation of Indigenous named or
24 themed sports names and mascots throughout, say, for
25 example, minor league hockey in Canada.

1 **MS. CHRISTA BIG CANOE:** And, I mean, people
2 have a different approach or view on the spectrum of how
3 offensive it is but, I mean, it's fair to say a lot of
4 people, particularly Indigenous people, see it as pure
5 racism?

6 **MR. JESSE WENTE:** Yes. I mean, I think it
7 would be impossible -- I don't see how you can't see
8 something like Redskins as pure racism. I think there's
9 nuance when it comes to some of these, because some come
10 from a slightly different lineage. But, for the most part,
11 I think what is interesting is to consider that Indigenous
12 people are the only humans that are cast as mascots and as
13 team names. You don't see this, actually, with other
14 peoples. They are mostly named after animals, and it's
15 important to consider that most of the negative effects and
16 negative purpose of much of the mis-portrayals in the media
17 are dehumanization of Indigenous peoples, so that being
18 named mascots suddenly becomes acceptable to the wider
19 population. In fact, you see stories that these teams
20 begin to tell themselves about why they did this. Usually,
21 they refer to these as honouring, but again -- that they
22 honour Indigenous peoples through these names. But, again,
23 if you consider what was actually occurring to Indigenous
24 peoples when these names were created, I would suggest that
25 is a dramatic disconnect, one reinforced by media at the

1 time and ongoing now.

2 **MS. CHRISTA BIG CANOE:** Thank you. In terms
3 of, like, the representation and the historical context and
4 how you've already explained, I want to really draw this
5 back to why we're here today, missing and murdered
6 Indigenous women. And, I know that in your curation,
7 you've done a number of work, including Reel Injun, and
8 we'll get to that. But, I also know that in your material,
9 you've provided us something called The True Story of
10 Pocahontas - Historical Myths Versus Sad Reality.

11 And, I know that you believe that Pocahontas
12 is one of these cultural icons that just exemplifies the
13 over sexualization of Indigenous women and the bad myth,
14 and I was wondering if you could talk to us both about the
15 material that you've put in on the True Story of
16 Pocahontas, and Pocahontas as an icon herself?

17 **MR. JESSE WENTE:** Sure. So, I focused on
18 Pocahontas because the movie, the Disney movie, is probably
19 the most widely -- piece of entertainment about a
20 contemporary about -- contemporary entertainment about
21 Indigenous peoples. She's an icon for the Disney
22 corporation.

23 The material I provided points out the myth
24 that the movie paints about who Pocahontas was, that was
25 actually not even her name, and she would have been a child

1 when she met John Smith. Of course, in the movie she's
2 portrayed as a young woman. She's portrayed scantily clad
3 for most of the film. And, the disconnect, I think, is
4 both evidence of that overall in the media, but in
5 particular, when it comes to the portrayal of Indigenous
6 women, it's that oversexualization, even at a young age,
7 the maturation thinking that Indigenous women are somehow
8 sexually active or mature at a very young age, compared to
9 the regular population, and always positioning them in
10 sexual positions.

11 And, it's not just with Pocahontas. Even
12 movies that are made ostensibly about murdered and missing
13 Indigenous women - there was a movie a couple of years ago
14 called Wind River out of the U.S. - where the role for the
15 Indigenous women in the movies was essentially as rape
16 victim. They were not active participants in the other
17 narrative. This was also true of the Oscar-winning film,
18 The Revenant from a few years ago where Indigenous women,
19 their entirety in that film was as victims and as sexual
20 objects, and where rape was used as a plot device as
21 opposed to central to telling of the story.

22 And, that dehumanization and that
23 sexualization contributes to the fact that, you know,
24 today, Indigenous women are the most marginalized community
25 on Turtle Island, the most at-risk community just by the

1 nature of their identity, and I think this contributes to
2 public policy as well as the legal system and its approach
3 to these issues.

4 So, the documentation I've provided is all
5 written by Indigenous peoples who unpacked the myth of
6 Pocahontas and repositioned her in the correct historical
7 context, and describes the actual history of what happened,
8 as opposed to the Disney fantasy of what happened. And,
9 it's, I think, very important that Pocahontas is a Disney
10 movie.

11 So, this is a piece of entertainment meant
12 for children, meant for children that will then -- that is,
13 for many, will be their understanding of Indigenous people,
14 will come from a movie like Pocahontas. They may not ever
15 encounter or knowingly encounter another Indigenous woman
16 in their lives, and yet, that is a movie that they will
17 most certainly have seen.

18 **MS. CHRISTA BIG CANOE:** Thank you, Jesse.
19 May I please request and tender The True Story of
20 Pocahontas - Historical Myths Versus Sad Reality by Vincent
21 Schilling as the next exhibit?

22 **CHIEF COMMISSIONER MARION BULLER:** The True
23 Story of Pocahontas - Historical Myths Versus Sad Reality
24 will be Exhibit 39, please.

25 --- Exhibit 39:

1 The True Story of Pocahontas -
2 Historical Myths Versus Sad Reality by
3 Vincent Schilling
4 Witness: Jesse Wente, Director of
5 Canada's Indigenous Screen Office
6 Submitted by Christa Big Canoe,
7 Commission Counsel

8 **MS. CHRISTA BIG CANOE:** Thank you. One of
9 the things you've done in your creation is a film entitled
10 Reel Indian [*sic*]. Can you tell us a little bit about Reel
11 Indian? And, that's spelled R-E-E-L, Reel Indian.

12 **MR. JESSE WENTE:** It's actually Reel Injun.

13 **MS. CHRISTA BIG CANOE:** Injun. Reel Injun.
14 My apology.

15 **MR. JESSE WENTE:** Reel Injun was a movie
16 that I participated in. It started filming in 2007. It
17 was directed by Neil Diamond, who is a Cree filmmaker from
18 Northern Quebec. It was a documentary about the history of
19 representation of Indigenous peoples in Hollywood films. I
20 participated as one of the on-screen experts in the film.
21 In fact, all of the academics that appeared in the film are
22 Indigenous. It was a very direct point of making the
23 movie.

24 The movie unpacks everything from those
25 early Edison films that I've described up through a

1 burgeoning Indigenous cinema scene at the end where you
2 start to get Indigenous filmmakers making their own movies
3 by the end of the film. It was released in 2009, but I
4 would say that while it was a very popular film, even that
5 same year, Hollywood released a film called Avatar, a
6 science fiction movie directed by James Cameron. They had
7 subsequently released several other westerns or pseudo-
8 westerns since then.

9 So, the issue in Hollywood is still very
10 much present and, indeed, here in Canada. It is still true
11 that the majority of Indigenous storytelling that occurs,
12 or stories about Indigenous people that are seen on screens
13 and in media are typically produced by non-Indigenous
14 peoples. But, Reel Injun was, yes, a documentary meant to
15 examine this exact history, movies made only through the
16 lens of Hollywood, which as we know is the most pervasive
17 entertainment destination on the globe.

18 **MS. CHRISTA BIG CANOE:** At this point, I'd
19 actually like to ask if we can watch a clip of Reel Injun?

20 (MOVIE CLIP FROM REEL INJUN PLAYED)

21 **MS. CHRISTA BIG CANOE:** Thank you. And so,
22 was there anything else you wanted to add in relation to
23 the clip?

24 **MR. JESSE WENTE:** No, I think that really
25 gets it right, and the biggest thing I would add is, again,

1 it's not that the -- if representation was all equal and
2 fair, fantasies would be fine. But, of course, as she
3 pointed out, Pocahontas for many will be their only
4 experience of Indigenous people on screen. They may not
5 see inappropriate representation. And, in the absence of
6 those appropriate representations, misrepresentations
7 become truth and I think that is very much what we have
8 seen in the media on Turtle Island.

9 **MS. CHRISTA BIG CANOE:** Jesse, in your
10 material, there's another article called, Common Portrayals
11 of Aboriginal People, and it talks about the westerns, and
12 you've mentioned already the westerns. Can you give us a
13 little context about westerns as a genre within film?

14 **MR. JESSE WENTE:** Sure. Westerns are the
15 most true American genre. It's the genre of film invented
16 by American filmmakers. They started in the silent era.
17 They were extremely popular in the silent era. Thousands
18 of them were made. They were very -- the reason for the
19 popularity is that they were very good for silent
20 filmmaking and storytelling. They were typically action
21 packed, and the heroes and villains were very easy to
22 discern, who is good and bad, black hats, white hats, or in
23 the case of First Nations people, they were almost always
24 the villains in those films.

25 Many of those movies are now unfortunately

1 lost, they were all shot on something called nitric stock,
2 and over the years, fires robbed us of the many silent
3 films. When sound came in in the late 1920s, westerns took
4 about a decade off as filmmakers in Hollywood figured out
5 how to use sound. They returned in earnest in 1939 with a
6 movie by John Ford called Stagecoach which starred his
7 stuntman at the time, who went onto become Hollywood's
8 largest star, a guy named John Wayne.

9 Stagecoach, of course, is one of the most
10 veeringly racist movies in the history of Hollywood. It
11 presents pretty much an exact telling of the myth of
12 manifest destiny with white society moving through the
13 Turtle Island in a stagecoach beset by faceless savages or
14 Indians who attack at will and are bloodthirsty. You also
15 get a sound reference to the term "squaw" used in
16 Stagecoach. A very derogatory term. Used as a violent
17 term against Indigenous women all across Turtle Island.

18 And, from there, you get a whole generation
19 of westerns made between 1939 and about 1967. I think it's
20 important to understand that the western is the creation
21 myth of Turtle Island. The western is how America tells
22 itself how it was founded and how it has established itself
23 as a nation, it reinforces terra nullius, as well as the
24 ideology of manifest destiny. America at the time was
25 still a very young nation, as it is today, just like

1 Canada, and so it's still very actively involved in telling
2 its own national identity story to its populous. And, the
3 western was its primary tool for doing that as movies
4 spread across Turtle Island in the early 20th century.

5 The westerns typically reduced all
6 Indigenous people to one iconography, typically plains
7 nations. So, it didn't matter where you were
8 geographically located, everyone were on horses, wore
9 headdresses. They typically depict a colonial viewpoint,
10 although that did mature over time, especially since the
11 civil rights movement became active and the Indigenous
12 rights movement became active in the U.S. in the late
13 1960s.

14 But, the western was the premier franchise.
15 They largely don't make them as often anymore. I would
16 suggest because of the problematic nature of the
17 storytelling in westerns. So, they tend to have fallen out
18 of favour, although we have seen a return in the most
19 recent years in an attempt to be slightly more progressive.
20 Although, I would suggest that western as a genre, because
21 it is the story of manifest destiny, requires the
22 disappearance of Indigenous people at the end. That is
23 really the only way westerns truly function, is to see the
24 ultimate extinction of Indigenous people at the end.
25 That's why you get movies like the Last of the Mohicans and

1 all of these stories that tend to end with our
2 disappearance.

3 The portrayal evolved over the history of
4 the western. So, it started out really violent. By the
5 50s and 60s, you start to see -- with men I should say, not
6 with the portrayal of Indigenous women in westerns. That
7 remains pretty much straight all the way through. The men
8 do change from bloodthirsty savages to more noble savages.
9 The nobility, of course, though is always tied into our
10 ultimate demise. The nobility is our -- the fact that we
11 will fight even knowing that we are ultimately doomed, that
12 is always the framework within the way that nobility is
13 positioned. And, I would say the western as a genre has
14 been incredibly hurtful to Indigenous peoples. I would
15 suggest that American domestic and foreign policy still is
16 influenced by the teachings that the westerns have given
17 them and empowered them as an imperialist state.

18 And, Canada, we had a slightly different
19 tradition. They wouldn't exactly be called westerns. They
20 would be, what might be called, adventure films, they were
21 more woodland settings, but they told essentially the same
22 story. You would typically see depictions of the RCMP as
23 saviours within them. And, typically, they were fraught
24 with the same sort of misrepresentations as their American
25 counterparts.

1 And, I should state that before we had
2 really functional cinema in Canada, so pre-dating say --
3 and I mean feature length cinema, not documentary films.
4 So, pre-dating, say, 1960. A lot of those productions were
5 actually American made. They were American studio
6 productions that came to Canada and shot here with American
7 stars, but they weren't actually Canadian films. They were
8 just set in Canada. So, yes. That's...

9 **MS. CHRISTA BIG CANOE:** No, that's great.
10 Thank you. There's a couple of follow up questions though.
11 One of the comments you just made is, you know, the
12 portrayal of Indigenous women was straight through. And,
13 you know, thinking of the Disney Pocahontas, let's talk for
14 a moment about the icon of princess.

15 And, often these stories, as they did evolve
16 in the western, when there was a romantic interest, it was
17 almost always between a non-Indigenous hero and an Indian,
18 pardon the expression, squaw, or, you know, an untameable
19 woman, but the goal -- part of the goal was to tame her and
20 make her somehow part of his culture. Can we talk a little
21 bit about, sort of, the evolution of the princess icon?

22 **MR. JESSE WENTE:** Yes, the princess icon has
23 actually not evolved. I would say it's remained
24 essentially the same, including up to very recent
25 depictions. I mean, the whole notion of, of course, Indian

1 princess is a misnomer to start with. That sort of
2 standing does not really exist in most Indigenous nations.
3 It's a projection, again a colonial projection of that
4 position in our societies.

5 And, even in the images we saw from the
6 clip, where you saw older -- you know, a portrayal from the
7 1950s up to a movie called The New World which was made in
8 the last 20 years, also about Pocahontas, they're virtually
9 the same. You know, there's an innocence, a connection to
10 nature, they tend to be passive characters. Even
11 Pocahontas who is slightly more active, is still
12 reactionary to John Smith. It's really his story and she's
13 reacting to it. So, they don't have any significant
14 agency, meaning they don't have any real capacity, even as
15 fictional characters, to control their own lives. Their
16 lives are largely controlled by others. They are
17 possessions.

18 So, for example, in a film like John Ford's,
19 The Searchers, which you have a slightly more nuanced
20 portrayal of Indigenous women, there is still a
21 dehumanization in terms of the jokes, there's some jokes
22 made around their appearance, but they're also traded as a
23 commodity in that film. They're literally for a blanket
24 and to a non-Indigenous character in the film.

25 And so, they really don't have any standing

1 or value when compared to the male characters. Certainly,
2 the non-Indigenous male characters, but even Indigenous
3 male characters have tended to be granted more agency over
4 time, which I would suggest is also because media has
5 largely been male dominated, full stop, regardless of
6 cultural background. And so, even in the more progressive
7 portrayals, the women tend to lag behind the men in terms
8 of that evolution.

9 It's beginning to change, because the -- one
10 of the good things is that modern Indigenous filmmakers, I
11 would say majority of them are indeed women. And,
12 certainly the Indigenous cinema as we know it today was
13 actually founded by women, by Alanis Obomsawin here in
14 Canada, by Merata Mita in New Zealand, a Maori filmmaker.
15 They were the two central figures in what we would now call
16 the Global Indigenous Cinema, and that has helped those
17 betrayals. But I would also suggest that those betrayals
18 don't exist in the same plain of popular consciousness as
19 the larger Hollywood, because those filmmakers have not had
20 access or have not made films on -- in the same size or
21 scope, meaning, you know, Disney is the world's largest
22 entertainment company. So, it has incredible capacity to
23 spread those images around. Alanis Obomsawin has made
24 movies for National Film Board in Canada. Well, her, she
25 is a legend. Those movies, by the nature of that, reach

1 far fewer people ultimately than Disney.

2 And I think that's one of the ongoing
3 corrective measures we need to see in media is access to --
4 not just media as a thing, but access to the same level of
5 support and distribution and exhibition that these larger
6 entertainment entities have had and control. It would be
7 impossible to correct these narratives if Indigenous media
8 is only held -- is held to a lower economic bar or scope
9 than mainstream media. You won't get that representation
10 corrected without mainstream media having that work done.

11 **MS. CHRISTA BIG CANOE:** Chief Commissioner,
12 Commissioners, I kindly request to tender common portrayals
13 of Aboriginal people that was included in Mr. Wente's
14 package as the next exhibit.

15 **CHIEF COMMISSIONER MARION BULLER:** Yes, the
16 Common Portrayals of Aboriginal People is Exhibit 40,
17 please.

18 **MS. CHRISTA BIG CANOE:** Thank you.

19 --- EXHIBIT NO. 40:

20 "Common Potrayals of Aboriginal People"

21 (four pages)

22 Witness: Jesse Wente, Director,

23 Indigenous Screen Office

24 Submitted by Christa Big Canoe,

25 Commission Counsel

1 **MS. CHRISTA BIG CANOE:** I have one more
2 question because I think it's actually going to be a good
3 segue to the next thing we want to talk about.

4 **MR. JESSE WENTE:** M'hm.

5 **MS. CHRISTA BIG CANOE:** It's this whole
6 concept of representation, like, seeing yourself in film.
7 Obviously when you were talking about the westerns,
8 obviously when you're talking about the icon of princess,
9 the actual portrayal of a number of those actors,
10 historically, have not actually been Indigenous.

11 **MR. JESSE WENTE:** M'hm.

12 **MS. CHRISTA BIG CANOE:** So let's talk about
13 the disconnect between who's portraying the Indigenous
14 people and sort of where we're seeing Indigenous cinema now
15 going.

16 **MR. JESSE WENTE:** Sure. I mean,
17 historically the vast majority of roles on screen for
18 Indigenous people have been played by non-Indigenous
19 people. And even historically when they have been played
20 by Indigenous people, they've been misrepresented.

21 So, again, give you an example, John Ford is
22 the most famous practitioner of the western, shot the vast
23 majority of his films in Navajo country. He relied on the
24 Navajo Nation to provide him with the -- not just the
25 location, but also the actors that would appear in his

1 movies. So that meant even if his film was entirely set --
2 for example, with his 1956 film "The Searchers", set in
3 what was the Comancheria, what we would now call "West
4 Texas", so all of the characters were either Comanche or
5 Kiowa, the performers in the movie are entirely Navajo.
6 They speak Navajo on film, even though they are identified
7 as being Comanche. And you'll see this quite often, even
8 when they're trying their best to get the representation
9 correct. But, for the most part, you would see non-
10 Indigenous people.

11 There's actually been instances where in
12 Hollywood movies they'll hire Indigenous peoples, have them
13 speak the language, but play it backwards or play English
14 backwards as representation of Indigenous language because
15 there isn't really a lot of care.

16 One of the most famous icons of Indigenous
17 people on screen is the headband, which is very common if
18 you watch American westerns. But, of course, the headband
19 was not part of all nations and typically was employed to
20 keep the wigs of the performers on their heads. It was not
21 employed as a way to actually represent their true
22 identity. It was because most of the actors by then would
23 have had shorn hair, but they wanted the long hair in the -
24 - what they wanted as representation.

25 So this again creates that great disconnect.

1 And, again, if there had been accurate representations
2 maybe this wouldn't be so hurtful. But, of course, these
3 all occur in the complete absence of regular or appropriate
4 representations. And not just in the absence, but in very
5 aggressive state policies that are also occurring to
6 Indigenous peoples while this representation is going on
7 and, of course, while we are unable actually to engage in
8 storytelling ourselves.

9 So we would typically call that
10 whitewashing, which still goes on quite a bit. I think
11 increasingly that has become present as an issue and so
12 hopefully we'll see an end to that relatively soon.

13 But I think the big thing about
14 representation is -- especially large pop culture media, is
15 that it is about invisibility. And unless you see yourself
16 depicted in mainstream media you are invisible. It means
17 you are invisible to the larger culture. They don't see
18 you. And when you see yourself it means you are seen, and
19 that is why positive depictions can be so incredibly
20 powerful. They reaffirm that the larger culture does
21 actually see and acknowledge you, that you exist.

22 And so even in the most subtle or benign
23 ways, seeing an Indigenous person appear -- you know, I
24 often talk about one of the most powerful things was
25 watching a movie like Die Hard 3 -- stick with me -- Die

1 Hard 3, but Graham Greene in that plays a police officer
2 and he actually is the hero police officer. He saves the
3 children in the movie while Bruce Willis is off doing
4 something else.

5 And I remember being very struck by that
6 because he is not identified as Indigenous ever in the
7 movie. It is not central to his identity. He just is. He
8 just exists in this world. And this was an extraordinary
9 thing to see, as a young Indigenous person, the fact that
10 we could be in a Bruce Willis movie. It's not central to
11 the plot. It's not a western. It's set in a contemporary
12 setting. We could be a hero. And that it's never actually
13 mentioned. And in those moments is when we can actually
14 see ourselves as being part of the larger culture.

15 When we see ourselves misrepresented, we
16 realize that we are not, that we are othered, that we have
17 been positioned outside of that mainstream culture. And
18 that is, I think, traumatic, and then becomes reflected in
19 how, not only we view, but the larger culture ultimately
20 views us.

21 And I think the big issue is one of
22 dehumanization. And that over the courses of time, without
23 authentic representations and with false representations
24 being the norm, Indigenous people have struggled to be
25 human on Turtle Island. And when you're not human, it

1 becomes much easier to assert violence, oppression and
2 neglect. It becomes much easier to ignore these things in
3 the community. It becomes much easier to accept what
4 wouldn't be acceptable in your own community if you don't
5 think other people are human. And I think that is largely
6 what the media has done to Indigenous peoples.

7 And I would say that while it wasn't
8 calculated, I don't think there was ever meetings in
9 Hollywood or major media where everyone gathered to say let
10 us do this, I think it was a function of the nation
11 building of both Canada and the U.S. to do this, but it has
12 made -- meant an enormous cost for Indigenous people to be
13 dehumanized in this way as part of the colonial process on
14 Turtle Island.

15 **MS. CHRISTA BIG CANOE:** Thank you, Jesse.
16 This leads to another issue is the cultural appropriation.
17 And I know recently some events occurred and there was some
18 stuff in the media that was, quite frankly, quite offensive
19 in terms of having a cultural appropriation award. Can you
20 explain a little bit about that for us?

21 **MR. JESSE WENTE:** Sure. May last year Right
22 magazine, which is a literary quarterly -- this is put out
23 by the literary community, the writers -- I believe it's
24 the Writer's Association of Guild Canada. They published
25 an edition, which was meant to highlight Indigenous

1 writers. It was entirely Indigenous writers featured in
2 this particular magazine, edited by an Indigenous woman.

3 However, there was an editorial that
4 appeared at the front of this particular edition of Right
5 magazine by the non-Indigenous editor of the magazine,
6 which discounted cultural appropriation as actually
7 existing, and even suggested the creation of something
8 called the appropriation prize, which was then furthered on
9 social media that night by the gatekeepers of actually
10 Canadian media.

11 So you saw many leading editors and
12 publishers of Canadian media actually offer to contribute
13 to the establishment of an appropriate prize, of the idea
14 being that any appropriation was just simply part of what
15 free expression granted. And so, this occurred in May, and
16 I went on TV and radio -- this included someone from the
17 CBC, an editor -- a senior editor at the CBC offered to
18 contribute, editors from MacLeans, editors from the
19 national newspapers all thought this was a good joke to do
20 overnight on Twitter.

21 I went to discuss the issue of cultural
22 appropriation on CBC and on the -- both on television, on
23 network and, in fact, to debate one of the people that
24 organized this particular event on social media and to
25 confront them about cultural appropriation. I don't know

1 if you want to play the clip, but I guess what I would say
2 that, again, the key thing to understand about cultural
3 appropriation and the nuance difference between when we
4 discuss it with First Nations, Métis and Inuit versus very
5 much almost anyone else on Turtle Island is that in both
6 Canada and the US, cultural appropriation was the law of
7 the land.

8 In 1844, we know the Potlatch ban was passed
9 in Canada. In the States, they likewise passed a similar
10 law outlawing pagan acts. Also, in 1884, the Potlatch ban
11 stayed in place until 1951 in Canada. In the US, that law
12 stayed in place until 1979 when they passed the Religious
13 Freedom Act.

14 So, that law actually made appropriation
15 legal and, in fact, mandated. So, Indigenous people were
16 unable to use our sacred items, unable to tell our own
17 stories, unable to represent our own culture. Those sacred
18 items were largely seized, placed in museums and galleries
19 all over the world contextualized by non-Indigenous people.
20 Our ceremonies, which are central to our storytelling, were
21 largely outlawed under this. They still occurred in
22 private, but publicly you could be sent to prison.

23 And, in fact, earlier, I described when
24 Thomas Edison shot the movies in upstate New York in 1894,
25 the two performers who were actually were from the Buffalo

1 Bill Wild West show. They happened to be performing at the
2 time. It's key to remember that in 1890, so four years
3 before Edison shot those movies, 300 Sioux men, women and
4 children were slaughtered at Wounded Knee largely for
5 performing the Ghost Dance.

6 So, in the States, this wasn't an act
7 punishable by death in the US, and yet they were allowed to
8 perform these same dances for his camera four years later.
9 That is cultural appropriation. That is what we're talking
10 about. We're not talking about cultural exchange or
11 cultural sharing. We are talking about state controlling
12 the ability to tell stories and practise culture. This is
13 of course in concert with the language theft that occurred
14 within residential schools and all of those other polices
15 that were put into place.

16 When I refer to cultural appropriation in
17 Canada, that is what I mean. And, again, it's important to
18 remember that the CBC, the National Film Board, most of the
19 major galleries would have been founded while that law was
20 in act in Canada. So, that storytelling really prevented
21 and contributed to this ongoing issue and, yet, that is
22 largely absent from this debate in Canadian culture, and
23 it's I think because -- you know, the over culture really
24 wants one answer when it comes to cultural appropriation.
25 And, the truth is that there can't be one answer because

1 it's experienced differently by different communities.

2 And, for First Nations, Métis and Inuit
3 peoples, this was a direct state sanctioned ideology and
4 violence perpetrated on us as part of the colonial system
5 and project that is the two nation states. And so, this
6 requires a different, sort of, intervention, and simply
7 education or simply trying to correct these portrayals.
8 This requires a direct intervention to empower Indigenous
9 storytellers to grant narrative sovereignty back to
10 Indigenous peoples who never should have lost it in the
11 first place.

12 And, it is only with that narrative
13 sovereignty that I think you will ultimately -- and for an
14 extended period, let's throw out, you know, for the rest of
15 time, as a good place to start. It is only with that, I
16 think, that you actually correct or begin to correct the
17 false histories that have occurred, that we see still
18 present in our education systems and in our media systems,
19 because that cultural appropriation meant that you now have
20 generations of Canadians who now lead media companies, who
21 now sit in editorial positions who don't know Indigenous
22 stories at all. And, what position does that place them in
23 to actually judge what stories to now tell?

24 **MS. CHRISTA BIG CANOE:** Thank you. There is
25 within your material an article, "An Emotional Jesse Wente

1 on the 'Remarkable Arrogance' of an Appropriation Prize",
2 as an article. I am going to request that this be put in
3 as an exhibit. In this document, or in this, there's a
4 link that actually goes to an interview that we're about to
5 show a clip on. But, I ask not the clip to be entered, but
6 that this document be entered because it has the video
7 link.

8 **CHIEF COMMISSIONER MARION BULLER:** The
9 document, "An Emotional Jesse Wente on the 'Remarkable
10 Arrogance' of an Appropriation Prize" is Exhibit 41.

11 --- Exhibit 41:

12 Article "An Emotional Jesse Wente on the
13 'Remarkable Arrogance' of an
14 Appropriation Prize", CBC News, May 15,
15 2017 (three pages)

16 Witness: Jesse Wente, Director of
17 Canada's Indigenous Screen Office
18 Submitted by Christa Big Canoe,
19 Commission Counsel

20 **MS. CHRISTA BIG CANOE:** Thank you. I'm
21 going to ask if we can actually show the clip now, please?

22 (VIDEO PRESENTATION)

23 **MS. CHRISTA BIG CANOE:** So Jesse, I know
24 that no one ever likes seeing themselves, and the
25 vulnerability you shared. I know, because I now see myself

1 a lot on the screen and it's unusual. But the
2 vulnerability you shared, I think, speaks volumes about,
3 you know, when is enough, enough? And so, I want to give
4 you the opportunity to tell us. Like, you talked about the
5 resiliency, and I loved the comments you made that "We are
6 going to do this. We as Indigenous People are going to do
7 this." Can you tell me a little more about that?

8 **MR. JESSE WENTE:** Yeah. I think it's
9 increasingly clear that if Canadian institutions aren't
10 willing to include us, then we will just resurrect -- we
11 will build our own, we will construct our own. The time is
12 long overdue for our inclusion in mainstream media in these
13 places, long overdue. And surely Commissions like this are
14 evidence of that. The fact that we even have to do this
15 should be evidence that this is long, long, long, overdue.

16 And so, I think we just will, you know, I
17 have no doubts the job that I have just taken as the head
18 of the Indigenous Screen Office, which is a brand-new
19 organization which only started in February, is exactly
20 that. It is to put the control of media -- not just the
21 control of who is on your screen, not even just a control
22 of who's behind the screen, but who's in the boardrooms and
23 in the institutions that make the decisions before we even
24 get to those other places?

25 It's about -- it's about narrative

1 sovereignty, as a way to grant true sovereignty, both
2 physical and political to Indigenous Peoples. The
3 sovereignty that is largely enshrined in the treaties that
4 we have signed with the Nation State of Canada, that we
5 never gave up. And I think that is just one example, one
6 example of the ways in which, if we are not permitted to
7 even get a scrap of equality from the existing Canadian
8 institutions, then we will build our own, and in the
9 process if that means tearing down the existing ones, then
10 we will do that as well.

11 **MS. CHRISTA BIG CANOE:** Thank you.

12 There's just a couple of points I want to
13 make sure that we include the material into the record.
14 One of the articles that Jesse has spoken to, at least the
15 themes in, includes "Media's Indigenous Coverage Has Always
16 Been Slanted and it's Still Scant, says writer Hayden
17 King". Should it be -- I believe in Schedule F of your
18 material. And I'm asking that it be marked an exhibit, and
19 Jesse, I'm sure it's fair to say you could answer questions
20 in relation to that article?

21 **MR. JESSEE WENTE:** Sure.

22 **MS. CHRISTA BIG CANOE:** And sort of on that
23 resilience point that, you know, and you talked actually
24 already about Alanis Obomsawin and like, women's role in
25 Indigenous film making. There was an -- oh, I'm sorry. I

1 should have let the Commissioner actually make a
2 determination on the exhibit.

3 **CHIEF COMMISSIONER MARIAN BULLER:** Media's
4 Indigenous Coverage Has Always Been Slanted and it's Still
5 Scant, says writer Hayden King, is Exhibit 42.

6 --- EXHIBIT No. 42:

7 "Media's Indigenous coverage has always
8 been slanted. And it's still scant,
9 says writer Hayden King," by Hayden
10 King, *Toronto Star*, July 31, 2017 (two
11 pages)

12 Witness: Jesse Wente, Director,
13 Indigenous Screen Office
14 Submitted by Christa Big Canoe,
15 Commission Counsel

16 **MS. CHRISTA BIG CANOE:** Thank you.

17 I would also like to tender "Indigenous
18 Filmmaking Set to Rise in Canada in 2018 and Beyond". This
19 is in Schedule A, I believe. And this is an article
20 talking about Indigenous filmmaking, and Jesse, you're
21 comfortable answering any questions should any parties have
22 ---

23 **MR. JESSE WENTE:** Absolutely.

24 **MS. CHRISTA BIG CANOE:** --- in relation to
25 this?

1 **CHIEF COMMISSIONER MARIAN BULLER:** Excuse
2 me, are you asking that that be marked as an Exhibit?

3 **MS. CHRISTA BIG CANOE:** Yes, please.

4 **CHIEF COMMISSIONER MARIAN BULLER:** Okay.
5 "Indigenous Filmmaking Set to Rise in Canada in 2018 and
6 Beyond" is Exhibit 43, please.

7 --- EXHIBIT No. 43:

8 "Indigenous filmmaking set to rise in
9 Canada in 2018 and beyond," *The*
10 *Canadian Press*, posted December 28,
11 2017 11:05 a.m. ET, last updated
12 December 28, 2017 (six pages)
13 Witness: Jesse Wente, Director,
14 Indigenous Screen Office
15 Submitted by Christa Big Canoe,
16 Commission Counsel

17 **MS. CHRISTA BIG CANOE:** Jesse we -- I
18 personally would love to spend more time talking on this
19 issue. We do have limited time today. A number of my
20 colleagues in the room and the Commissioners themselves
21 will also have more questions for you. But before I finish
22 my questions with you, I wanted to ask if you have any
23 particular recommendations or suggestions to share with the
24 Commissioners in relation to your opinion and expertise?

25 **MR. JESSE WENTE:** Sure. I mean, I -- you

1 know, baseline -- and I think my colleague Tanya will
2 probably underscore this as well, is we obviously need to
3 find our way out of the *Indian Act*, that's certainly part
4 of it.

5 When it comes directly to media, we need
6 Indigenous control over our stories. We need Indigenous
7 Peoples -- my goal would be, over represented in the media
8 in terms of our population. Again, that is a corrective
9 measure, because I don't think just pure representation
10 based on a four and a half percent population, is actually
11 going to achieve a significant change in the media. So I
12 think you need Indigenous People over represented in all
13 aspects of the media, from the craft positions to the
14 executive offices of the very top.

15 I think it's important to understand that
16 the major funding bodies, and the media institutions in
17 Canada have significant lacking of Indigenous
18 representation in their ranks. Telefilm, which is the
19 funding body for film in Canada, just hired its first
20 Indigenous person in its history. The National Film Board
21 only has two Indigenous Peoples on staff, one of them is 85
22 years old and a living legend. Places like SODEC in Quebec
23 have none represented. The CBC has no Indigenous People in
24 its upper management. Most of the Indigenous representation
25 occurs on screen or behind the microphone as opposed to in

1 the editorial positions.

2 Until you get that representation it's hard
3 to imagine media being able to appropriately reflect
4 Indigenous peoples, and cover and provide the editorial
5 weight behind the issues that face our community. Because
6 it's not just representation, it's the lack, sometimes, of
7 representation. Would issues like the one this Commission
8 is meant to address have continued if stories had been
9 written decades ago like they should have been? If editors
10 and reporters had been connected to the communities to tell
11 the stories decades ago, would we need Commissions like
12 this, and I wonder if we would.

13 And instead the media has largely ignored
14 these stories or when they've approached these stories in a
15 journalistic sense, they tend to do a disservice to the
16 stories of the survivors and the families, and they rely
17 on, unfortunately, the misrepresentations that are present
18 in our media. That is where many journalists end up having
19 to learn because they weren't taught these things
20 appropriately in school.

21 And I think until you get an
22 overrepresentation of Indigenous people across media in
23 Canada and in positions to control editorial content and
24 editorial decisions -- I think that is fundamentally what
25 we need. And we need it for, again, in a very extended --

1 this is not something that occurs in the moment and goes
2 away. It is sustained, forever-style engagement.

3 I think there's models in other colonial
4 states where we see, for example, New Zealand, has four
5 Maori language television stations. In Canada we only have
6 APTN dedicated to Indigenous media. And we need to see a
7 larger investment, both into places like APTN but also see
8 larger investment from places like the CBC in supporting
9 Indigenous stories as part of their obligation to tell a
10 true story about Canada and to better serve the public that
11 they are obligated, in fact, to serve, especially when it
12 comes around journalistic practice.

13 And so I think that's fundamentally what we
14 need. I think there's many ways to get there, and we're in
15 the processes now to do that. But I think the faster and
16 more readily we are able to use this -- because I certainly
17 believe that appropriate and authentic representation in
18 the media would contribute to solving some of the larger
19 systemic issues faced by the Indigenous community,
20 including the one that this Commission is most meant to
21 address, as it would provide the humanization that we
22 fundamentally need in order for the Canadian public to
23 understand that is in their best interests to solve these
24 issues and address these issues for Canada, and it's not
25 just Indigenous issues, that this is a Canadian issue.

1 This is an issue about Canada, what Canadians are willing
2 to accept, who is accepted as human in Canada, and the type
3 of nation Canada truly wants to be; not the nation that it
4 says it, the nation is actually willing to live and be on a
5 daily basis.

6 **MS. CHRISTA BIG CANOE:** Thank you, Jesse.

7 One of the moments you talked about earlier
8 you pointed to seeing yourself in -- seeing yourself in
9 somebody -- and I just want to acknowledge, you may not
10 know this but you are for a lot of people, that. Being in
11 broadcasting and hearing your voice on Metro Morning and
12 hearing your positions; seeing that an Indigenous person, a
13 broadcaster, can actually be a good role model because in
14 you other Indigenous people can see.

15 And I'm sorry, I just really felt obligated
16 to acknowledge that; that you have provided that for us for
17 many years for a number of us Indigenous people.

18 Thank you.

19 **MR. JESSE WENTE:** Miigwech.

20 **MS. CHRISTA BIG CANOE:** Before we move to
21 Tanya's testimony, we're going to request just a five-
22 minute break so that we can -- and I'm asking that we stay
23 tight on time because everyone knows how tight we are today
24 in order to hear these excellent witnesses in the
25 timeframe.

1 So if we could just have a five-minute break
2 before we go into the next testimony?

3 **CHIEF COMMISSIONER MARION BULLER:** Five
4 minutes, not six.

5 (LAUGHTER)

6 --- Upon recessing at 9:53 a.m.

7 --- Upon resuming at 10:02 a.m.

8 **MS. CHRISTA BIG CANOE:** Chief Commissioner,
9 Commissioners, if we could re-commence with this first
10 panel. And, for anyone just joining us either in person or
11 on live stream, the panel that is before us right now is
12 the Truth Telling Panel on Media, Journalism, Film and
13 Broadcasting.

14 The next witness that I would like to call
15 is Tanya Talaga. Tanya is a very recently highly awarded
16 author for her book on the Seven Fallen Feathers, but she's
17 been a journalist for a number of years as well. Before we
18 start, I would ask Mr. Registrar to affirm. Yes, to affirm
19 on a feather. If we could have a feather, please?

20 **MR. BRYAN ZANDBERG:** Good morning, Tanya.

21 **MS. TANYA TALAGA:** Good morning.

22 **MR. BRYAN ZANDBERG:** Tanya, do you solemnly
23 affirm to tell the truth, the whole truth and nothing but
24 the truth?

25 **MS. TANYA TALAGA:** Yes, I do.

1 TANYA TALAGA, Affirmed:

2 --- EXAMINATION IN-CHIEF BY MS. CHRISTA BIG CANOE:

3 MR. BRYAN ZANDBERG: Thank you.

4 MS. CHRISTA BIG CANOE: Before I actually
5 ask any questions, I want to qualify Ms. Talaga -- and may
6 I call you, Tanya?

7 MS. TANYA TALAGA: Please.

8 MS. CHRISTA BIG CANOE: As an expert. And
9 so, I propose to ask some questions and then canvas if
10 there's any objections.

11 So, to start, Tanya, can you tell us a
12 little bit about your background as comfortable as you are
13 sharing about your personal background?

14 MS. TANYA TALAGA: Miigwetch for allowing me
15 to be here today. (Speaking in Anishnaabe). This is a
16 great honour for me to be here and I have to say as a
17 journalist, it's always strange to be on this side of the
18 fence, but I imagine some of the lawyers are going to enjoy
19 this.

20 My name is Tanya Talaga and I am a Polish
21 and an Anishinaabekwe woman. I was born and raised in
22 Toronto. My mother is from outside of Thunder Bay. A
23 little place called Wraith, Ontario, which is on the
24 traditional lands of Fort William First Nation, and my
25 grandmother is a member of Fort William First Nation.

1 And, I, especially recently, write mostly
2 about the community that I feel very much a part of, and
3 that's Northern Ontario. And, I am -- have been at the
4 Toronto Star for almost -- well, just over 20 years
5 actually. And, I can talk a little bit about the
6 trajectory of, sort of, what led me to the Star and the
7 need for more Indigenous journalists as we go along through
8 the testimony today. And, I am also a mother of two
9 teenagers.

10 **MS. CHRISTA BIG CANOE:** Thank you, Tanya.
11 I'm going to ask you, if you can look at your CV -- I
12 believe it's in the tab here for you. And, I'm just going
13 to highlight some points. Is it true that you're currently
14 CBC's Massey lecturer for 2018?

15 **MS. TANYA TALAGA:** This is true.

16 **MS. CHRISTA BIG CANOE:** And, can you tell us
17 just a little bit about what the Massey Lecture does?

18 **MS. TANYA TALAGA:** I've been honoured to be
19 -- I am the Massey lecturer for this year, I will be
20 travelling across Canada in September and October to five
21 Canadian cities to discuss the topic that's been -- is
22 close to my heart and something I've spent the last eight
23 months researching on, but I have been writing about this
24 for quite some time, and that is suicide in our
25 communities, our Indigenous communities, particularly youth

1 suicide.

2 I'm looking at the effects of colonization,
3 the effects of residential school, intergenerational
4 trauma, and how this has all played such a role into
5 identity and belonging and who we are, and also on what we
6 see now with the effects of suicide in our communities.

7 I'm also writing, as part of that, a book
8 that will be coming out in September to support the Massey
9 Lectures. This is based on my work as an Atkinson fellow
10 in public policy. The Atkinson Foundation is a charitable
11 foundation that's run through the five families that own
12 the Toronto Star and I've spent the last eight months, as I
13 said earlier, researching on youth suicide.

14 **MS. CHRISTA BIG CANOE:** A not easy topic, I
15 am sure, to be researching, but important in storytelling.
16 So, you've already told us you've been with the Toronto
17 Star for over 20 years. It's fair to characterize what you
18 do as investigative journalism?

19 **MS. TANYA TALAGA:** Mm-hmm.

20 **MS. CHRISTA BIG CANOE:** And so, what's the
21 difference between that and, say, like an opinion column?

22 **MS. TANYA TALAGA:** I actually don't get to
23 write about my opinion. I am supposed to look at the
24 facts. I am supposed to uncover stories, stories that have
25 not been told, give voice to the voiceless, look at things

1 that -- policies, procedures that are impacting lives and
2 in some aspects negatively impacting lives, looking for
3 holes, looking for ways to make things better. I had been
4 doing a lot of that work with, actually, Murdered and
5 Missing Indigenous Women and Girls before I took a leave to
6 write the book on Seven Fallen Feathers. But, I also have
7 been writing about the seven kids since 2011.

8 And, instead of giving an opinion -- so
9 columnists do opinions. And, opinions, you take one side,
10 you sort of go on about how you feel. You see something,
11 and a newspaper or a website gives you -- allows you to
12 have your voice told, my voice is as a journalist, so it's
13 a bit different. I'm supposed to be looking at both sides
14 of the story, black and white, and presenting the facts
15 that I find.

16 **MS. CHRISTA BIG CANOE:** And so, you already
17 mentioned Seven Fallen Feathers, the book that you wrote,
18 and it's "Seven Fallen Feathers: Racism, Death and Hard
19 Truths in a Northern City". I know you're very modest, so
20 I'll try to go through this part quick. I understand that
21 you, in this year, have won the Writer's Trust Shaughnessy
22 Cohen Prize for Seven Fallen Feathers for the best
23 political book of 2018.

24 **MS. TANYA TALAGA:** Mm-hmm.

25 **MS. CHRISTA BIG CANOE:** I also understand

1 that you've won the RBC Charles Taylor Prize for Seven
2 Fallen Fathers for best non-fiction book.

3 **MS. TANYA TALAGA:** Mm-hmm.

4 **MS. CHRISTA BIG CANOE:** You've been a
5 finalist in a number of other that are listed in your CV,
6 so I won't go into them, but I can't help but note that --
7 and congratulations is in order because I believe you just
8 also were awarded the Indigenous Literature Award for this
9 book.

10 **MS. TANYA TALAGA:** Yes, and that's a very
11 big honour to me.

12 **MS. CHRISTA BIG CANOE:** And, it's a big
13 honour, I'm guessing, because it's part of First Nations'
14 Community Read Program which is actually designed and aimed
15 to Indigenous readers and communities.

16 **MS. TANYA TALAGA:** Mm-hmm.

17 **MS. CHRISTA BIG CANOE:** Chief Commissioner
18 and Commissioners, I would request that Tanya's CV be
19 marked as an exhibit.

20 **CHIEF COMMISSIONER MARION BULLER:** Yes, the
21 CV is Exhibit 44, please.

22 --- Exhibit 44:

23 CV of Tanya Talaga (two pages)

24 Witness: Tanya Talaga, Journalist and

25 Author

1 Submitted by Christa Big Canoe,
2 Commission Counsel

3 **MS. CHRISTA BIG CANOE:** Thank you. I'm
4 going to ask if there's any parties that object to me
5 qualifying Ms. Tanya Talaga as an expert or if they want to
6 note no position on the record. Seeing no objections,
7 Chief Commissioner and Commissioners, based on the
8 knowledge, skill, practical experience and training as
9 described by Tanya, and the numerous awards and
10 acknowledgments recently achieved as the result of her
11 investigative journalism and authorship of Seven Fallen
12 Feathers, I am tendering Ms. Talaga as a qualified expert
13 witness in the field or area of journalism and writing on
14 Indigenous issues with Indigenous perspective.

15 **CHIEF COMMISSIONER MARION BULLER:**
16 Certainly. We are satisfied that Ms. Talaga has the
17 requisite background to give opinion evidence with respect
18 to the area of journalism and writing on Indigenous issues
19 with Indigenous perspective.

20 **MS. CHRISTA BIG CANOE:** Thank you. So,
21 Tanya, I want to start with a comment I've heard you say
22 about -- and you've already told us a little bit about your
23 role as a journalist, an investigative journalist as
24 opposed to sharing your own opinion. Something you've
25 often said is you're telling other people's stories, but

1 you're the messenger.

2 So, I want -- I'm wondering if you can talk
3 a bit about how you particularly, you know, in authoring
4 the Seven Fallen Feathers or the other work you're doing
5 situate racism as a messenger.

6 **MS. TANYA TALAGA:** Miigwetch for the
7 question. I don't see myself as a spokesperson for anyone
8 or anything. And, the comment for messenger, I made that
9 comment to you because I really do feel that I am gifted
10 the stories that I tell, and that I feel that I very much,
11 I hope, tell the stories of the community in Northern
12 Ontario that has trusted me with the stories of their loved
13 ones. And, I would not be the storyteller I am today if I
14 did not have the support of the families in Thunder Bay,
15 the families of the Seven Fallen Feathers which I will,
16 hopefully, get a chance to read their names into the
17 record.

18 **MS. CHRISTA BIG CANOE:** Yes, absolutely.

19 **MS. TANYA TALAGA:** Okay. Can I do that now
20 or...

21 **MS. CHRISTA BIG CANOE:** You can. Yes.

22 **MS. TANYA TALAGA:** Okay. Thank you very
23 much. I wanted to pay particular attention to them,
24 because I think it's really important that we remember the
25 seven students now, today. The students are Jethro

1 Anderson, Curran Strang, Paul Panacheese, Robyn Harper,
2 Reggie Bushie, Kyle Morrisseau and Jordan Wabasse. I
3 should also note that many other students have lost their
4 lives in Thunder Bay before this point, before 2000 and
5 2011, which I wrote about, and I also remember them. And,
6 there have also been students that have passed on since
7 2011, and I remember them, too, today. I am thinking in
8 particular two, of Dylan Munoz (phonetic), Tammy Keeash
9 Gesiabeg (phonetic).

10 I feel very lucky to tell the stories of
11 Nishnawbe Aski Nation out of the 49 communities in Northern
12 Ontario that represent Treaty No. 9 Territory. And, the
13 seven children that I write about come from Nishnawbe Aski
14 Nation. And, in that context, I feel that it was all of us
15 writing this book. It wasn't just me. It was a community
16 of storytellers, and I just wrote it down.

17 **MS. CHRISTA BIG CANOE:** Thank you. So, I
18 mean, the title itself talks about racism, and death, and
19 hard truths in the northern city. So, as the storyteller,
20 I know that when you wrote the book, you know, to honour
21 the death of the seven and the others, what were you --
22 what was your journey? What was the initial journey going
23 out, and compared to what the result was?

24 **MS. TANYA TALAGA:** Mm-hmm. Thank you for
25 asking that question because I think by my answering, I

1 will hopefully answer your first question which I didn't
2 completely answer. I should also tell you that I often
3 talk in circles. I start with something, and I go, sort
4 of, all the way around and I'll come right back to a point.
5 And so, please, just bear with me with that.

6 But, the title of Seven Fallen Feathers and
7 racism, death and hard truths in the northern city, you
8 know, I was lucky to be gifted all of the material with
9 this -- and, I'm sorry, I just temporarily forgot what you
10 were asking. I just got caught up in a moment.

11 **MS. CHRISTA BIG CANOE:** No worries. You
12 were at the point of discussing the title. And so, what I
13 was asking is what was your intention, your original
14 journey at authoring this.

15 **MS. TANYA TALAGA:** Right. Okay.

16 **MS. CHRISTA BIG CANOE:** And, what was the
17 difference between what you went in thinking you were going
18 to do and what the result of it ended up being.

19 **MS. TANYA TALAGA:** Now, here's my circle
20 again. In 2011, I was a political reporter for the Toronto
21 Star. I was working at the Queen's Park bureau, and I was
22 sort of the last person to come into the bureau. I didn't
23 have very much political journalism experience. And, there
24 was a federal election in full swing. It was essentially
25 Stephen Harper versus Jack Layton, two very divergent

1 viewpoints.

2 And, I wanted to write a story, and I
3 pitched to my editors a story on why it is First Nations
4 people were not voting in elections. I knew the answer to
5 that question. I knew that status Indians in this country
6 did not have the right to vote until 1960. But, it was --
7 my editors thought, "Hey, that idea sounds really exotic.
8 You know, that's something quite new and different." This
9 is 2011. This is before the TRC reported. This is before
10 Idle No More. This is before the proliferation of social
11 media.

12 And so, my editor said to me, "Why don't you
13 do that story." And, I said, "Well, if I'm going to do
14 that story, I need to go to Thunder Bay. And, I need to go
15 Thunder Bay for a variety of reasons." Thunder Bay is a
16 city that I know. And, in Thunder Bay, I knew that Stan
17 Beardy, the former Grand Chief of Nishnawbe Aski Nation,
18 would be there, because that's where his office is. So, I
19 went to go speak to Stan.

20 And, we sat across from each other, and I
21 began to interview him on why it is Indigenous people were
22 not voting. I often start with a very broad question to
23 make someone feel comfortable, and that's where I started.
24 And, he looked at me and he said, "Why aren't you writing a
25 story about Jordan Wabasse?" And so, I repeated my

1 question again, and he looked at me and he said to me,
2 "Jordan's been missing for 70 days." It became apparent to
3 me that I was not going to get the question that I wanted
4 answered, and I should put my manic Toronto journalist self
5 aside, remember who I am, remember who he is, and I'm
6 sitting in the presence of a Grand Chief, and the Grand
7 Chief is trying to tell me something. I should listen.

8 And, I'd like to think at that moment in
9 time that I opened my ears and I listened to what he was
10 saying, and that is when Stan said to me that Jordan was
11 the seventh student to die or to go missing in Thunder Bay
12 since 2000. And, when he said "seven", a number of things
13 hit me. You know, disbelief, first off. I couldn't
14 believe that there were no national news headlines about
15 seven students that had gone missing or had died in Thunder
16 Bay since 2000. I know that if this was Toronto or if this
17 was Ottawa or Vancouver, if there was a story of seven
18 children that had died while at school, in high school,
19 that would get national media coverage. And, I just
20 couldn't believe it, what he as saying, almost.

21 And then Stan took me on a drive, and we
22 went to the place where Jordan was last seen or was
23 suspected to have last seen, and where we were was the
24 Kaministiquia River underneath Mount McKay, and when we got
25 there, I just really couldn't believe it because, of

1 course, Mount McKay is a spiritual centre of Fort William
2 First Nation, my grandmother's reserve, and that's when
3 Stan said to me, "You know, we have a cap here, and this is
4 where we last believed Jordan was seen." And, within 2.5
5 months of us standing there, Jordan's body would be found
6 exactly there.

7 Stan then took me to Dennis Franklin
8 Cromarty High School, and in typical Stan fashion, we got
9 into his pickup truck, drove to the school. I walked in
10 the front door, and Stan sort of dropped me off at the
11 administration desk and said, "This is Tanya. She's a
12 Nish. Tell her everything." And, that sort of began my
13 journey.

14 I should tell you that Dennis Franklin
15 Cromarty High School is an Indigenous run high school, and
16 it is for the children that come from NAN Territory, that
17 come into Thunder Bay to go to high school. This was also
18 part of my learning journey, was the fact that there are no
19 -- very few proper high schools for First Nations children
20 in Northern Ontario. And, if children in Northern Ontario
21 want to pursue a high school education, which is the right
22 of every other child in this country under the age of 18,
23 they have to move 400, 500, 600 kilometres away from their
24 communities, often small communities, remote and fly in.
25 They move away from their language, they move away from

1 their parents, their culture, from everything that they
2 know.

3 Keep in mind, too, these communities I
4 mentioned, they're a little bit small and they are. They
5 don't have traffic lights. They don't have malls. There's
6 really no place to hang out other than the Northern Store.
7 And, if you've been to the Northern Store, you often don't
8 want to hang out there. You know, it's not a great place
9 for youth, other than if you're going to buy something.

10 So, this too I was astounded at, that more
11 people weren't writing about this, or I was not hearing
12 more about this in the mainstream media. How could it be
13 in 2011 we don't have high schools for children in the
14 communities that they live in? This seems to me like a
15 fundamental human right for any child.

16 So, that's when I began to write about the
17 Seven Fallen Feathers and about what was happening in
18 Thunder Bay, and as part of that, you cannot help but look
19 at racism. You cannot help but look at intergenerational
20 trauma, the effects of colonization on Indigenous and non-
21 Indigenous society in the City of Thunder Bay. Thunder
22 Bay, to me, too, is a microcosm for the entire -- you can
23 look at Thunder Bay and see it, but it's a microcosm for
24 the entire country of Canada. I see many things when I
25 look at what's happened in Thunder Bay, particularly with

1 the Seven Fallen Feathers. I see very many similarities
2 with how the cases of the seven were handled with the cases
3 of the murdered and missing Indigenous women and girls that
4 I write about and I'll talk about that later on. I also
5 see the death of Colten Boushie. I see many things like
6 that, and the same struggles seem to be happening time and
7 time and time again.

8 Getting back to the high school, Dennis
9 Franklin Cromarty, it was there that I met the students and
10 the youth of Nishnawbe Aski Nation, and I have to say that
11 they are all an inspiration because they come to school
12 because they want an education. They want to learn. So,
13 they leave their families. You know, imagine doing that at
14 14, or 13, or 15, especially too when you're not operating
15 in English as a first language.

16 So, they come to the city and they've never
17 seen -- for some of them, they've never been on a bus.
18 They've never -- when they get to the traffic lights, they
19 actually have to learn how to cross the street. These are
20 things that a lot of people take for granted, but for kids
21 that live in the north that come in, these are things that
22 they're all learning. And, instead of coming, often, to a
23 welcoming city and place, they have been met with
24 hostility.

25 Every single child that I meet, every

1 student that I meet at Dennis Franklin, I've been honoured
2 to meet, they will tell me a story about racism. They will
3 tell me a story about walking down the street and having
4 eggs thrown at them. They will tell me a story of being
5 called a "Dirty Indian", being told to go back to where
6 they came from, you know, which is interesting, because
7 this is where they came from. This is their land -- this
8 is our land. So, this is all of the things that I hear
9 from the kids themselves when I'm in Thunder Bay.

10 **MS. CHRISTA BIG CANOE:** Thank you, Tanya.
11 Is it okay if we actually look at some of the excerpts that
12 you've provided in your materials to kind of situate and
13 discuss some of those stories you're actually talking
14 about? And so, this was in the material at Schedule B, and
15 they're just excerpts. We don't have to go through all of
16 them, but for example -- I'm going to rely on my book --
17 you had mentioned the names of the Fallen Feathers, and
18 Jethro Anderson was the first of the Fallen Feathers to be
19 found in the waterways in Thunder Bay. And, at page 113 of
20 your book, in the excerpts, there is -- it starts midway
21 down the page, "It seemed everyone was out looking for
22 Jethro; everyone but the police." And, you don't have to
23 read in the excerpt, but can you tell us a little bit about
24 this excerpt and what the family has shared with you what
25 they experienced?

1 **MS. TANYA TALAGA:** Jethro Anderson was from
2 Kasabonika Lake First Nation, which is about 500 kilometres
3 north of Thunder Bay. Jethro turned 15 on October 1st,
4 2000. He was a Grade 9 student, and he had come to Dennis
5 Franklin Cromarty to go to school, and he was one of the
6 lucky kids, because when he came to Thunder Bay, he got to
7 board with his aunt. His aunt is Dora Morris, a remarkable
8 woman. She had children -- she has children of her own and
9 she had one of those families and one of those homes where
10 all the kids in the neighbourhood would sort of hang out,
11 and feel good and, you know, have a good bite to eat. And,
12 she was the one that cared for Jethro as a son. She had
13 been in his life for his entire life.

14 And, he didn't come home on one evening. He
15 had been out with Dora's son, Nathan, and instead of coming
16 home, he didn't. And so, when she got home from her job,
17 she went out looking for him. She started to -- this is
18 the end of October 2000. She started to drive around the
19 streets of Thunder Bay with her husband sort of up and down
20 the streets looking for Jethro. It was highly unusual for
21 Jethro not to come home. She spent, like, 12:00 a.m., 1:00
22 a.m., 2:00 a.m. looking for him, driving around.

23 And, when she got back, there was still no
24 sign of Jethro, and none of her kids knew where he was. No
25 one had heard from him, so she decided to call the Thunder

1 Bay Police. And, when she called the Thunder Bay Police,
2 she was told for her not to worry. The person who answered
3 the phone told her, "He's probably just out there partying
4 like all the other Native kids," and then he hung up the
5 phone.

6 So, Dora could not believe what she had
7 heard. She, of course, got back in the car and started
8 looking on her own for Jethro. She called Jethro's mother,
9 Stella McKay, and Stella immediately took a charter flight
10 down with members of family and the community, and members
11 of the Anishinaabe community in Thunder Bay started to
12 organize a search, a massive search, for Jethro, and it was
13 the community that pulled together and began to look for
14 him. It took Thunder Bay Police six days to respond to the
15 missing person's complaint of a 15-year-old boy.

16 **MS. CHRISTA BIG CANOE:** And, again, I know
17 there's a number of excerpts in here, but just keeping
18 context in mind, you'll be able to answer any questions
19 about your excerpts, but I'm going to ask that we turn up
20 page 284 and 285, and particularly, where there's mention
21 of Bernice Jacob, and this is Jordan's Wabasse's mother.

22 On June 28th -- there was an inquest, and on
23 June 28th, the jury made 145 recommendations. Can you tell
24 us a little bit about this excerpt on Bernice Jacob,
25 Jordan's mother?

1 **MS. TANYA TALAGA:** Thanks for the question.
2 As I told you, Jordan was the first student that I started
3 to write about, and Jordan's mom, Bernice Jacob, was at the
4 inquest, and she was at the very end of the inquest as
5 well. It took a long time for Indigenous leaders to fight
6 to get an inquest, I should say, into the death of the
7 seven students. And Grand Chief Alvin Fiddler, now-Grand
8 Chief Alvin Fiddler was -- he really did push the ball to
9 get an inquest rolling, and it took many years to do so.

10 Bernice was there at the closing end of the
11 inquest. Over 200 witnesses were heard from; over the
12 course of eight months, 145 recommendations were tabled.
13 Among the recommendations -- and, you know, we can talk
14 about those later on, but among the recommendations is the
15 right for every child in this country -- the right for
16 every Indigenous child to have an education in a school
17 that it just like every single other school that children
18 that are non-Indigenous go to: Schools with libraries,
19 schools with gymnasiums, schools with computers, with
20 science labs.

21 And she spoke to the media. It was a very
22 emotional day and an emotional time, the end of the
23 inquest. She spoke to the media about the right and how we
24 all want everyone to be treated equally as we are all
25 human. That's what she said. Because the inquest heard

1 time and time again how the students were treated
2 differently because of the colour of their skin and how
3 they were pelted with eggs or yelled at by people driving
4 by in cars.

5 And also, too, how the investigations into
6 the disappearance of the children were handled and also
7 mishandled. And how still at this point there are as many
8 questions as there are answers, if not more questions than
9 answers.

10 And she also, too, she has three other sons
11 in Webequie. Jordan was from Webequie First Nation, which
12 is in the ring of fire area; again, around 500 kilometres
13 northeast of Thunder Bay. And she has three sons back home
14 and, you know, she said, "Two of them are in high school
15 and I didn't allow them to come to the city to further
16 their education."

17 That's a really, really tough statement to
18 hear but that is essentially what is going on in northern
19 Ontario at this point, too, is that there are families that
20 are afraid to send their children outside to go to school
21 in Thunder Bay.

22 And so when she said, "We want everyone to
23 be treated equally as we are all human," that is what she
24 was referring to.

25 **MS. CHRISTA BIG CANOE:** Thank you.

1 Again, I know you can tell the stories, and
2 I encourage everyone to read the book because the stories
3 are there to ask the questions. But I kind of want to turn
4 our attention -- and I apologize because of the limited
5 time -- you were talking about the inquest and particularly
6 that day; that day where Bernice spoke, so truthfully and
7 bravely, about the circumstance, the verdict of the
8 Coroner's jury that came out. Because I understand that
9 some of the recommendations you believe the Commissioners
10 should be endorsing specifically that came out of that.

11 So the verdict of the Coroner's jury is at
12 Schedule C. Our interim report, the National Inquiry's
13 interim report and our research work has already addressed
14 this, I would still request, though, that the verdict that
15 includes 145 recommendations is put into the record and
16 tender it as an exhibit, please.

17 **CHIEF COMMISSIONER MARION BULLER:**

18 Certainly. For the purposes of our record, the inquest
19 verdict, including the 145 recommendations, will be Exhibit
20 45, please.

21 **--- EXHIBIT NO. 45:**

22 Verdict of Coroner's Jury, Office of
23 the Chief Coroner, names of the
24 deceased: Jethro Anderson, Curran
25 Strang, Paul Panacheese, Robyn Harper,

1 Reggie Bushie, Kyle Morrisseau, Jordan
2 Wasasse; Coroner for Ontario: Dr. David
3 Eden, verdict received June 28, 2016,
4 held at Thunder Bay
5 Witness: Tanya Talaga, Author &
6 Journalist, *Toronto Star*
7 Submitted by Christa Big Canoe,
8 Commission Counsel

9 **MS. CHRISTA BIG CANOE:** Forty-five (45).

10 And so Tanya, when you started you told us -
11 - you shared the story of, like, what you first set out to
12 do and how it evolved. Did you ever imagine that the book
13 was going to focus so much on racism, but also on
14 education? Like, is this a story of our call to Canada to
15 provide equal, equitable access to education for Indigenous
16 children?

17 **MS. TANYA TALAGA:** Thanks for the question.

18 You know, I never thought that I was going
19 to be writing a book that was about education as much as I
20 did; I didn't think that I would be writing a political
21 book as much as I did. And I have to also tell you, too,
22 that even though I was talking earlier about the difference
23 between, you know, being an investigative journalist and
24 being a columnist, I should also tell you there's a
25 difference with being an author.

1 And in this regard, I was an author; I am an
2 author, and it's a non-fiction book. And as a non-fiction
3 writer, I did pick a side. So instead of being that black
4 and white journalist, instead I did pick a side because
5 there was no other side for me to pick. I mean, how could
6 I not write this book as I wrote it? What I saw and what
7 everyone was telling me, what we all see, but what seems to
8 get lost in little everyday things like news articles that
9 are, you know, 600 to 1,000 words long.

10 You can't really explain to people the --
11 you can't explain the roles of community or the roles of
12 family or Nishnawbe tradition. You can't explain many of
13 that stuff. And oftentimes when you do, it can be cut down
14 in newspaper articles.

15 And I knew that a book would be the best way
16 to tell the story of the seven. And so that's where that
17 came from, and I hope that it was told effectively.

18 But I was amazed, too, as I went on with
19 finding how inequitable the system is in education. I
20 mean, the daily struggle of Dennis Franklin Cromarty to
21 exist is a remarkable thing because the school is -- is
22 like no other school I've ever seen, the school -- everyone
23 that works in the school, they are like parents, surrogate
24 parents to the kids, and they work 24/7. They, you know,
25 sleep with their phones by their beds. They feed the

1 children.

2 This is -- the school has evolved somewhat,
3 too, since it first opened in 2000 but now the school is a
4 place where the kids can have all their meals. There's an
5 Elder on site.

6 The school is a beautiful one; it's a
7 welcoming place. When you walk in the art of the children
8 is everywhere, including a mural -- a mural that was
9 started by Reggie Bushie, one of the children that passed
10 away, one of the seven fallen feathers. And the rest of
11 the students of Dennis Franklin Cromarty High School
12 actually have finished the mural in his absence but they
13 did leave an eagle up in the top corner for his brother,
14 Ricky String, who is also a student at Dennis Franklin to
15 finish.

16 So you know, just getting back to that, the
17 funding levels that for years that Dennis Franklin Cromarty
18 has received, and also, too, Pelican Falls, the other
19 school that is run by the Northern Nishnawbe Education
20 Council, which is in northern Ontario; that is the council
21 that gets funding from the federal government to run the
22 schools. And for years the funding did not keep pace
23 whatsoever. I believe it was Prime Minister Jean
24 Chrétien's government who put a 2 percent funding cap on
25 Indigenous education.

1 But what wasn't realized or what wasn't
2 taken into account was the birth rate of Indigenous
3 families. There was something like a 26 percent growth in
4 population -- youth population over the span of a number of
5 years, and that was never taken into account when you're
6 talking about funding for schools.

7 And so how can schools possibly keep pace?
8 And especially when you're dealing with schools in the
9 north like Pelican and like Dennis Franklin Cromarty. You
10 have issues where sometimes the kids have to be flown back
11 home. And to get a plane ticket to go to your remote First
12 Nation can cost anywhere from 600 to \$2,000. It's just as
13 expensive to go to Europe. And so oftentimes, too, you
14 know, the budgets get moved around and things have to be
15 compensated in order to handle the needs of the students
16 because the needs of the students are great and they are
17 many. And I can -- I will talk about that later on.

18 This is all part of the education, though,
19 package. You can't sort of pull apart one aspect of it.
20 You can't just pull apart language or curriculum without
21 looking at the entire aspect of this.

22 And also, too, about Indigenous control of
23 education. You know, the federal government could say,
24 "Well, we fund you. Here's the money, you take it, you
25 know, go for it. Go and create your own system." But how

1 can that happen when from the very beginning they're
2 starting from behind? So there's no equal playing field.
3 And so when we talk about equity in education, this is
4 what we're discussing. And we're also discussing too --
5 and I think this is important to talk about, is language
6 and the importance of preserving language, and language
7 instruction. That is something that also has to be taken
8 into special account as well.

9 **MS. CHRISTA BIG CANOE:** So I understand
10 that, and I'm going to turn us back to the last exhibit,
11 the verdict of the *Coroners* Jury. I understand that
12 concerning education, you actually would make the
13 recommendation to the Commissioners to endorse specific --
14 specific recommendations. And to contextualize this, the
15 recommendations came from the jury, so the five individuals
16 that sat over a number of months over the inquest of the
17 seven youth who died or -- and mostly, like, a lot of them
18 were undetermined deaths.

19 So they already kind of have done the work
20 and set out, but what is it that you believe the
21 Commissioners should endorse as part of their
22 recommendations moving forward, on education issues?

23 **MS. TANYA TALAGA:** Thank you for asking me
24 that question. And I sort of -- I do apologize for the
25 fact that I literally just took the parts of the

1 recommendations, because they were done, and they were done
2 so well, and I just plopped them in a document for you and
3 said, you know, these are, I believe, what you should be
4 looking at. And I should also say too, before I get into
5 that, that it one of the things that we need to look at
6 when you're talking about education as well, there's also,
7 I believe a need to look at the *Indian Act* and I would like
8 to start there, if I can ---

9 **MS. CHRISTA BIG CANOE:** Yes, please.

10 **MS. TANYS TALAGA:** --- and the need to
11 abolish the *Indian Act*. The *Indian Act* was put in place in
12 1976 and it is quite a paternalistic and discriminatory
13 piece of legislation that basically governs every aspect of
14 Indigenous lives in this country. Every Status Indian has
15 a 10-digit number assigned to their name.

16 I was a part of a conference run by
17 Anishinaabe Aski Nation and Osgood Hall Law School just a
18 couple of weeks ago. It was really quite a remarkable day
19 and I just wanted to also enter that into the record as
20 well, if I can. It was called "Determination" and 300
21 Indigenous scholars, legal experts, members of the
22 communities, chiefs, knowledge keepers, and Elders,
23 everybody gathered in Ottawa at the -- actually, at the
24 Delta Hotel.

25 And for two days we discussed the

1 implications of the *Indian Act*. We discussed how to move
2 beyond the *Indian Act* and who should be -- who should be
3 writing those -- the path forward. And it was in general
4 consensus that the communities should be writing the path
5 forward and that, you know, where we're hearing now from
6 the Federal Government that they're looking at certain
7 sections, you know, Section 35 of the Constitution.
8 They're looking at things that need to be discussed and
9 opened up. But the path forward needs to be written by
10 Indigenous People in this country and not told to us by
11 government members.

12 And I bring up the *Indian Act* because the
13 *Indian Act* paves way for education in this country. See
14 this is one of my circles. The *Indian Act* gives way for
15 the funding of Indigenous education in this country. So
16 getting to education and the structural issues as
17 surrounding the recommendations that I believe that you
18 should be looking at, I think that number one -- as I've
19 been saying throughout -- we have to look at equity. We
20 have to make sure that children -- and it's actually beyond
21 equity, because equity at this point I don't think is going
22 to cut it.

23 You know, we have to move beyond and support
24 our curriculums, our schools. Support them, Indigenous
25 led, but also too in the non-Indigenous stream. I mean,

1 like so many children, Indigenous kids, go to provincial
2 schools. How many school board trustees are Indigenous?
3 How many teachers are Indigenous in the public school
4 boards? How many principals are? I mean, I think we have
5 to look at across the board an education that's going to
6 look at all of these things. I mean, Indigenous People in
7 these roles and not as token roles, but in real roles, are
8 so important not just for Indigenous kids, but for non-
9 Indigenous kids too. I mean, this is how everybody learns.

10 Education is the great equalizer in this
11 country and if we can't do this in the right way, and also
12 give our kids what they need, because for so long they
13 haven't had anything of what they should be getting. And I
14 should also say, that this is -- you need to also look at
15 education through the lens of what happened in this country
16 from the mid-1860s to 1996, and that's the Indian
17 residential school system, also has to be looked at. The
18 intergenerational trauma and the effects of those systems
19 and the schools. And as you know, during that time 150,000
20 children were taken from their families, their language,
21 their culture, their communities. They were taken from
22 everything that they knew, and they were put into
23 government funded, church run, schools to assimilate them
24 to Canadian society.

25 Fast forward to 2018, children -- Indigenous

1 children are still moving from their communities, their
2 families, their language, and their culture, in order to
3 get an education. We still have a long way to go when it
4 comes to figuring out how we're going to make that right.
5 And I think that in order to achieve equity, number 8 on
6 the first exhibit that you've got, you have to do. And
7 that is equity for First Nations kids, providing funding
8 for education on and off reserve that ensures that all kids
9 have access to schools -- schools in their communities,
10 schools that they need. That ensures too that the
11 uniqueness of their communities is also taken into account.

12 Like what I was talking about earlier, about
13 the funding gap about having kids that are so far up north
14 and they have special needs, you know, when they're coming
15 in they need more money, more funding. They need more
16 support, they need counselling. And often times too, the
17 things that they are seeing and feeling in their home
18 communities they bring with them, and the kids need support
19 when they are away from school, because again, they're 14,
20 15 years of age. You know, all the support in the world is
21 needed for kids like -- that are so young that way. They
22 need support from their Elders, they need support from
23 community members, and they need counselling too. If
24 that's available, that should be available for the kids.

25 They should have -- all children in this

1 country, Indigenous children, should have the right to have
2 science labs, and libraries, and gymnasiums, and
3 cafeterias, and after school programs, all the same things
4 that non-Indigenous children enjoy in publicly funded
5 schools. And that's essentially number eight. I could go
6 through ---

7 **MS. CHRISTA BIG CANOE:** And we could go
8 through. The document you're currently talking about has
9 not been provided to the parties. However, I would point
10 out the summary actually lists the recommendation numbers
11 so that everyone is on the same page. And you're right, we
12 could go through these one by one. But maybe, for the
13 purpose of the record, would you mind, whether I or you
14 highlight the numbers of the recommendations and then talk
15 more generally?

16 **MS. TANYA TALAGA:** You can do it.

17 **MS. CHRISTA BIG CANOE:** Okay. So I
18 understand that you support that recommendations 3 and 5
19 are adopted by the Commission?

20 **MS. TANYA TALAGA:** M'hm.

21 **MS. CHRISTA BIG CANOE:** You have just spoken
22 about eight. But specifically, on education on reserve
23 recommendations, you support and request the Commissioners
24 to endorse recommendations 25, 26, and 27?

25 **MS. TANYA TALAGA:** M'hm.

1 **MS. CHRISTA BIG CANOE:** On the living
2 conditions and health issues on reserve, you would ask the
3 Commission to endorse in their recommendations,
4 recommendation 34 and 37?

5 **MS. TANYA TALAGA:** M'hm.

6 **MS. CHRISTA BIG CANOE:** On safety, you would
7 touch -- you would ask them to endorse recommendation 59?

8 **MS. TANYA TALAGA:** M'hm.

9 **MS. CHRISTA BIG CANOE:** And on equity and
10 equality, which you've actually spoken quite a bit about
11 and sort of included a large number of recommendation 62,
12 that the Commission endorse that?

13 **MS. TANYA TALAGA:** M'hm.

14 **MS. CHRISTA BIG CANOE:** And also on
15 Shannon's dream, recommendation 142, and that's the
16 question I'd ask you. If you could expand a little bit on
17 your recommendation on Shannon's dream?

18 **MS. TANYA TALAGA:** Again, Shannen
19 Koostachin, as you know, she -- I hope you know about her,
20 you've probably spoken about her quite a bit and I know
21 Cindy Blackstock will probably be speaking about her later
22 on today. But Shannen was a remarkable, remarkable child
23 and she was from Attawapiskat. And she believed that she
24 has, and all of the kids that were living in her community,
25 had the right to go to school at a proper school, that

1 wasn't mouldy, that wasn't stinky, and wasn't built on a
2 diesel spill. The school that she attended was built on, I
3 believe it was 20,000 litres of diesel that was into the
4 Earth. The school was right there. The scent was
5 horrible. The school was moldy. And, she began a
6 campaign. Her campaign was Shannon's Dream. It is
7 Shannon's dream. And, her campaign is to make sure that
8 all children, Indigenous children can go to school, in a
9 safe school, can go to school in a place that is culturally
10 relevant and a place that they feel comfortable in. And,
11 they shouldn't be going to school in these conditions.

12 And so, she started a letter writing
13 campaign. She was quite remarkable. You know, her
14 campaign reached all of these kids. Non-Indigenous kids in
15 public schools started to join her in her dream, and they
16 all started writing letters to Members of Parliament, to
17 Officials, saying this should not be happening. You know,
18 why is it these kids don't have what we have? And, that is
19 -- that was Shannon's Dream. She went to Parliament too.
20 She participated in a National Day of Action, and she asked
21 for her school as well.

22 Tragically, though, she did not live to see
23 the construction of her school. She passed away in a car
24 accident when she was -- I believe she was 16. But, it's
25 Shannon's dream that still lives on today and still needs

1 to be fulfilled.

2 **MS. CHRISTA BIG CANOE:** Thank you. I know
3 that there are a few more issues that we absolutely want to
4 cover in terms of your journalism. If you're okay, if we
5 can move away from Seven Fallen Feathers and look at some
6 of the work you've done specifically on MMIWG?

7 **MS. TANYA TALAGA:** Mm-hmm.

8 **MS. CHRISTA BIG CANOE:** I know that one of
9 the series that The Star has recently done actually is
10 addressing this issue. Can you tell us a little bit about
11 it, please?

12 **MS. TANYA TALAGA:** Thanks for the question.
13 The series that we did was -- is called "Gone". And, I
14 worked with five reporters: Jim Rankin; David Bruser;
15 Joanna Smith; Jennifer Wells; a librarian, Astrid Laing;
16 and Rick Sneisder (phonetic); and data analyst Andy Bailey.
17 And, we spent over a year-and-a-half compiling our own list
18 of names of murdered and missing Indigenous women and
19 girls. And, the idea to do that was because, you know, we
20 were looking at what the RCMP was doing and the RCMP
21 report.

22 And, I had a lot of questions about, and so
23 did the other reporters, Jim Rankin notably as well, of
24 where the number came from, where the list of names came
25 from. And so, we began to request the RCMP for their data.

1 We sent in an ATIP, an access to information request, that
2 they share the data with us. And, they said no. And, they
3 fought us for a year-and-a-half, actually, to get that
4 information. And, we actually didn't have too much faith
5 when we started out that we were going to get the
6 information in the first place when we did file that ATIP,
7 so we decided to go out on our own, and that's why we went
8 ahead and did our own search of names.

9 And, how we did that was, with the library's
10 help, is we looked through all articles, using Infomart,
11 articles dating back 40 years, anything that had the word
12 "Indian", "woman", "Indigenous", even "squaw". We looked
13 at everything we could for newspaper articles to compile
14 lists of names. And, I'll tell you why I said "squaw" too,
15 because, you know, we were looking for how media as well --
16 it was remarkable to me when I looked through the 40 years
17 of newspaper articles how the media characterized missing
18 Indigenous women, murdered Indigenous women. Often times,
19 stories, when there were stories, especially 40 years ago,
20 were very small. They were briefs. And, how they
21 characterized girls was remarkable. Like, some 14-year-old
22 girls were "party girls". How could you be a party girl at
23 14? And, that -- I, you know, saw that quite frequently.

24 So, we took the names that we had, and we
25 put them in a giant list. And, we also used lists that

1 were already out there, and I have to acknowledge the work
2 of so many women that came before me in this. In
3 particular, I would like to acknowledge NWAC. They really
4 did so much work finding -- Bev Jacobs, I have to say, so
5 much work in getting the initial \$10 million to go forward
6 and to make the list of 600 names of murdered and missing
7 Indigenous women in this country.

8 And, I also, too, saying that, want to
9 acknowledge, because I know her family is here, she was
10 here, but I just -- Laurie Odjick was here just a few
11 moments ago. And, her daughter, Maisy, was 16 when she
12 went missing in September 2008 along with Shannon
13 Alexander, and I would like to acknowledge their presence
14 here today, and I would also like to say that that was a
15 very first story on murdered and missing Indigenous women
16 and girls that I covered about nine years ago. And, that
17 was when the number was 600.

18 So, at The Star, we put together over a
19 year-and-a-half, and we found that there was 1,126 cases of
20 murdered and missing Indigenous women and girls in the same
21 time frame that the RCMP's report looked at. That is 766
22 murder cases and, of those, 224 were unsolved. We found
23 170 missing women and girls compared to the RCMP's number
24 of 164. And, what we really found was something that I had
25 heard for years, and that was concerning solve rates.

1 Solve rates were significantly different
2 from what we found at The Star and what the RCMP found.
3 The RCMP, they were looking at -- from 1980 to 2012, and
4 they said that they had an 88 percent solve rate on those
5 cases. And, when we looked at it, it was significantly
6 lower. The national average was 70 percent in the same
7 time frame. So, we had a lot of questions about that. I
8 had a lot of questions about that because, time and time
9 again, if you talk to many families, many families will
10 tell you they're still looking for justice and they still
11 have lots of questions as to what happened.

12 And, what we were told is why there's a
13 difference in the numbers is that when the RCMP lays a
14 charge, that's counted as solved, but that's not
15 necessarily true. Statistics Canada, when we asked them
16 about this, too, because they keep all of the information
17 that is given to the RCMP as well, or they work with them,
18 they said that, you know, it's difficult for them. They
19 don't have the funding to go through the cases, you know,
20 and to see what happens through the end result of the
21 justice system, so they can't watch the case as it goes
22 through the justice system. They don't know if a case is
23 dismissed, they don't know what the end result is of that
24 case. And so, that is why there is a discrepancy in
25 numbers.

1 unsolved cases, but the RCMP said there was 120. In
2 Thunder Bay, specific from the 1960 to 2014, we found 54
3 cases of murdered and missing Indigenous women and girls.
4 And, police have solved 23 cases. Also, too, I think when
5 we're talking about communications, we should also think
6 about all of those unsolved cases in cases that are looked
7 at as death investigation cases.

8 Often times, too, families have a lot of
9 questions about what that means and why the death of their
10 loved one is just a death investigation, and not a murder
11 investigation or something more, something different, and
12 how that death investigation was classified, why it was. I
13 think that needs to be clearly explained. So families are
14 understanding what's happening and that families are
15 actually heard with their concerns. I know I can list a
16 number of names.

17 And, I just want to say too, in considering
18 that and when you're looking at historical cases, these are
19 the ones that I wish I had more time to write about
20 actually. The ones before 1980. The ones in the 1950s,
21 and 1960s and the 1970s that really, really were swept
22 under the rug. There are so many cases -- and not just,
23 you know -- you have to go outside of Thunder Bay. You
24 have to look all through Northern Ontario. There's so many
25 cases of women that disappeared and there's hardly any

1 information anywhere on them.

2 Even finding their names -- I mean, I was
3 calling communities to get names of people, no one had
4 recorded their names before. Like, everyone in the
5 community knew who they were, but that was it. And, it's
6 important that we remember those women. And, I spoke to
7 one officer at one point in Thunder Bay, and we were
8 talking about those historical cases, and he said to me,
9 you know, that more effort should have been put in, and if
10 more effort was put in, some of these cases would be
11 solved.

12 **MS. CHRISTA BIG CANOE:** Thank you. If I
13 could just draw your attention to some of the material. I
14 want to be sure that we actually get some of the articles
15 in as exhibits, please. And, I understand any of the
16 articles we put in, you're happy to answer questions from
17 parties or the Commissioners.

18 So, the first one I draw to your attention
19 is Indigenous -- sorry, I have the wrong one. My
20 apologies. I was at the wrong space. Sorry. The Star
21 series, *Gone: Murdered and Missing*, is at Schedule D, and
22 this is authored by Tanya. I request that it be marked as
23 an exhibit.

24 **CHIEF COMMISSIONER MARION BULLER:** Yes.
25 *Gone* is Exhibit 46.

1 --- Exhibit 46:

2 Printout of *Toronto Star* webpage "Gone:
3 Missing and Murdered Indigenous Women -
4 Inquiry Insider," accessed and printed
5 June 13, 2018 11:15 a.m. EDT (four
6 pages)

7 Witness: Tanya Talaga, Author &
8 Journalist, *Toronto Star*

9 Submitted by Christa Big Canoe,
10 Commission Counsel

11 **MS. CHRISTA BIG CANOE:** And, there is also
12 -- in that link, it actually opens to other links of the
13 other articles, so there's more than one article and Tanya
14 had mentioned other authors. So, that actually opens up
15 into multiple articles.

16 And then I also want to turn our attention
17 to some of the work you're doing now under the fellowship
18 and as a lecturer. There's two articles that are in your
19 material, one is the *Star's*, "Indigenous children are
20 crying out for help in Canada. Will you hear them?" April
21 27th, 2018. It's at Schedule E. Can we please have ---

22 **CHIEF COMMISSIONER MARION BULLER:** Yes,
23 "Indigenous children are crying out for help in Canada.
24 Will you hear them?" is 47, please.

25 --- Exhibit 47:

1 "Indigenous children are crying out for
2 help in Canada. Will you hear them?" by
3 Tanya Talaga, *Toronto Star*, April 27,
4 2018 (four pages)

5 Witness: Tanya Talaga, Author &
6 Journalist, *Toronto Star*
7 Submitted by Christa Big Canoe,
8 Commission Counsel

9 **MS. CHRISTA BIG CANOE:** And, the other
10 article is, "Friends to the End: How the suicides of seven
11 Indigenous girls revealed a community undone". Could we
12 please have that marked as an exhibit?

13 **CHIEF COMMISSIONER MARION BULLER:** Okay.
14 "Friends to the End: How the suicides of seven Indigenous
15 girls revealed a community undone" is Exhibit 48, please.
16 --- Exhibit 48:

17 "Friends to the end: How the suicides
18 of seven Indigenous girls revealed a
19 community undone," by Tanya Talaga,
20 *Toronto Star*, April 27, 2018 (15 pages)
21 Witness: Tanya Talaga, Author &
22 Journalist, *Toronto Star*
23 Submitted by Christa Big Canoe,
24 Commission Counsel

25 **MS. CHRISTA BIG CANOE:** And, Tanya, I'd like

1 to ask you about Exhibit 48 if I may. This is -- you know,
2 in your earlier introduction and before you were qualified,
3 you were explaining to us both the fellowship and the
4 lecturer positions you have, and this is the work that
5 you're currently doing right now.

6 And so, in terms of these two articles, and
7 particularly the "Friends to the End: How the suicides of
8 seven Indigenous girls revealed a community undone". Can
9 you help us connect the issues and circumstance where
10 there's communities in crisis with suicide epidemics and
11 how that's impacting Indigenous women and girls in this
12 country?

13 **MS. TANYA TALAGA:** Mm-hmm. Thank you for
14 the question. I'm -- the story that you're referring to,
15 "Friends to the End: How the suicides of seven Indigenous
16 girls revealed a community undone," I'm just going to read
17 the names, if I can, into the record of the girls that
18 passed away: Alayna Moose, Kanina Sue Turtle, Jolynn
19 Winter, Chantell Fox, Amy Owen, Jenera Roundsky, Jeannie
20 Grace Brown.

21 These girls -- and thank you again for
22 asking me about this because all of this is related. It's
23 all related. The story of the Seven Fallen Feathers, the
24 story of what is happening with murdered and missing
25 Indigenous women and girls, and the suicides in our

1 communities all have historical links to the past. And,
2 colonization, Indian residential school system,
3 intergenerational trauma and the failure of this country to
4 handle the intergenerational trauma that people have been
5 through lead to all of these things. Play a part in the
6 deaths of our youth in remote communities and the deaths of
7 our youths everywhere actually.

8 You know, one of the things that I write
9 about -- I, kind of, take a long view on things and I do
10 apologize for that. When I write, I look at things and how
11 history has come forward and still plays a role very much
12 to what we are seeing now today, because in Canada, when,
13 you know, we talk about the schools and about
14 intergenerational trauma, when the schools shut down, the
15 last one was in 1996, you know, you had 150,000 children
16 going through those schools. And, when they left and went
17 home, they went back to their home communities often
18 without any health support, there was -- when you look at
19 the fact that what happened in this country was a cultural
20 genocide, and those are the words of Senator Murray
21 Sinclair in the Truth and Reconciliation Commission.

22 And, when you look at the fact and -- there
23 was nothing to catch the survivors as they were coming out.
24 There were no mental health clinics, there were no health
25 clinics. When you look at what is available health wise in

1 many remote communities, you often have nursing stations
2 that don't have qualified nurses. You have nursing
3 stations often too, that don't have doctors. There are no
4 mental health professionals in the north. They fly in for
5 certain periods. And, if you want to see a counsellor,
6 you're often on a list and you're lucky if you see
7 somebody, like, once every three months, unless you get
8 flown out for care.

9 So, if you want to access health care, this
10 is what I'm really looking at right now, it's quite like
11 the education system. If you need health care, you have to
12 fly 500, 600 kilometres away and access health care. Often
13 times too, you know, you're accessing it in not your own
14 language, the medicine is not traditional whatsoever.

15 And, the system -- the health care system,
16 Canada's health care system is a colonial system, it fails
17 Indigenous people, it fails Indigenous kids especially,
18 because you have got children in Wapekeka, for instance --
19 Wapekeka is a very small community. I should tell you,
20 it's about 360, 400 people live in Wapekeka and it's --
21 again, it's quite far north. It's in the northwestern
22 corner of Ontario.

23 And, if the kids are having issues, you
24 know, mental health issues and need to see somebody, they
25 have to be flown away, flown away from their families,

1 flown away from everything that they know, put into a hotel
2 or put into the Sioux Lookout Hospital which actually has a
3 lodge attached to it, which is lovely, but it's hard to get
4 access to there.

5 Often times too, the kids are taken away for
6 -- to get hospital care. They're flown to Ottawa, they're
7 flown to Winnipeg, they're flown to Toronto, they are flown
8 all over the place. I mean, all by themselves, you know,
9 without any support. And, these are children in crisis.

10 Again, we're failing our kids. I mean, not
11 to -- we are not able to provide something as basic as
12 counselling care. And, not just for the children though
13 too. You can't just take the kids away and treat them in a
14 city 500, 600 kilometres away and fail to treat the
15 parents, or the families or the communities. You have to
16 look at a holistic way of healing, because if you don't do
17 that, you're not going to get anywhere. You have to
18 acknowledge a lot of too, what's happening in the
19 communities.

20 And, in Wapekeka, you have to acknowledge,
21 and the community has acknowledged, the intergenerational
22 trauma of the pedophile by the name of Ralph Rowe, he is a
23 convicted pedophile. And, how he -- for a number of years,
24 he flew into about 20 Northwestern Ontario communities --
25 he was a church leader, an Anglican priest, and a boy

1 scout, and he had his own plane. And, he would go in and
2 he administered his faith to his parishioners.

3 He would take boys, only boys, out into the
4 forest, into camp situations, and that's where the
5 incidents took place. And, it's those incidents that
6 Nishnawbe Aski Nation believe is contributed to many, many
7 suicides of men and to the historic trauma and historic
8 sexual abuse trauma, addictions, so many problems. And
9 there has not been acknowledgment or help for the men. But
10 it's not just them. It's their families and their
11 communities and everybody. Everybody's living that. And
12 that's what needs to be acknowledged too and what needs to
13 be healed.

14 So you bring all these things in. You know,
15 you've got the residential schools. You've got the
16 survivors living in a remote community. Then you bring in
17 the pain of Ralph Rowe and then you've got the girls that
18 are 12 years old who are taking their lives.

19 You can see patterns of so many things, so
20 many things that I talked about too with the seven fallen
21 feathers, the effect of colonization, the lack of
22 healthcare, the lack of proper counselling for the kids and
23 for their families. And that's what this story is about
24 and, actually, that is what my Massey will be all about
25 too.

1 **MS. CHRISTA BIG CANOE:** I only have one more
2 question for you, Tanya.

3 Wow, you're writing about such tough topics,
4 such emotionally deep, hard topics. And one of the
5 questions I have is, like, what drives you to have to tell
6 these stories or this truth, because it's not easy work,
7 but I'm assuming you feel compelled to do it. Can you
8 share with us why you feel compelled to do this?

9 **MS. TANYA TALAGA:** Miigwetch for the
10 question. I said earlier at the beginning of this
11 testimony that I feel like I'm the person that has been
12 gifted these stories. And I also do feel that I have a
13 platform to tell these stories for where I work at the
14 Toronto Star, the biggest, largest circulation newspaper.
15 And I can tell these stories and bring these stories
16 forward.

17 That's become easier lately. It's become
18 easier because there's so many other people doing this
19 work. It's not just me. It's Connie Walker. It's Duncan
20 McCue. It's CBC Indigenous and the presence of CBC
21 Indigenous has really, really helped the presence of APTN,
22 the strength of APTN and their reporting, all of us. That
23 has really helped.

24 And you cannot -- you can't look away. Once
25 you've heard the story you can't look away. You know, you

1 have to say something too. And I feel that that's why I do
2 this work. And if I can help in some way by telling these
3 stories and letting everybody know and contributing to
4 understanding, because what I often hear too from non-
5 Indigenous Canadians is that I just never knew. I didn't
6 know about that.

7 I always find that slightly problematic, to
8 be honest with you. I'm always, like, really? You didn't
9 know? You didn't know what was happening at that
10 residential school that was just down over there? You
11 didn't ask? And that, again, speaks to the culture of
12 indifference that has grown up in this country, the culture
13 of looking away from Indigenous issues, you know. And
14 there is a subtle racism that has run through the society
15 for such a long period of time. And it is the effects of
16 all of those things, and everything that I've talked about
17 here today has led us, I think, to here. But I am so
18 grateful to see so many voices coming forward and for
19 speaking. And I think there's strength in the numbers that
20 we have and it makes me feel good to see community members
21 speaking.

22 And, you know, people ask me, how can you do
23 all of these things? I do that with the support of
24 community, with the support of my journalistic community,
25 with the support of my community in Northern Ontario, with

1 the support of Nishnawbe Aski Nation. I feel very blessed,
2 you know, and we all keep in contact with each other. We
3 all talk. And all of those things, it's really -- it's a
4 privilege to do what I do.

5 **MS. CHRISTA BIG CANOE:** Thank you very much.

6 I have no more questions, but I do want to
7 echo the same comment I gave to Jesse. Seeing an
8 Indigenous journalist who's a Indigenous woman in the news
9 every day provides an example, a role model, and lets
10 Indigenous youth and women see themselves in a world that
11 often ignores them, so chi-miigwetch for that.

12 Commissioners, I want to check in first to
13 see if you have questions now or if you'll be deferring
14 them. Okay.

15 **CHIEF COMMISSIONER MARION BULLER:**

16 Deferring, thanks.

17 **MS CHRISTA BIG CANOE:** And on that basis,
18 I'm going to request a 10-minute break so that the parties
19 can organize themselves to ensure. We anticipate 64
20 minutes of cross-examination. And so that should likely
21 put us ending close to 12:30, 12:20, 12:30 before your
22 questions.

23 And so at this point I would ask for 10
24 minutes and that we can reconvene ---

25 **CHIEF COMMISSIONER MARION BULLER:** Yes.

1 **MS CHRISTA BIG CANOE:** --- once -- thank
2 you.

3 And so for the parties withstanding, I
4 kindly ask that you go to the room in which to do the
5 verification process for cross. Thank you.

6 --- Upon recessing at 11:14 a.m.

7 --- Upon resuming at 11:38 a.m.

8 **MS. CHRISTA BIG CANOE:** Okay, great. Chief
9 Commissioner, Commissioners, if we could start again? We
10 will be turning to the cross-examinations, so Rule 38 now
11 dictates that I can't enter into conversations with the
12 witnesses in relation to their evidence, and we do
13 anticipate still 64 minutes of cross-examination. We will
14 have a list available shortly, but I do have the first
15 three listed and in front of me with their times. And so,
16 Commission counsel is going to invite Treaty Alliance
17 Nishnawbe Aski Nation and Grand Council Treaty 3, Krystyn
18 Ordyniec will be asking questions on behalf of the treaty
19 -- Northern Treaty Alliance, and she will have 5.5 minutes.

20 **--- CROSS-EXAMINATION BY MS. KRISTYN ORDYNIC:**

21 **MS. KRISTYN ORDYNIC:** Thank you, and good
22 morning. My name is Krystyn Ordyniec. I represent Treaty
23 Alliance Northern Ontario, which is Nishnawbe Aski Nation
24 and Grand Council Treaty 3. I'd just like to begin by
25 acknowledging the traditional territory of the Mississaugas

1 of the New Credit. And, five-and-a-half minutes isn't
2 enough to say thank you to you both for the work that you
3 do. And, my questions will -- hopefully I'll have time to
4 ask both of you questions.

5 Ms. Talaga, thank you for sharing the gift
6 of story that you've been given and for your brave voice on
7 behalf of Nishnawbe Aski Nation, Grand Council Treaty 3 and
8 myself ---

9 **MS. TANYA TALAGA:** Miigwetch.

10 **MS. KRYSZTYN ORDYNIEC:** --- and the rest of
11 the country. Hopefully, I can speak for the rest of the
12 country.

13 You spoke about the lack of infrastructure
14 in the north specifically as related to language,
15 education, and I wonder if you could expand on that in your
16 experiences with respect to services, violence, for
17 Indigenous girls in the north and in Thunder Bay who may be
18 facing experiences of violence.

19 **MS. TANYA TALAGA:** Thank you. Miigwetch for
20 all you said and those questions. The youth in the north
21 need so many things. You know, if you look at the grander
22 scope of what I was saying earlier with the need of a more
23 Indigenous lens for health care, Indigenous-run health
24 care, put that aside for one slight moment and look at
25 immediate needs of what kids need now and what young girls

1 need now.

2 I would like to say that infrastructure is
3 so important. Things like community centres in the
4 communities, all the communities. Often times, there are
5 no community centres at all for the kids to go to. There
6 are no -- well, arenas or outdoor arenas, but they can't
7 play all year round. Functioning gymnasiums are things
8 that are needed in the communities.

9 I'm thinking Wapekeka in particular. I was
10 just there in January, and the foundation for a community
11 centre has been poured and it's waiting, but that's all
12 that there is right now, is just the foundation. You know,
13 the funds are there, but you have to look at the
14 construction time, too, that it takes, that you can only
15 work in certain parts of the year because, in the winter,
16 it's repressively cold. It was -- when I was there it was
17 -40, and you can't work outdoors in areas in temperatures
18 like that.

19 But, the youth need a place to be and a
20 place to go to, and things that aren't programs that, sort
21 of, fade in and fade out of their lives. Like, it's great
22 that so many groups who are taking the initiative from the
23 south to go up and to help the kids, but there needs to be
24 things in place for them in their own communities run by
25 people from their own communities.

1 And, in particular, you know, when I look at
2 things like suicide, and things that the kids need, and
3 remember how I was saying they're always flown away in
4 order to get treatment? Wouldn't it be a good thing if
5 there was a women's shelter on every -- in every community
6 and every remote community that could also even function as
7 a safe place for the kids to go to when things are
8 happening at home or when things aren't going well? That
9 they could go to that safe place and, sort of, be there for
10 the evening, you know, so they feel good and they feel okay
11 because, right now, a lot of the kids, there's no place for
12 them to go. I think that that's just something that's
13 quite -- it's not simply done, but it could be a bit of a
14 stopgap measure, too, instead of flying the kids out
15 constantly, giving them a spot that they can go to and feel
16 comfortable at.

17 Same with women. I would use the example of
18 Mishkeegogamang First Nation. They have an amazing women's
19 shelter, actually. Really well done, well run by community
20 members. Melissa Becky, just a shout out to her. And,
21 they take people in, you know, that need to be taken in.
22 Wouldn't that be wonderful if there was a place like that
23 in every single community that needs it? Then, maybe, we
24 could, instead of spending all that money constantly of
25 flying people in and flying people out, flying experts in

1 and flying experts out, we did something that was community
2 centric? That's, I think, what is needed.

3 So, I would say women's shelter that serve
4 as also functioning places for youth to turn to, and also,
5 separately, youth centres in every community. Those two
6 things are needed.

7 **MS. KRISTYN ORDYNIEC:** Thank you very much.
8 And, would you support recommendations to this Inquiry on
9 that basis?

10 **MS. TANYA TALAGA:** Absolutely.

11 **MS. KRISTYN ORDYNIEC:** Thank you. I have
12 only a few seconds, Mr. Wente. You spoke about headlines.
13 And, one of the headlines in Thunder Bay at the end of last
14 year was, "Egg Toss Incidents Have Police Scrambling",
15 published by the Chronicle Journal in Thunder Bay, which
16 was apologized after the AFN requested. I wonder if you
17 could comment on how this headline is reflective of the
18 systems still in place when reporting on Indigenous issues.

19 **MR. JESSE WENTE:** Sure. And, thank you for
20 the question. I think it's reflective of that -- that
21 headline was almost undoubtedly written by a non-Indigenous
22 editor. I think it's important to know that in print
23 journalism, usually the headlines are not in control of the
24 author of the article. Those are usually chosen by
25 editors. It's the type of word play that diminishes the

1 actual seriousness of the crime or the assault that it's
2 actually talking about. And, I think it's that glibness
3 that we see so often.

4 And, again, I think that's to suggest --
5 it's reflective of the dehumanization that I talked about
6 earlier in my testimony. And, I think if you had
7 Indigenous people at senior editorial positions, it would
8 be very -- I think you're never going to totally eliminate
9 headlines like that, but it will be much harder for
10 headlines like that to get into print. And, certainly,
11 there were apologies afterward but, as we know in Canada,
12 we apologize for a lot, and maybe it might be worth
13 considering how we do things in advance so we don't have to
14 apologize for them later on.

15 **MS. KRISTYN ORDYNIC:** Thank you very much
16 for your time.

17 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
18 Ordyniec. Next, we will invite up Native Women's
19 Association of Canada, Virginia Lomax. Ms. Lomax will have
20 seven-and-a-half minutes.

21 **--- CROSS EXAMINATION BY MS. VIRGINIA LOMAX:**

22 **MS. VIRGINIA LOMAX:** So, my name is Virginia
23 Lomax. I am legal counsel to the Native Women's
24 Association of Canada. And, first, I'd like to acknowledge
25 all of the sacred spirits who are with us today,

1 particularly those of our grandmothers, our mothers, our
2 aunties and our sisters.

3 And, I'll get right into my questions for
4 you, Mr. Wente. You testified today about media reducing
5 nations to iconographic characters; is that correct?

6 **MR. JESSE WENTE:** Yes.

7 **MS. VIRGINIA LOMAX:** Would you agree with
8 the statement that representing Indigenous women and girls
9 simply as "prostitute" or "drug addict" in headlines rather
10 than using their name or using only mug shots as photos are
11 examples of reducing Indigenous women's identities to
12 negative or stereotypical iconographic characters that feed
13 into a racist public narrative?

14 **MR. JESSE WENTE:** Yes, I would.

15 **MS. VIRGINIA LOMAX:** And, would you agree
16 that it is unethical to engage in racist reporting?

17 **MR. JESSE WENTE:** Yes.

18 **MS. VIRGINIA LOMAX:** And, would you agree,
19 then, that it is unethical for reporters to refer to
20 Indigenous women as "prostitute" or "drug addict" instead
21 of using their names or to use only mug shots as their
22 photos?

23 **MR. JESSE WENTE:** Yes.

24 **MS. VIRGINIA LOMAX:** And, would you agree
25 that it is an important recommendation to this Inquiry to

1 develop clearer ethical guidelines for reporters when
2 reporting on missing or murdered Indigenous women, girls,
3 two-spirit, LGBTQ+ and gender diverse people?

4 **MR. JESSE WENTE:** I do. I think what's
5 ironic about that question is many journalism guidelines
6 should already be telling them that this is what's going
7 on. You know, what's interesting is when there's other
8 cases of these incidents outside the Indigenous community,
9 we don't see those sorts of headlines or depictions in the
10 media. And, that's, again, because there are journalistic
11 standards that exist that should be guiding journalists and
12 they should already know these things but, yes, I agree
13 with your statement.

14 **MS. VIRGINIA LOMAX:** Thank you. And so,
15 today, you testified that these negative representations
16 and the racist public narrative has a traumatic impact on
17 Indigenous people including Indigenous youth; is that
18 correct?

19 **MR. JESSE WENTE:** Yes.

20 **MS. VIRGINIA LOMAX:** And so, would you agree
21 that a way to try to avoid this reality is to ensure
22 reporters receive trauma-informed training or are otherwise
23 taught to report in a non-traumatic way?

24 **MR. JESSE WENTE:** Yes.

25 **MS. VIRGINIA LOMAX:** And, would you agree

1 that it is an important recommendation to this Inquiry that
2 journalists incorporate non-traumatic reporting styles into
3 ethical guidelines?

4 **MR. JESSE WENTE:** Yes, it is.

5 **MS. VIRGINIA LOMAX:** And, you testified
6 today that popular media uses the rape of Indigenous women
7 and girls as a plot device rather than a central -- that
8 rather than being central to the storytelling, could you
9 unpack that distinction a little bit between these
10 representational choices?

11 **MR. JESSE WENTE:** Sure. What I mean by a
12 plot device is when something occurs that is simply there
13 to function as moving the story forward. It's not central
14 to the story. These things tend to be, at some times, even
15 unnecessary, but they're there just to advance the story.
16 They aren't there to be understood or explored. They're
17 simply something that happens like someone finds a hat or
18 something that would just advance it, and the reduction of
19 rape into just a plot device does not ever communicate the
20 seriousness, the ongoing trauma or the systemic issues that
21 lead up to that.

22 **MS. VIRGINIA LOMAX:** Thank you. And, are
23 you familiar with the term or, if you will, the archetype
24 of the white saviour?

25 **MR. JESSE WENTE:** Yes.

1 **MS. VIRGINIA LOMAX:** Could you comment on
2 how representation of the white saviour in both media and
3 journalism feeds into racist narratives and the erasure of
4 Indigenous people on Turtle Island?

5 **MR. JESSE WENTE:** Sure. The white saviour
6 narrative goes back as far -- as long as these narratives
7 have existed. So, well beyond even the movie image.
8 Typically, it centres a white hero that is able to save,
9 quite literally, Indigenous people in a way that they are
10 not able to. So, it denies Indigenous people agency. For
11 a very contemporary example, I would use Avatar or even
12 something like The Revenant where it's white characters --
13 in Avatar specifically, it's a white character who actually
14 adopts an Indigenous persona and becomes even better at
15 being Indigenous than the Indigenous people themselves, and
16 it's only through him that their salvation will come.

17 This is, in fact, manifest destiny. This
18 is, in fact, a retelling of colonial superiority where it
19 says our only saviour is through adopting colonial
20 practices and, in fact, becoming assimilated. We see it
21 time and time again and, in fact, it's so persistent and so
22 pernicious that I think it's largely an unconscious bias
23 among many now on Turtle Island who just say these
24 narratives and write these narratives without even
25 realizing that they are censoring themselves in saying that

1 salvation can only come through assimilation, that it can't
2 come through our own sovereignty. And so, I resist and
3 reject those narratives wholly.

4 **MS. VIRGINIA LOMAX:** Thank you very much and
5 thank you for all of your work.

6 **MR. JESSE WENTE:** Miigwetch.

7 **MS. VIRGINIA LOMAX:** Ms. Talaga, thank you
8 for your work as well if I don't get time at the end of
9 this. Thank you so sincerely for everything you've done.

10 Would you agree that colleges and
11 universities teaching journalism, film and communications
12 have a role to play in tackling racism in the media?

13 **MS. TANYA TALAGA:** Yes.

14 **MS. VIRGINIA LOMAX:** And, to your knowledge,
15 do you know if anything is being done in educational
16 institutions to address racism in the media?

17 **MS. TANYA TALAGA:** There are things that are
18 being done. I point to the work of Duncan McCue and what
19 he's done with the RIIC, and how he's tried to develop a
20 guideline as well for journalist students and journalists
21 throughout the country on how to address issues when
22 covering Indigenous communities. I think that his work is
23 very, very helpful.

24 I think that other universities are starting
25 to turn and be more open towards Indigenous presence and

1 knowledge. I look at the formation of Hayden King's
2 Yellowhead Institute as well at Ryerson that is so
3 important. It's so needed to have a think tank on
4 Indigenous issues run by Indigenous people. So, I look to
5 that as another example.

6 I think universities are looking everywhere
7 they can now to find out more about what they should have
8 known. And so, I think that -- I hope there's a greater
9 opportunity for everyone to play, to help them with that.

10 **MS. VIRGINIA LOMAX:** Thank you. And, to
11 your knowledge, is anything being done by colleges and
12 universities to attract or include more Indigenous students
13 in journalism, film and media studies?

14 **MS. TANYA TALAGA:** You know, I can't speak
15 widely for all the schools, but I can say that I have seen
16 directors of some journalism schools at meetings. I've
17 seen professors from the University of British Columbia -
18 Candace Coulson (phonetic) is one in particular - go to
19 meetings, Indigenous journalism meetings and, you know,
20 extend a hand out and say, you know, "Are you interested in
21 coming to school", to the youth, and trying to find a way
22 to bring kids into the realm of journalism schools. And,
23 I've seen that also with Janice Neil from Ryerson
24 University. She has travelled to conferences as well. I'm
25 thinking of the Journalists for Human Rights Conference

1 that we were both at -- all three of us were at about two
2 years ago, two summers ago, and they were there looking for
3 students and youth to bring.

4 I think there's more that needs to be done.
5 I think that colleges and universities have to really make
6 an effort to reach into schools and look at, too, their own
7 entrance exams and their own qualifications and, you know,
8 sort of make way and understanding for the fact, too,
9 because remember we were talking about earlier with
10 education and the inequities of the system, like, a lot of
11 that has resulted in kids graduating behind and not to
12 standards, provincial standards. And so, when they apply
13 to school, they're not getting in, you know? So, there has
14 to be a push and pull, a give and take there, so more kids
15 will get into school and into programs that they need to be
16 in.

17 **MS. VIRGINIA LOMAX:** Thank you so very much.

18 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
19 Lomax. Next, we invite up the Independent First Nations
20 whose counsel, Katherine Hensel, will have 5.5 minutes.

21 **--- CROSS-EXAMINATION BY MS. KATHERINE HENSEL:**

22 **MS. KATHERINE HENSEL:** Thanks, Ms. Big
23 Canoe. Mr. Wente, Ms. Talaga, it's good to see you, and
24 Commissioners. And, I reiterate my colleague's
25 acknowledgement and gratitude for the work that each of you

1 both do.

2 I am here today on behalf of not only the
3 Independent First Nations, but the Association of Native
4 Child and Family Services Agencies of Ontario.

5 Yesterday -- Mr. Wente, yesterday we heard
6 evidence from a physician, Dr. Barry Lavallee, that many of
7 his patients and members of the community, when they attend
8 at medical facilities, are seen only in stereotypes,
9 through stereotypes, and immediately assigned a role based
10 on, absent other factors, their indigeneity, and that role
11 is with respect to the justice system, one of criminality,
12 the police and others, and with respect to child welfare,
13 as parents, that of an unfit, unsafe, and incompetent
14 mothers in particular, but parents in general.

15 You've described in your testimony other
16 stereotypes that are portrayed and perpetuated through the
17 media and particularly through film and popular culture of
18 either the noble savage or just the flat-out violent
19 savage, or the princess, the Indian princess. And, those
20 are stereotypes that are perceived, held, perpetuated by
21 reporters, screenwriters, producers, directors -- all the
22 players in the media and popular culture.

23 And, you've testified that, in your view,
24 this is because they weren't educated otherwise. They
25 weren't taught in schools who we actually are as Indigenous

1 people; is that fair to say?

2 **MR. JESSE WENTE:** I think that certainly
3 contributes to that issue, yes.

4 **MS. KATHERINE HENSEL:** But, these players in
5 popular culture, these agents, they're not -- they're
6 representative, are they not, of broader Canadian
7 mainstream society? They're not alone; they're members of
8 the collective and in many ways they're typical?

9 **MR. JESSE WENTE:** I think so, yes.

10 **MS. KATHERINE HENSEL:** And, we've heard some
11 evidence, and I expect we'll hear more, that it's not only
12 these players in popular culture, but doctors, nurses,
13 teachers, the very people who would be required to educate
14 children. Cabinet ministers, lawyers, judges, police
15 officers, child protection workers, all of these people
16 play critical roles in making decisions about the lives of
17 Indigenous people, girls and women; correct?

18 **MR. JESSE WENTE:** Yes.

19 **MS. KATHERINE HENSEL:** And, they come to the
20 task of decision making and fulfilling their professional
21 obligations to Indigenous girls and women with, in many
22 cases, much of their information about us from the very
23 sources that you were describing in your evidence; is that
24 safe to say?

25 **MR. JESSE WENTE:** Yes, I think so. I think

1 story telling is how we become socially conditioned. And
2 so, I think we're all capable of being socially conditioned
3 to view stereotypes as real, especially in the absence of
4 authentic portrayals.

5 **MS. KATHERINE HENSEL:** And so, you have two
6 sets of stereotypes that are at opposite ends of the
7 spectrum. You have the princess and the savage, noble or
8 otherwise, and the criminal and incompetent parent, and
9 neither stereotype is accurate, and both stereotypes are
10 harmful, and in the middle, you have the truth, accurate
11 portrayals and information about who Indigenous girls and
12 women are.

13 So, you testified about the potential for --
14 through the media and popular culture for filling that what
15 is now a void; correct?

16 **MR. JESSE WENTE:** Yes.

17 **MS. KATHERINE HENSEL:** Now, the pushback
18 that you describe from Jonathan Kay and others, would you
19 describe that or would you agree that that is -- and the
20 contempt that was shown, frankly, by your colleagues in the
21 profession, is resistance to accurate portrayals and
22 engagements with these very issues, this enormous void
23 between the two sets of stereotypes?

24 **MR. JESSE WENTE:** I think it's resistance
25 and also protectionism of the status quo ---

1 **MS. KATHERINE HENSEL:** Right.

2 **MR. JESSE WENTE:** --- which empowers certain
3 communities over others and keeps, say, a hierarchal
4 society, a white supremacist society in that world order.
5 And I think often the pushback is actually less about the
6 specific ideology being discussed and more about protecting
7 the privilege that the colonial culture has bestowed on
8 certain groups and robbed of others.

9 **MS. KATHERINE HENSEL:** And the stereotypes
10 actually serve -- fit well within that ---

11 **MR. JESSE WENTE:** Indeed, they are tools of
12 that oppression.

13 **MS. KATHERINE HENSEL:** And I'm going to
14 switch quickly in my 20 seconds to Ms. Talaga. Thank you,
15 Mr. Wente.

16 You describe the children, the experiences
17 of the children in Thunder Bay as they were -- you know,
18 had eggs tossed at them. They're neither, presumably, in
19 that role of the egg throwers or trailer hitch throwers,
20 criminals necessarily, nor princess or savages. How would
21 you describe the role that is being assigned to them by the
22 citizens of Thunder Bay?

23 **MS. TANYA TALAGA:** Well, the kids have a
24 hard time in Thunder Bay. You know, I would hope that the
25 citizens of Thunder Bay are being more inclusive now. You

1 know, one hopes that all of the sort of the -- that the
2 book and publicity about what's been happening, the OIPRD,
3 there's an investigation right now into the Thunder Bay
4 Police Force. I'll just -- people are talking about what's
5 going on in Thunder Bay and I really hope that that helps
6 the kids that are there and that people are taking a second
7 look at the kids and realizing they're just children.
8 They're just students. And I hope that that's how they are
9 being seen, students.

10 **MS. KATHERINE HENSEL:** All right. Thank
11 you.

12 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
13 Hensel.

14 Next we'd invite up the Battered Women's
15 Services. Viola Thomas will have 5.5 minutes -- sorry, 5
16 and-a-half minutes.

17 **--- CROSS-EXAMINATION BY MS. VIOLA THOMAS:**

18 **MS. VIOLA THOMAS:** Good morning. I'd like
19 to reintroduce myself, Anemki Wedom. I'm with Battered
20 Women's Support Services out of British Columbia. My
21 questions will be directed towards Tanya.

22 My first question is as a *[sic]* Anishinaabe,
23 have you experienced racism and discrimination as a
24 Indigenous woman journalist in your field of work?

25 **MS. TANYA TALAGA:** Thanks for that question.

1 It's -- I have had a different experience, and I think the
2 experience that I've had is my father is -- was Polish.
3 And so a lot of people look at me and they assume that I'm
4 Italian or Greek. I'm of mixed heritage and so people
5 often say to me, "Oh, you know" -- and I grew up in
6 Toronto. So oftentimes when I tell people, "No, actually,
7 my mother is Ojibwe", they look at me -- especially if
8 they're not -- if they're not Indigenous they look at me,
9 like, and they have no idea exactly who that was -- you
10 know, who that is, what cultural group that is. When I
11 say, you know, a North American Indian, that's what seems
12 to come to mind so non-Indigenous people understand where
13 I'm from.

14 You know, it's a different experience that I
15 have. As a journalist I can answer it this way. Sometimes
16 when you bring stories forward and you say I'd like to do
17 stories on this or I'd like to do stories on that, I
18 started in journalism in the 1990s. It wasn't easy to
19 bring stories forward. Oftentimes, you know, editors would
20 say, "Well, why is she doing a story on that? Why is she
21 doing another Indigenous story?" I've had editors say that
22 before.

23 And that, I believe, that is -- that's not a
24 good thing to say. That's a discriminatory thing to say,
25 because the thing is, is that we're trying to bring our

1 stories forward. And for such a long time in this country
2 there was no appetite at all for the stories that we were
3 trying to tell, the stories beyond what was acceptable in
4 Canadian media for a long time. And that was the stories
5 that we're just talking about. The dirty chief, you know,
6 taking money from people on the res. I mean, those were
7 the stories, or the drunken Indian stories that you always
8 heard about in the media. There was no other room for
9 stories about culture. There wasn't a lot of room for
10 stories about sports and movies, or any of these things.

11 And so I would answer your question that way
12 that it's taken a long time for people to gain a different
13 understanding about Indigenous issues and to put it forward
14 this way as acceptable and as something that we need to
15 understand as a nation in order to go forward, that answers
16 your question.

17 **MS. VIOLA THOMAS:** My next question is to
18 both of you. The Me Too movement throughout North America
19 has really shone the light on the deep rooted sexual abuse,
20 sexual violence directed towards women within Hollywood and
21 throughout North America. Do either of you have any
22 suggestions to how we can create a similar public campaign
23 regarding murdered and missing Indigenous women to
24 galvanize that same type of energy? Because certainly in
25 mainstream media, how many media do we have here covering

1 this Inquiry today? It disturbs me.

2 **MS TANYA TALAGA:** M'hm. M'hm. I think the
3 Chiefs of Ontario tried to do something similar with -- I
4 think it was the She Matters campaign. Is that what the
5 Chiefs did quite a few years ago? Or surrounding issues of
6 murdered, missing Indigenous women and girls. I think that
7 the social media, there's an active role, and I think a lot
8 of Indigenous people and allies are on social media talking
9 about these issues. And I think that that helps bring
10 things forward.

11 Is that a movement? Yes. I see Jesse
12 shaking his head, you know. It is a movement to say, it's
13 a movement of truth telling, more truth telling. It's a
14 movement of awareness. I don't -- but you're right. There
15 isn't, like, a specific movement with a hashtag concerning
16 this.

17 **MS. VIOLA THOMAS:** Given the forced
18 displacement of young Indigenous girls from northern
19 communities having to go to Thunder Bay for their
20 education, and in your book, were you able to distinguish a
21 different experience for the young Indigenous girls in
22 relation to the forced relocation in terms of the violence
23 that they confront every day within Thunder Bay?

24 **MS TANYA TALAGA:** M'hm. They're vulnerable.
25 And, as we know through this entire Inquiry process,

1 Indigenous women are more vulnerable in society for so many
2 reasons. I mean, the kids from the north and the girls
3 from the north too, they're coming, you know, from
4 communities where there's a lot happening in the
5 communities. In some communities there's a lot more issues
6 than other communities. There are addiction issues. There
7 are issues in some cases, like the communities I spoke of,
8 of abuse that's going on.

9 And the girls, they come into the city and
10 they're by themselves or they have their friends with them.
11 They're going to boarding homes to go to high school. They
12 come from homes too where there often too isn't a lot of
13 money. Nobody has, like, extra pocket change to go to
14 Subway to get something to eat. Girls, boys, 13, 14,
15 you're coming into the city. You don't know how to cross
16 the street. You don't know -- you've never taken a bus
17 before. Of course, people can be preyed on, especially
18 girls.

19 **MS. CHRISTA BIG CANOE:** Thank you. (Speaking
20 in Native language).

21 Next we'd like to invite up the Ontario
22 Native Women's Association. I believe Christine [sic]
23 Comacchio is coming up. And ONWA will have 3.5 minutes.

24 **--- CROSS-EXAMINATION MS. CHRISTINA COMACCHIO:**

25 **MS. CHRISTINA COMACCHIO:** Hello. I would

1 like to start by acknowledging the territory, the sacred
2 items and the Elders in the room.

3 My first question is for Tanya. The CBC has
4 added a note at the bottom of articles which links to
5 supports and resources for Indigenous readers, recognizing
6 that they are also consumers of media in which they're the
7 subjects. Given that there are little mechanism to compel
8 accountability in the media, would you agree that it would
9 be useful to recommend the development of practices for
10 reporting on Indigenous issues with a gender-based and
11 trauma-informed lens?

12 **MS. TANYA TALAGA:** That's a very good
13 question. I think it would be very helpful, yes. I think
14 that -- I wasn't aware that that's what the CBC is doing at
15 the end of their articles, but I think that's a really good
16 idea.

17 I would add, in addition to that, I think that we
18 -- when we write about issues such a suicide as well, we also do
19 that through a trauma-informed lens and make sure our
20 stories, hopefully, are responsible, and at the very end of
21 the stories have somewhere you can call if you're having an
22 issue. That's very important.

23 **MS. CHRISTINA COMACCHIO:** Thank you. And,
24 following up on that, do you recognize tools like style
25 guides as a consistent mechanism for calling out incorrect

1 or inappropriate coverage in the media and practices, like
2 trauma-informed interviewing practices for survivors of
3 violence and sexual assault and families, as things that
4 are necessary to create a cultural shift amongst
5 journalists?

6 **MS. TANYA TALAGA:** Mm-hmm. I'm heartened to
7 know that organizations such -- like my organization, the
8 Toronto Star, we just completed a, sort of, revamp of the
9 style guide, where we're looking -- we've changed our
10 style.

11 I mean, one of the things that used to drive
12 me bananas, for lack of a better word, is when I would see
13 an article that was in the paper and they would say, Native
14 man knife to death somewhere, or -- and I was like, oh, my
15 gosh. You know, every time I see that, it would just make
16 my blood boil and I would often say something to the
17 headline writer or to the copy editor the next day, you
18 know, we need to change how we're -- this lens -- or
19 Indian, you know, man shot by gun.

20 You know, the wording of the headlines too,
21 are so important. You know, we talked earlier about one
22 example in Thunder Bay. But, you're right, I mean, like,
23 the style guides need to be put in place and we have done
24 that. I believe the Canadian Press has also done that.
25 And, that's very helpful for journalists to see what is

1 acceptable use and what is not acceptable use, and how
2 people should be identified as well.

3 You know, and often times too, this is
4 pretty basic stuff. I mean, how someone is identified, you
5 ask them, how would you like to be identified? As a
6 journalist, that should be your practice regardless if
7 you're Indigenous or not. That's a basic knowledge thing.

8 But, if there needs to be guidelines to have
9 that out, there should be guidelines to have that out. You
10 ask the person you're interviewing, how would you like to
11 be identified? You know, would you like to be identified
12 as First Nations or which nation? What would you like to
13 say? It's important.

14 **MS. CHRISTINA COMACCHIO:** Thank you. And,
15 just, kind of, following on that, do you have any
16 suggestions for ways to hold the media accountable beyond
17 those that already exist?

18 **MS. TANYA TALAGA:** I love these big
19 questions. Hold the media accountable. I think we all
20 hold the media accountable. I think that as consumers of
21 what we read every day, we're all accountable. And, it's
22 our jobs too, to, sort of, call out people that are
23 stepping -- or failing and are not living up to what should
24 be standards. But, you know, sometimes too, the media is,
25 like, light years behind what society is also doing, you

1 know? It takes a while for everyone to catch up.

2 One of the things that I think is so
3 important for accountability is the increase, and Jesse
4 talked about this earlier, of Indigenous people at the
5 decision-making desk in every single corner of a media
6 building, from an editor, from a managing editor, from the
7 director of circulation, to somebody who is handling the
8 comments on the web desk, you know, you need more
9 Indigenous people in these roles. And, also to covering
10 sports, covering food, covering movies.

11 And so, you know, Indigenous people should
12 not be also typecast as, oh, that's the Indigenous person
13 over there, so they should be the one writing that story or
14 doing that thing. You know, no. Everyone has something
15 else to say; right? And, you know, if you're actually in
16 the role of being a sports journalist -- an Indigenous
17 sports journalist, you're going to have a different
18 perspective that you will just bring to regular reporting.
19 That's so important. And, I think that the more
20 accountability -- we will get accountability if we have
21 more people working in every facet of the organizations,
22 and that's needed.

23 **MS. CHRISTINA COMACCHIO:** Thank you. That's
24 my time.

25 **MS. CHRISTA BIG CANOE:** Thank you. We would

1 like to invite up next, Women Walking Together, Darlene
2 Sicotte, has 3.5 minutes.

3 **MS. DARLENE SICOTTE:** Greetings to the
4 National Family Advisory Circle, the Commissioners and
5 panellists, Mr. Wente, Tanya Talaga. Yes. Tanisi, hello.
6 I am Nehiyaw Cree from Beardy's and Okemasis First Nation.
7 I am the family of murdered Shelley Gail Napope by serial
8 killer John Crawford.

9 Currently, I'm employed at the Gordon
10 Tootoosis Nikaniwin Theatre, and the co-chair of Iskwewuk
11 Ewichiwitochik, it's an ad hoc Saskatoon concerned citizens
12 group that raises awareness, and remembrance and supports
13 to families of the missing and murdered Aboriginal women
14 and girls.

15 In the 12 years of doing this support, I
16 have witnessed families and myself having access and privy
17 to many television, radio, podcast, news outlet interviews
18 throughout the crisis of missing and murdered Indigenous
19 women and girls. Today, my question is to ask Jesse, if
20 you know about the NWAC's media toolkit that was introduced
21 during the past president term of Beverley Jacobs.

22 **MR. JESSE WENTE:** Yes.

23 **MS. DARLENE SICOTTE:** Okay. Do you think
24 the Indigenous Screen Office, of which you're residing in
25 and directing, would consider taking on the in-depth

1 learning of your colleagues and whoever you can influence,
2 I guess, to work together with families of current cases,
3 how to work with the media and their interviews? I think
4 that toolkit is really under utilized. In all of our
5 awareness events, we always try to have that toolkit
6 available because not all families are going to be able to
7 talk to the media.

8 **MR. JESSE WENTE:** Yes.

9 **MS. DARLENE SICOTTE:** Yes. Okay. Thank
10 you. Tanya, I don't have any questions for you, but I just
11 want to say, thank you for all of your hard work covering
12 the Indigenous issues in your employment at the Toronto
13 Star. I'm sure it wasn't easy having to be the voice and
14 be a woman. It's always comforting to have Indigenous
15 women's voices in print and giving voice to those who are
16 unable.

17 I just want to convey that every time there
18 is the MMIW, to try as best as you can to have the
19 families' voices, especially the mothers, the sisters, the
20 fathers, brothers, and be gentle. Encourage your
21 colleagues to not stereotype them in their coverage. It's
22 very demeaning and hurtful. They're already in trauma.

23 In Saskatchewan and in Saskatoon, we are
24 able, over 12 years, to really work with the media
25 indirectly to be soft on how they approach and cover. So,

1 I just wanted to share that, if you can gently nudge your
2 colleagues or even give them a real big elbow. Okay.
3 Thank you.

4 **MS. TANYA TALAGA:** Miigwetch. I'll do my
5 best. Elbows up.

6 **MS. CHRISTA BIG CANOE:** Thank you. Next, we
7 invite up Regina Treaty Status Service Inc., Erica Beaudin,
8 has 3.5 minutes.

9 **--- CROSS-EXAMINATION BY MS. ERICA BEAUDIN:**

10 **MS. ERICA BEAUDIN:** I think I'm fairly fine.
11 Good? Okay. Good morning. Thank you to the elders,
12 drummers, singers for their prayers and songs yesterday.
13 As mentioned before, I'm a citizen of Treaty 4, I
14 acknowledge the traditional homelands of the Mississauga,
15 Anishinaabe and Haudenosaunee and bring well wishes from
16 our treaty area. For the record, my name is Erica Beaudin,
17 I'm Executive Director of Regina Treaty Status Indian
18 Services. Chi-miigwetch to Ms. Talaga and Mr. Wente, both
19 of you are conducting compelling hard work on behalf of all
20 of us.

21 This morning, we heard about the
22 decolonization and truth telling of media, journalism and
23 film. In Saskatchewan, we have a two-year program called
24 the Indian Communications Arts Certificate through the
25 First Nations University of Canada. Many students have

1 gone on to the University of Regina's journalism program
2 and finished the four-year degree.

3 Through Shannon Avison, the coordinator of
4 the program, former students such as Connie Walker, Nelson
5 Bird, Mervin Brass, Carisan Achikade (phonetic) and many
6 others have gone on to become award winning journalists in
7 mainstream newsrooms. The type of supports the ICA program
8 gives to students both in the program and after they leave
9 the program have created a family of alumni and a network
10 within that school.

11 Do you believe that Indigenous journalists
12 in mainstream media will make the difference in the future
13 for the telling of balanced Indigenous stories? And, this
14 could be to either both of you.

15 **MR. JESSE WENTE:** Yes.

16 **MS. TANYA TALAGA:** Yes, I agree.

17 **MS. ERICA BEAUDIN:** How can these networks
18 create safe places for their Indigenous journalists so they
19 are able to have voice in choosing -- in the choosing of
20 stories and how they are told? My next question is, how
21 can Indigenous journalists break the class ceiling that
22 exists and become newsroom decision makers?

23 **MS. TANYA TALAGA:** Those are all really good
24 questions. How to create a safe space? How do you tell
25 the stories? First off, you get in the door. That's what

1 needs to happen. There needs to be more, again, Indigenous
2 journalists throughout the country in all levels of media,
3 in television, radio, film, print, digital, everywhere.
4 Film, if I didn't say film already, film, again. Film,
5 film, because that seems to be the bridge -- a lot of
6 cultures -- it's really interesting to me. You know, I
7 could write stories at the newspaper, so many stories.
8 I've probably written thousands of stories on certain
9 things, and it didn't get as much attention as the book
10 did.

11 It's remarkable to me how important our
12 cultural literature is, Indigenous literature is,
13 Indigenous film is so important, and I think that we need
14 to get our stories heard, and there needs to be more of it,
15 and I echo what you said earlier too, about there's been
16 such an underrepresentation for so long. There needs to be
17 almost an overrepresentation now of getting more people in.
18 And, you know, and we can get in on our merits too.

19 And, there are -- as storytellers, they are
20 fantastic. We know them from all over, all the nations
21 have incredible storytellers, incredible voices and
22 incredible gifts, and they should be the ones that are
23 being put forward. You know, we're getting old. It's the
24 youth that are coming up behind us that are going to do
25 this.

1 **MR. JESSE WENTE:** Yes. I think the key
2 around safe spaces is support, unconditional support, and
3 almost a protection, and being both internally within
4 organizations, but also externally in terms of
5 relationships with the audience. And, in terms of breaking
6 the glass ceiling, I think there really has to be a
7 reassessment of the conditions that we've put on breaking
8 through glass ceilings, and whether we're actually using
9 the right criteria when we think who should be in
10 leadership positions or we're relying on standards that are
11 -- exist beyond our communities, and maybe aren't actually
12 as appropriate for determining leadership in media than
13 what we have traditionally, then they might be needed in
14 this instance.

15 Any time you're entering into equity
16 practice, you have to look at the things you have done
17 throughout history, and acknowledge that those might be
18 contributing to inequity. That includes hiring practices,
19 and the way the criteria that we put around who gets
20 certain jobs and who gets into positions of authority.

21 **MS. ERICA BEAUDIN:** Ten-a-key (phonetic).

22 **MS. CHRISTA BIG CANOE:** Thank you. Next, we
23 would invite up Aboriginal Legal Services, Mr. Jonathan
24 Rudin will have five-and-a-half minutes.

25 **--- CROSS-EXAMINATION BY MR. JONATHAN RUDIN:**

1 **MR. JONATHAN RUDIN:** Good morning to the
2 Commissioners, to the elders, a-nowd-la (phonetic). My
3 name's Jonathan Rudin. I'm with Aboriginal Legal Services.
4 Our Ojibwe name is Gaa kinagwii waabamaa debwewin. Jesse,
5 hi. Tanya, hi. It's a cozy little Toronto thing happening
6 here.

7 But, I want to move out of Toronto for my
8 first question, because you -- you know, the CBC is a large
9 organization, The Toronto Star is a large organization. In
10 northern communities, there's usually one news source, and
11 it's not run by a large organization. It's run by two, or
12 three, or four people. And, I wonder, what -- let me put
13 it this way. The influence of those media outlets in those
14 communities is quite strong, isn't it, because their
15 stories aren't covered by other sources; is that fair?

16 **MS. TANYA TALAGA:** Mm-hmm.

17 **MR. JESSE WENTE:** Yes.

18 **MR. JONATHAN RUDIN:** And, would you say from
19 what you've seen that those, you know, say, Northern
20 Ontario, Thunder Bay and other places in Northern Ontario,
21 that the newspapers in those communities are doing a good
22 job of conveying the stories of Indigenous people to both
23 the Indigenous people in those cities and to the non-
24 Indigenous residents?

25 **MS. TANYA TALAGA:** I would like to do a

1 special shout out to Wawatay, Wawatay News in Northern
2 Ontario, for the communities that they serve. It does an
3 incredible job right off the bat. And, you know, as for
4 the rest of your question, there's always room for
5 improvement.

6 You know, it was not good to see on March
7 1st, 2018, "Egg Tossing Incident Leaves Police Scrambling"
8 in the Chronicle Journal newspaper. That was so
9 insensitive. And, that headline was right below the
10 banner, so it was right on the front page of the Chronicle
11 Journal. I believe that's exactly where it was. And, it
12 was about an egg tossing incident against two Indigenous
13 men. You know, and it's -- when you get hit by an egg,
14 it's actually pretty painful. I've been told it's been
15 pretty painful.

16 And so, that though, that headline, you
17 know, after all that's happened in Thunder Bay on March 1st,
18 2018, that's why it was so painful and awful. I mean,
19 after the inquest, after the death of Stacy DeBungee, after
20 the -- I spoke briefly about the OIPRD, which is an
21 offshoot, it's loosely tied to the Ministry of The Attorney
22 General in Ontario, they are investigating the Thunder Bay
23 Police Force for allegations of systemic racism. And, 30
24 Indigenous -- almost 30 Indigenous death cases has been
25 reopened to be re-examined.

1 This is all happening in the community.
2 We're talking about a community where Melissa Kentner is --
3 the story of Barbara Kentner and her sister, Melissa, were
4 walking down a street, and Ms. Kentner was hit with a
5 trailer hitch that was going past and she died later. I
6 mean, this is a city that's in -- having quite a big issue
7 concerning race and has been for such a long time. And so,
8 then seeing that on March 1st, 2018, that's a tough pill to
9 -- that's tough for all of us to see. And, there was an
10 apology done to that headline, but we can all do better.

11 **MR. JONATHAN RUDIN:** Jesse?

12 **MR. JESSE WENTE:** Yes, I would say there's a
13 long history in Indigenous communities of Indigenous radio
14 as opposed to print media. And, I think many of those
15 outlets do do very strong work even if they don't
16 necessarily receive national attention for that work. But,
17 I think the large, large financed, well-financed media
18 organizations, because there's been such a dramatic erosion
19 of local media across all platforms in Canada and, frankly,
20 the world, those large well-funded institutions need to do
21 much better in reporting in local communities and outside.

22 And, I think we need to acknowledge that, in
23 Canada, we need to rethink how we look at, and consider our
24 country, and stop thinking of it as an east-west country,
25 and really think of it as a north-south, and that that's

1 the real dynamic that is at play. And, that the large
2 media concentration in the south means that these stories
3 are skewed, and organizations, particularly public
4 organizations like the CBC, need to reinvest and reconsider
5 how they cover smaller communities and have that part of
6 the larger national conversation. We just went through an
7 election here in Ontario that exemplified the disparity in
8 how media covers different parts of the province, and how
9 that influences -- how we understand the issues we all face
10 together.

11 **MR. JONATHAN RUDIN:** Okay. And, one quick
12 last question for Tanya. You mentioned the jury
13 recommendations coming out of the Seven Fallen Feathers
14 inquest. As you know, there's a report card that our
15 organization produces on behalf of the clients, and I
16 wonder if you might want to talk about the importance of
17 being able to report back on what has happened. This
18 Commission is going to make recommendations. There have
19 been many Commissions who made many, many, many, many, many
20 thousands of recommendations. And, you talked about the
21 need for reporting back so that these issues remain in
22 public consciousness.

23 **MS. TANYA TALAGA:** What ALST did was
24 remarkable in grading and looking at the recommendations
25 coming out of the inquest and what was -- where there was

1 movement and where there wasn't movement, and the grades
2 were given to certain organizations. And, that is needed.
3 You know, we need to keep all of these issues in the
4 forefront because one day this Commission will be over.
5 And, one day, you know, you'll come out with all of your
6 recommendations. And, you're right. You know, are we
7 going to put those on a shelf? People always use that
8 term, but it's true, that's what happens; you know? And,
9 there's no accountability as to, well, this is what the
10 Inquiry found, this is what is so important. And, you
11 know, instead of forgetting about it, is there some way
12 that we could always keep it in the conscience?

13 It may be what you do is every single year
14 relook back at it, what's been done. I know that that is
15 what's happening. I believe you're going to be looking
16 yearly. That would be something for the Inquiry to do
17 maybe as well, every single year, how we've gone forward
18 with the recommendations that this Inquiry has made, and
19 almost like a checklist. Are we having any movement here,
20 yes or no? And, just keep it going forward so all of this
21 work is not forgotten.

22 **MR. JONATHAN RUDIN:** Thank you. Miigwetch.

23 **MS. CHRISTA BIG CANOE:** Thank you. Next, I
24 invite up Thunder Bay Police. Mr. Ted Morracco has 5.5
25 minutes.

1 --- CROSS-EXAMINATION BY MR. TED MORRACCO:

2 **MR. TED MORRACCO:** Commissioners, good
3 afternoon. Members of the panel, good afternoon. I echo
4 the acknowledgements of my friends who have spoken before
5 me.

6 Ms. Talaga, first off, thank you very much
7 for the interest you took in the joint inquest. As you may
8 know, I was one of the counsel on that matter. If I
9 understand correctly from reading your book, what you've
10 been able to do is review transcripts from that proceeding,
11 as well as conduct interviews with some of the family
12 members; is that right?

13 **MS. TANYA TALAGA:** That's right.

14 **MR. TED MORRACCO:** And, were you able to
15 obtain all of the transcripts for all 70 days of the
16 evidence?

17 **MS. TANYA TALAGA:** I was lucky enough to
18 gain access to almost every single document. I didn't have
19 everything, but I have a massive zip file that contained
20 everything that was presented at the inquest, yes.

21 **MR. TED MORRACCO:** And, in that respect, you
22 mean the exhibits?

23 **MS. TANYA TALAGA:** I had the exhibits, and I
24 also have the testimonies, most of the testimonies.

25 **MR. TED MORRACCO:** Yes, that was the

1 question.

2 **MS. TANYA TALAGA:** The ones that I was --
3 yes, the ones that I was specifically looking at, yes.

4 **MR. TED MORRACCO:** Fair enough. So, just
5 because as you noted, they heard from more than 150
6 witnesses in the joint inquest. So, you didn't have the
7 opportunity to review all of the witness evidence; is that
8 fair?

9 **MS. TANYA TALAGA:** That's fair. That's what
10 I looked at specifically. I went to the witnesses that I
11 wrote about, and I looked at those, and I also made an
12 effort to contact people and talk to them, too.

13 **MR. TED MORRACCO:** I understand. Thank you.
14 And, with respect to the actual hearing itself which, of
15 course, took place in 2015 and 2016, did you have an
16 opportunity to attend in person for any of the hearing
17 dates?

18 **MS. TANYA TALAGA:** I was there, yes. I was
19 there at the very end, and I listened remotely, which is a
20 very good thing when you guys set up the remote system, so
21 I could hear in real time and livestream what was
22 happening, and I covered the inquest that way from the very
23 beginning for about -- I think it was a week, a week and a
24 half. And, I did drop in there as well when I was writing
25 the book, Seven Fallen Feathers. I would sit in at the

1 back of the courtroom, not as a journalist, but when I had
2 time.

3 MR. TED MORRACCO: So, you did hear some ---

4 MS. TANYA TALAGA: Yes.

5 MR. TED MORRACCO: --- of the witness
6 testimony?

7 MS. TANYA TALAGA: Yes.

8 MR. TED MORRACCO: But, here's my question.
9 Did you hear all of the witness testimony that was given
10 over the 70 days?

11 MS. TANYA TALAGA: Did I hear all of it? I
12 was not in the courtroom every single day to hear every
13 single piece of evidence. So, no, I cannot say that I
14 heard every single thing. But, I have to tell you that I
15 did read an incredible amount, everything. There was the
16 exhibits as well, the education reports, the police notes
17 as well. I tried to get as much as I possibly could read
18 and understood.

19 MR. TED MORRACCO: Thank you very much.
20 Those are all my questions.

21 MS. CHRISTA BIG CANOE: Thank you. Next,
22 we'd like to invite up the Assembly of First Nations. Ms.
23 Julie McGregor will have 3.5 minutes.

24 --- CROSS-EXAMINATION BY MS. JULIE MCGREGOR:

25 MS. JULIE MCGREGOR: Good morning

1 Commissioners and panel members. My name is Julie
2 McGregor. I'm Algonquin from Kitigan Zibi Anishinabeg in
3 Quebec, and I'm here representing the Assembly of First
4 Nations.

5 My first question is for Jesse. Can I call
6 you Jesse?

7 **MR. JESSE WENTE:** Of course. Please.

8 **MS. JULIE MCGREGOR:** Thank you. You
9 mentioned about how you want -- in your evidence, you
10 mentioned how you want over representation in the media and
11 in the entertainment industry; is that correct?

12 **MR. JESSE WENTE:** Yes.

13 **MS. JULIE MCGREGOR:** How would you suggest
14 encouraging youth to become involved in these industries
15 when they don't see themselves portrayed in these
16 industries?

17 **MR. JESSE WENTE:** Well, I would use the fact
18 that they're not portrayed in these industries as an
19 incentive to get themselves there, so they can portray them
20 themselves. I also think we need to tell somewhat
21 different stories. I think too often when we talk about
22 careers in the media, we focus on too narrow of a bar of
23 what that looks like.

24 So, in film, for example, we often talk
25 about directors and how you become a director, but to make

1 a movie requires an enormous number of people, and there's
2 opportunities all along that production chain for
3 Indigenous people to have careers and be able to represent
4 themselves in the media.

5 So, I think we need to start letting youth
6 know that you don't just have to become a director, you
7 don't just have to become a reporter, that there's many
8 other ways to engage in that media and that that absolutely
9 can be a career, especially one that looks at a different
10 sort of resource than natural resources or other sorts of
11 things that may be presenting themselves, and that
12 increasingly, as the audience begins to search for more
13 Indigenous stories, the need at media companies to employ
14 Indigenous people is only growing.

15 And, I suspect over the coming years, that
16 will continue to be true, that these organizations, in part
17 because of their obligations to serve the public reflect
18 their own communities back to them, but also to serve an
19 increasing desire on the larger Canadian audience to hear
20 Indigenous perspectives and Indigenous stories will be
21 searching for more people to employ in a variety of
22 positions, and I think there's a great opportunity for
23 Indigenous youth to be able to enter the media as a
24 profession and ultimately not only have a career, but serve
25 their community and present a different perspective across

1 the media landscape.

2 **MS. JULIE MCGREGOR:** Thank you. And, I just
3 have one more question for Tanya, if I can call you Tanya?

4 **MS. TANYA TALAGA:** Mm-hmm.

5 **MS. JULIE MCGREGOR:** So, I'm always -- I'm a
6 bit of a political junkie, and I'm really always happy to
7 see you when you show up on Power & Politics panels,
8 because we often see commentators, and I know your evidence
9 was about your being an author and investigative
10 journalism, but we always see commentators commenting on
11 things such as, like, fundamental human rights for First
12 Nations people like clean water, housing and even in this
13 case, the Inquiry into missing and murdered Indigenous
14 women.

15 We see non-Indigenous commentators always on
16 these panels, and they're debating these issues like
17 they're up for grabs. Like, should Indigenous people have
18 clean water? Should Indigenous people have education? How
19 do we curb that? Should there be some sort of guidelines
20 or policies like my friends have said that requires the
21 media to think about that? Because I think they think it's
22 unbiased, but there is a bias put in there.

23 **MS. TANYA TALAGA:** For sure. Thanks for the
24 question. You know, it's hard too, because CBC Indigenous,
25 you can't call Connie Walker or Duncan McCue because they

1 work for CBC Indigenous to come and comment on these
2 things, or Rhiannon Johnson, another reporter that's there
3 as well. Same with APTN. You know, they're journalists
4 first, so you can't get them to come on Power & Politics or
5 something to talk about what they're seeing and what their
6 issues are, although Tim Fontaine is no longer a
7 journalist, so call him.

8 So, you know, it's tough. It's tough, but
9 there should be -- don't be afraid to phone Indigenous
10 people, parts of organizations. Someone should be calling
11 ONWA, someone should be calling NWAC, someone should be
12 calling Na-Me-Res. You know, just open your field of
13 vision. Get somebody on there that's familiar with the
14 issues and can talk about these things. It doesn't always
15 have to be a journalist, too.

16 **MS. JULIE MCGREGOR:** Miigwetch Tanya.
17 miigwetch Jesse.

18 **MS. TANYA TALAGA:** Miigwetch.

19 **MR. JESSE WENTE:** Miigwetch.

20 **MS. CHRISTA BIG CANOE:** Thank you. Next,
21 we'd like to invite up ITK. Ms. Elizabeth Zarpa will have
22 4.5 minutes.

23 **--- CROSS-EXAMINATION BY MS. ELIZABETH ZARPA:**

24 **MS. ELIZABETH ZARPA:** Good morning or good
25 afternoon. I don't know what it is right now. My name is

1 Elizabeth Zarpa. I'm legal counsel for Inuit Tapiriit
2 Kanatami, which represents 60,000 Inuit throughout
3 Inuvialuit, Nunavut, Nunavik and Nunatsiavut.

4 My apologies for going quickly, but I have a
5 very limited amount of time. I want to thank the elders,
6 the Commissioners, the Commission counsel and also the
7 witnesses for testifying today. And, I also want to thank
8 the Haudenosaunee, the Anishnaabe and also the Mississaugas
9 of the New Credit for allowing me to be here on their
10 territory.

11 So, Jesse, you highlighted how Indigenous
12 people are depicted in media historically and
13 contemporarily, and the example of the sexualization and
14 misrepresentation of Indigenous women through stories, for
15 example, Pocahontas you highlighted. And, to deal with
16 these misrepresentations, would you agree with these
17 recommendations? And, you can make additions or changes if
18 you wish. That affirmative action programs be legislated
19 to increase the number of Inuit media producers, managers
20 and senior managers in major provincial and federal
21 broadcasting companies in Canada?

22 **MR. JESSE WENTE:** Yes.

23 **MS. ELIZABETH ZARPA:** And, that this
24 affirmative action program receive full funding by
25 territorial, provincial and federal governments?

1 **MR. JESSE WENTE:** Yes.

2 **MS. ELIZABETH ZARPA:** That universities in
3 Canada introduce affirmative action programming to increase
4 the number of Inuit media producers, managers, senior
5 managers and journalists?

6 **MR. JESSE WENTE:** Yes.

7 **MS. ELIZABETH ZARPA:** And, that Canadian
8 universities introduce mandatory cultural competency
9 training for students who train to become media producers,
10 managers, senior managers and journalists?

11 **MR. JESSE WENTE:** Yes. Not just
12 universities. I think existing media should also go
13 through cultural competency training.

14 **MS. ELIZABETH ZARPA:** Great. Thank you.
15 Tanya, you mentioned in your book, *Seven Fallen Feathers*,
16 you highlighted the deaths of seven young teenagers from
17 northern Ontario who travelled -- or who lived in Thunder
18 Bay. And they travelled to Thunder Bay predominantly
19 because there's a lack of access to high school facilities
20 within their communities, which are really remote, so they
21 travel to Thunder Bay to leave their families, their homes,
22 their languages to a very different experience.

23 Would you agree with these recommendations?
24 You can make changes if you wish. That Shannon's dream to
25 have high schools that are safe, healthy, comfy, and fully

1 funded in her community be applicable to all Inuit
2 communities throughout Inuvialuit, Nunavut, Nunavik, and
3 Nunatsiavut?

4 **MS. TANYA TALAGA:** Yes.

5 **MS. ELIZABETH ZARPA:** Currently -- and,
6 also, currently Canada is the only circumpolar country in
7 the world without a university above the 60th parallel.

8 And to take Shannon's dream further, there
9 be full access to culturally relevant, post-secondary
10 institutions like colleges and universities throughout
11 Inuvialuit, Nunavut, Nunavik, and Nunatsiavut?

12 **MS. TANYA TALAGA:** Absolutely, yes.

13 **MS. ELIZABETH ZARPA:** And that culturally
14 relevant, permanently stationed counselling and healing
15 lodges be built and financed within northern and remote
16 communities throughout all of Canada?

17 **MS. TANYA TALAGA:** Yes.

18 **MS. ELIZABETH ZARPA:** And these counselling
19 and healing lodges be fully funded by the territorial,
20 provincial, and federal governments.

21 **MS. TANYA TALAGA:** Yes.

22 **MS. ELIZABETH ZARPA:** Okay. Those are my
23 recommendations and my insights, but if there is anything
24 you would like to add, I'm open to hearing your
25 suggestions.

1 marching, the Feb 14th Women's Memorial March, and we have
2 really struggled with the media.

3 You heard from Viola Thomas earlier and
4 she's been on that front fighting with the media to change
5 their -- the ways that they write about Indigenous women.
6 They have good woman, bad woman, and I think they're called
7 princesses or squaws, from another perspective. And
8 attention is given when White women are the ones that go
9 missing in the Highway of Tears.

10 So I'm just wondering are either of you
11 aware of any Indigenous women scholars that are exploring
12 the intersecting roles of racism, colonialism, and
13 misogyny? It's been challenging within -- -- before this
14 Inquiry started and now that it's going, to ensure that
15 women are at the centre of it, so that's what's behind my
16 question of is anyone even looking at what is developing in
17 terms of journalism and Indigenous women.

18 **MS. TANYA TALAGA:** Thank you for the
19 question; and it's nice to meet you.

20 I think that there are Indigenous women that
21 are coming through the university realm and that are
22 looking at some of these things.

23 Now, I'm going to use her name and -- so I
24 could be wrong but you talked about misogyny and about
25 studying this. I think Chelsea Vowel is looking at some of

1 this that -- what you're speaking of. I think that there
2 are -- I know there are Indigenous women in law as well
3 that are -- that are looking at some of these things.

4 When I was at that Determination, that event
5 I was talking about, about getting rid of the *Indian Act*, a
6 little while ago, I met lots of Indigenous women scholars
7 that were teachers. And it was so nice to see, and to hear
8 about the work that they're doing.

9 But, you know, getting back to the point of
10 representation earlier, I mean, there's just so much more
11 of this work needs to be done, and there's just so few
12 women that are doing it. And so there needs to be so many
13 more and until -- it's hard work on the few that are there
14 doing it, you know, so sometimes they can be burdened.
15 There's just so many ways to look and to explore and to
16 research. It's tough when you're only a small group. But
17 I hope that that's changing. I hope that there are more
18 women.

19 I would urge you to look in law, too.

20 **MS. FAY BLANEY:** Yeah.

21 **MS. TANYA TALAGA:** I know that there's -- at
22 Osgoode there's some women that are there.

23 **MS. FAY BLANEY:** So is there a
24 recommendation that can come out of that with regard to
25 Indigenous women?

1 I know my time is up, Christa.

2 **MS. TANYA TALAGA:** Maybe I could say a
3 funding scholarship, funding spots in universities to do
4 that extra work. And when I say that, I don't mean tuition
5 or books. I mean funding for daycare. I mean funding for
6 living expenses. All of those things need to be looked at
7 in order to support women in order to get into those
8 university roles and in order to be able to afford to live
9 and take care of their kids. There needs to be more of a
10 holistic sort of a look at how we can support women to do
11 that work.

12 **MS. FAY BLANEY:** Thank you very much.

13 **MS. CHRISTA BIG CANOE:** Thanks, Ms. Blaney.
14 Next we'd like to have invite up Awo Taan
15 Healing Lodge Society; Mr. Darren Blaine has three and a
16 half minutes.

17 **--- CROSS-EXAMINATION BY MR. DARREN BLAIN:**

18 **MR. DARREN BLAIN:** Good morning to the
19 Commission; good morning to the panel members.

20 My name is Darren Blain and I'm a lawyer
21 working out of Calgary. And we represent the Awo Taan
22 Healing Lodge Society, which is an Indigenous women's
23 shelter smack-dab in the heart of Calgary.

24 Welcome and good morning.

25 Ms. Talaga, the first thing I want to do is

1 give a plug to your book.

2 (LAUGHTER)

3 **MR. DARREN BLAIN:** So I wonder if that
4 camera can back -- that's available on Amazon.ca ---

5 (LAUGHTER)

6 **MR. DARREN BLAIN:** --- for \$15. It's also
7 available at indigo.ca. But I promise I have been working
8 in the back.

9 **MS. TANYA TALAGA:** Miigwech for that.

10 You should also note, though, too, that part
11 of the proceeds go to Dennis Franklin Cromarty's memorial
12 fund of every book sold, and so that goes right back to the
13 kids.

14 **MR. DARREN BLAIN:** Well -- and I do that for
15 the benefit of the people that aren't here that might be
16 watching online in women's shelters and other institutions;
17 this is being broadcast online so I do that for their
18 benefit as well.

19 Mr. Wente, good morning.

20 **MR. JESSE WENTE:** Good morning.

21 **MR. DARREN BLAIN:** First of all, man to man,
22 I want to thank you for being courageous enough to share
23 your tears today. I honour your tears. I honour your
24 being here and I honour you, sir, this morning.

25 **MR. JESSE WENTE:** Thank you.

1 **MR. DARREN BLAIN:** We're here talking about
2 Indigenous women that are murdered, that go missing in this
3 country, and the girls. And I want to ask you "the"
4 question.

5 Lawyers talk a lot about causation in our
6 work; in other words, what caused what? But it doesn't
7 have to be this is the sole cause of something, it can be a
8 contributing factor; or, as I say to judges often, the
9 piece of the pie. It's a piece of the equation.

10 Sir, is it your affirmed expert evidence
11 that the way in which Indigenous women have been portrayed
12 in the media, in journalism, and in film, whether that
13 originates in Canada or abroad, such as the United States,
14 has led to Indigenous women in this country being murdered,
15 disregarded, have gone missing, or taken their lives by
16 suicide?

17 **MR. JESSE WENTE:** Yes. In your words, it's
18 definitely a piece of that pie.

19 **MR. DARREN BLAIN:** Thank you.

20 This is an interesting discussion we're
21 having today about freedom of expression under the *Charter*
22 *of Rights* on the one part of the continuum because a lot of
23 filmmakers will stand right there and say, "This is about
24 freedom of expression. We're allowed to do whatever we
25 like."

1 kids?

2 **MR. JESSE WENTE:** Thank you very much for
3 the question. I think we -- you have to go where the kids
4 are. And so, for example, the Indigenous Screen Office
5 does not just focus on the legacy media, so it's not just
6 concerned with television or film. It's as concerned with
7 videogames, it's as concerned with streaming, it's as
8 concerned with apps, all of those things that the kids are
9 using.

10 And, I -- when I think of where Indigenous
11 stories may be told in the future, first, I have to
12 acknowledge that they've rarely been told in those
13 traditional places, so I'm not sure -- I looked to movie
14 theatres as actually the solution to this. I may look more
15 to YouTube as the solution to this, because I think we have
16 to be cautious that when we're engaging in growing
17 Indigenous media and stories that we don't necessarily have
18 to do that in the same venues that those stories have been
19 told historically.

20 And, in fact, maybe we should be searching
21 for more equitable venues, ones that aren't as concerned
22 with commerce or other sorts of issues, ones that are maybe
23 more far-reaching because, again, there aren't movie
24 theatres. Just like there aren't schools in a lot of these
25 communities, there aren't movie theatres either, but there

1 may still be YouTube. There may still be access to those
2 sorts of things.

3 So, for one, I advocate very directly to the
4 Department of Heritage about their Indigenous strategy that
5 no digital strategy will be successful without 100 percent
6 coverage for high-speed internet to all communities in
7 Canada, and that that is indeed a democratic right, and the
8 democracy will fail if that -- if all people don't have
9 equal access to high-speed internet. And, that when we
10 start to tell these stories differently, we should look at
11 different outlets, different modes of distribution and that
12 we go to where the children are.

13 We don't expect those youth to come to us,
14 and that may mean maybe it's less about movies, which is
15 maybe what you and I watched, and maybe it's more about
16 videogames and what they're playing on the X-box and those
17 places than it is about those things. And, those are
18 storytelling just like anything else. And, just because
19 adults may not understand that, doesn't mean that isn't
20 true.

21 My kids watch more YouTube now than they
22 watch any broadcast television, so I am as engaged with
23 YouTube and what YouTubers and those commentators are doing
24 than I am anything else. And, frankly, I'm very
25 optimistic, because those platforms tend to be more open

1 than the legacy ones that tend to be closed markets, that
2 tend to privilege certain voices over others, historically.
3 YouTube, those sorts of places, they do not. You have a
4 more ease of access, and I think we should be engaging
5 directly with those platforms to gain the ears of the youth
6 and also to give them the power and access to those
7 platforms to create for themselves to tell their own
8 stories on Instagram, on -- anywhere they are, and to give
9 those tools back to them so that they can create media for
10 themselves and for their generation and for their friends.

11 **MR. DARRIN BLAIN:** Thank you for your
12 perspective, and thank you both for being here.

13 **MR. JESSE WENTE:** Thank you.

14 **MS. TANYA TALAGA:** Thank you.

15 **MS. CHRISTA BIG CANOE:** And, the last party
16 that we'll be inviting up to cross-examine is Pauktuutit
17 and Partners. Ms. Beth Symes has four-and-a-half minutes.

18 **--- CROSS-EXAMINATION BY MS. BETH SYMES:**

19 **MS. BETH SYMES:** Thank you. I'm Beth Symes.
20 I represent Pauktuutit, the Inuit Women of Labrador, the
21 Ottawa Inuit Children Centre, Saturviit in Northern Quebec,
22 and the Manitoba Inuit Association.

23 I want to begin by saying that the Inuit
24 families in Membertou, in Rankin Inlet and in other places
25 were highly critical of the media. And so, I want to

1 explore that. And, I begin by making the statement that
2 for Inuit, in Inuit Nunangat, the media is really
3 important. Radio CBC North, it -- in Inuktitut, it is
4 listened by everybody. It's how information gets conveyed
5 across the north. And, in many ways, it's the glue in the
6 community, because people -- families are spread across
7 remote hamlets.

8 And so, Ms. Talaga, you said this morning
9 families have no information about what is happening. One
10 of the criticisms. In Rankin Inlet, Susan Enuaraq told the
11 story of the murder of her sister Sula and Sula's two
12 daughters in Iqaluit, June 7th, 2011. Susan was a Crown
13 prosecutor at that time, and she became, sort of, the voice
14 for the family, and went to the police seeking information,
15 like any information about the death of her sister and her
16 two nieces. And, she got nothing, absolutely nothing from
17 them.

18 But, shockingly, the family members located
19 in hamlets in Nunavut learned about the deaths on CBC Radio
20 North. And, here's what's even more troubling, they
21 learned about the details of the death on CBC North that
22 were not ever public. I'm asking you as wearing a hat as
23 investigative journalists, how do you respond to that?

24 **MS. TANYA TALAGA:** It's always troubling
25 when you here that -- or when you're the one -- when you're

1 the reporter to phone a family and to tell a family
2 something that they don't know, and that happens too many
3 times. It gets back to what we were talking about earlier
4 what I was mentioning about communication and the lack of
5 communication.

6 Often times, historically, especially
7 between -- and recent history, between police and family
8 members and the need for a point of contact for all family
9 members to have. You know, because often times what could
10 happen is that -- and I do not know the particulars of this
11 case, but I'm just talking in generalities, is that if a
12 family member phones a police force, and that -- the police
13 officer that's assigned the case isn't there, then there's
14 nobody to talk to. And, they get told, "We'll call back
15 in, like, six hours or 12 hours when that police officer's
16 going to be back on shift." So, the call gets passed
17 around, and it's difficult for families to get a response
18 from anyone.

19 I neglected to mention, and I will just
20 briefly in answering this, about the need for family
21 information liaison units, which have been, actually,
22 started and are -- been functioning in Toronto. And,
23 they're so important, because often times, too, as a
24 journalist, what's happening is that I get called, and the
25 people ask me about things. And so, I'm calling the police

1 and asking them about things, and I'm going back to the
2 family and saying something. And, that's -- I'm not a
3 qualified professional to be doing any of those things.
4 I'm just -- I'm a journalist, I'm a storyteller. But,
5 there needs to be a central point of contact so all family
6 is aware when a tragedy happens. And, also, too, that
7 families are told right away, and that's been an issue time
8 and time again.

9 It was an issue with the inquest into the
10 death of the seven kids of -- and, you know, this is beyond
11 police too. This is medical authorities, coroner's offices
12 not contacting -- doctors, not contacting family members to
13 say, "This is what's happened," or causes of death told to
14 family members. One of the seven fallen feathers, Marianne
15 Panacheese, she waited seven years to get an answer on what
16 happened to her son, Paul. Seven years. No call from a
17 coroner, no call from anyone to tell her what was
18 happening.

19 That is -- it's unbelievable. And, it's not
20 just one time. It's the time you're bringing up, it's the
21 time of all of the families. You often here this. It's
22 communication. Again, it's such a key, key issue, and we
23 need to find a way around that so incidents, like what you
24 just talked about, don't happen.

25 **MS. BETH SYMES:** Thank you.

1 **MS. CHRISTA BIG CANOE:** Thank you. That
2 concludes the cross-examination. Chief Commissioner and
3 Commissioners, I have only one question in re-examination
4 to correct the record if I may be allowed to ask that
5 before you make your questions or comments. And, it's for
6 Tanya.

7 **--- RE-EXAMINATION BY MS. CHRISTA BIG CANOE:**

8 Tanya, when we were looking at the excerpts
9 in your book, we were talking about Jordan Wabasse, and you
10 had made a comment that he was last seen at a certain point
11 in the river. The story in the book and the evidence
12 speaks otherwise, can you explain that?

13 **MS. TANYA TALAGA:** I'm sorry. I misspoke.
14 It should have been, "Stan said, we believe this is where
15 he was last seen." So, that should be corrected, because
16 he was actually last seen getting off a bus at 10:00 at
17 night, about 3 kilometres away from where his body was
18 found in the Kaministiquia River.

19 **MS. CHRISTA BIG CANOE:** Thank you. And,
20 those are all the questions I have in re-examination. At
21 this point, I just want to indicate, it's -- I take your
22 instruction on questions and comments.

23 **--- QUESTIONS BY COMMISSIONER QAJAQ ROBINSON:**

24 **COMMISSIONER QAJAQ ROBINSON:** First thing,
25 thank you both -- hello. Is it on?

1 **CHIEF COMMISSIONER MARION BULLER:** Keep
2 talking.

3 **COMMISSIONER QAJAQ ROBINSON:** Keep talking
4 until I -- I'm resourceful. Thank you both so much. I
5 have a few questions. First, Tanya, you shared with us the
6 recommendations from the jury and the inquiry for the seven
7 and it speaks to First Nations populations, and I was
8 hoping you may be able to help me with this.

9 A lot of the circumstances that are
10 described in terms of the difficulties with accessing
11 education, health care, shelter are realities that we've
12 heard from many Indigenous peoples, including Inuit and
13 Métis. Would you expand your recommendation that these
14 types of recommendations that were put forward by the jury
15 should also apply to non-status Inuit and Métis who are
16 experiencing these types of realities?

17 **MS. TANYA TALAGA:** Absolutely.

18 **COMMISSIONER QAJAQ ROBINSON:** Thank you.
19 We've also heard from so many families about how they were
20 portrayed and a complete lack of accountability when it
21 comes to how their loved ones are spoken about, and
22 particularly with court reporters and how things are
23 discussed in court and then how that permeates into media.

24 So, I'm wondering if you have any ideas --
25 my thoughts are that there is not only a duty to those

1 reporting, but there is also a duty to the dialogue and the
2 language used in the courts, period. Do you have any
3 thoughts on journalism as it relates to court proceedings?

4 **MS. TANYA TALAGA:** Thank you for that
5 question. That's a very good question. I could see how so
6 much of what is heard in court, you know, when it gets
7 reported by court reporters. Often too, they are reporters
8 that have been in their jobs for quite a long period of
9 time and they're there just writing, like, the facts, just
10 the facts. You know, we've got the story. And, I don't
11 know how sensitive people are being as opposed to -- like,
12 that's a story that's done so quick and fast, right, for
13 the next day's -- I sound so old. I was going to say the
14 next day's paper. For the website.

15 So, more thought needs to be given, yes. I
16 think efforts need to be made to speak to the families,
17 speak to the person that's just made the testimony and say,
18 this is what we're going to report on and what do you think
19 about this? You know, can you expand on this? Are there
20 ways I can be sensitive about this?

21 It's tough when you come to courts too,
22 because it's an open proceeding; right? And so, people
23 will come, and they'll just be writing down the facts and
24 they'll just, sort of, slam it in and it goes into the
25 story, and it's on the website. The more considered,

1 longer pieces, that's just -- it's just so much better for
2 the families, you know? I'm thinking of Connie Walker's
3 podcast, that is -- it's so much more inclusive and so much
4 more understanding and sensitivity.

5 And, again, too, you know, the need for more
6 Indigenous reporters. How many Indigenous court reporters
7 are out there, you know, besides APTN when they're in court
8 or besides CBC Indigenous. There needs to be so many more,
9 so our stories are told more sensitively.

10 **COMMISSIONER QAJAQ ROBINSON:** It's been
11 shared with me by some families and survivors that they
12 wished that, particularly because the journalist came to
13 them when they were in very emotional states or right
14 outside the courtroom, that there was an obligation for
15 them to validate with them. Like, this is what you told
16 me, this is what I understand, not just recording --
17 putting the recorder in front of their faces.

18 **MS. TANYA TALAGA:** Mm-hmm.

19 **COMMISSIONER QAJAQ ROBINSON:** Are, sort of,
20 ethical guidelines or protocols along those lines something
21 that you think would help ensure that the reporting is not
22 only accurate, but also free of the stereotypes and biases?

23 **MS. TANYA TALAGA:** Thanks for that question.
24 I think suggested guidelines would be a good idea. It's --
25 like, people -- journalists hate being told what to do.

1 Media organizations hate being told what to do. So, I
2 think suggested guidelines would be a very, very good idea.
3 And, trying to be as inclusive as possible. Going back to
4 the family, one of the things that Duncan McCue talks
5 about, and so I'll borrow his phrase here, is don't be a
6 story taker.

7 You know, as a journalist, don't go in and
8 just take the story and say, you know, thank you very much,
9 and then just go away. Because you're right about the
10 trauma that the family is feeling. It's good to check in
11 with that family. You know, maybe call them after the
12 story is run and ask them what they think, is everything
13 okay, and then call them again. Make an effort to have a
14 relationship. And, that's not just for Indigenous
15 journalism, that should be every journalist's practice, to
16 be more sensitive with all of the trauma that everyone
17 deals with. It's just a human practice, really, to be a
18 little bit more kind.

19 **COMMISSIONER QAJAQ ROBINSON:** And, the
20 process of getting it right.

21 **MS. TANYA TALAGA:** Mm-hmm.

22 **COMMISSIONER QAJAQ ROBINSON:** Jesse -- can I
23 call you "Jesse"?

24 **MR. JESSE WENTE:** Oh. Yes, please.

25 **COMMISSIONER QAJAQ ROBINSON:** Thank you. I

1 was very interested in your comments about sports mascots
2 and stereotypes and representation. And, one of the things
3 that -- particularly when it comes to portrayals like
4 sports names, is this tension between -- I call it the
5 tension between offensiveness versus racism.

6 And, I'll tell you what I'm thinking here.
7 Whether someone is offended by Pocahontas does not change
8 the fact that Pocahontas in that portrayal is something
9 that is a racist expression. Do you have any thoughts on
10 how that discourse and how -- because it always seems to be
11 the way -- and I'll use the example of the Edmonton
12 Eskimos. The first thing that happens is they talk to five
13 Inuit, some are offended, some are not, and the lack of
14 being offended is somehow making it okay.

15 **MR. JESSE WENTE:** Yes. Famously, the
16 Washington Post did a survey where they found the majority
17 of Native Americans weren't offended by the term "redskin".
18 Now, the methodology of that survey is deeply, deeply
19 flawed and has been largely discredited by Indigenous
20 scholars. But, you're right, there is often a searching
21 for approval, and then that one approval is deemed as able
22 to assuage any concerns.

23 I always think what's important to consider
24 in these cases is harm. That the difference being offended
25 and something that's racist is really the harm that is done

1 by those things. And so, while I may not be offended, what
2 is the harm that those names are actually doing to others?
3 And, that we have to consider, not just individual tastes,
4 or considerations or perspectives, but community
5 considerations when it comes to these things. And, even if
6 some Indigenous people are fine with mascots, others are
7 not, and in the end, what is the harm being done by simply
8 allowing them to persist? And, I would say the harm being
9 done outweighs any issues of free expression or whether we
10 can be offended or not.

11 And, I think too often in our culture we
12 equate things like free expression with a legal sense or
13 this obligation, or we misconstrue it as cultural exchange
14 when free expression is usually really meant to protect us
15 from state-imposed sanctions on our speech as opposed to
16 public discourse or how we relate to one another. And,
17 those are two very radically different things. And I think
18 we are always in a danger when we decide the limits of the
19 behaviour are the legality of it and not the cultural
20 associations that occur.

21 We don't govern ourselves based purely on
22 what is legal and what isn't; otherwise, we would always
23 exist on the precipice of a Mad Max world where lawlessness
24 is just a step away. Instead, there's all sorts of
25 cultural paradigms that govern the way we relate to each

1 other and how we communicate to one another that have
2 nothing to do with the law, that have to do with what my
3 mom would call good manners.

4 And I think too often those that want to
5 defend offensive terms go straight to the legal definitions
6 instead of looking at the harm being done and also just the
7 fact that in culture that is not how we operate, but it's -
8 - and we also have to acknowledge that the legal terms are
9 often defined outside of marginalized community's control.
10 And thus, saying that that somehow is the governor ignores
11 the history of marginalization that has occurred. That
12 would suggest that those legal terms actually aren't the
13 governor at all and there's many other cultural aspects
14 that need to be considered when we're doing that.

15 And, again I would go back to that idea of
16 what is the harm being done and reducing that harm beyond
17 notions of either free expression or whether one has the
18 right to be offended or not.

19 **COMMISSIONER QADAQ ROBINSON:** You have
20 segued perfectly into -- and I thank counsel for Awo Taan,
21 for raising this issue or this sort of -- that dichotomy
22 between freedom of speech, freedom of expression, and when
23 it's used as a justification and a validation for racist
24 statements and expressions. And in terms of how our
25 criminal justice system responds to that, again, how law

1 responds to that, is generally through provisions that
2 relate to hate crimes, which, I mean, I haven't checked the
3 case law recently, but it's incredibly difficult to have
4 something characterized or identified specifically as a
5 hate crime.

6 But I also hear what you're saying about
7 that may not be the mechanism to respond to it. Do you
8 have any thoughts on how, as a society -- and you've shared
9 a lot about representation and participation and presence
10 within the institutions that create. But do you have any
11 thoughts on how we can confront and respond? And I'm
12 thinking about, like, two weeks ago, reporting on the AAA
13 hockey tournament in Quebec City where 13 and 14-year old
14 boys were called savages, and how that became a debate
15 about whether it was racist or not, and hate or not.

16 **MR. JESSE WENTE:** I think that debate only
17 exists among the privileged. It's only a privileged
18 position that would even consider that something worth
19 debating or open to any sort of interpretation. And I
20 think it shows the colossal failure of all sorts of
21 communication systems, education, media, that that could
22 even be considered a debate.

23 I read that story. It hit very close to me.
24 I was called those same things when I was a young athlete.
25 I heard similar things on the playing field. It was a

1 different time, I would acknowledge that. It was the early
2 '80s. But the fact that in 2018, 30 years later, that this
3 still goes on suggests the amount of work that still needs
4 to be done.

5 I don't think there's a quick fix,
6 unfortunately. I think this takes -- because I don't think
7 it was a quick decision to get us here. I don't think the
8 media -- it was very quickly that we assume this. I think
9 it took extended conditioning for that to occur. And I
10 think it will ultimately require extended conditioning to
11 undue all of that, which is why I say just doing it in the
12 moment is one thing. It's a sustained, continual practice.

13 Just like the communities in the north don't
14 need parachute help. They need permanent help. The media
15 will not be solved by momentary representation. It will be
16 solved by ongoing continued representation.

17 By the way, the same benefit that the over
18 culture has had the privilege of for its entire existence.
19 Those benefits should be extended in the same way. Not
20 momentary interest, but on an ongoing interest.

21 I think it's interesting that even in just a
22 few years, for example, territorial acknowledgments, just
23 to use one example, have come forward. We've seen numerous
24 examples here. But yet I already hear some saying, "Why do
25 we still need to do this?" And my response is it's been

1 two years. Come ask me in about 200 and maybe we can
2 discuss whether we should stop doing it then. Just like,
3 you know, we've been singing a national anthem for a very
4 long time. Give us the same length of time to tell those
5 stories and then let's talk.

6 This is not an easy fix, but I don't -- I
7 think those are difficult answers for many to hear because
8 they want a quick and easy answer. They want
9 appropriation, representation to be not nuanced, to be very
10 simple, so they can get over it.

11 The reality is, our existence is nuanced.
12 It requires nuanced responses. Not everything for each
13 community is going to be the easy answer. And we need to
14 both acknowledge that and not let any of these
15 institutions, organizations, governments, anything off the
16 hook with easy responses to complex issues.

17 And we -- more than anything, we need
18 institutions to do some self work. Before they consider
19 how they can change their outward appearance, they need to
20 examine their inward and what it -- how they have been
21 complicit and continue to be in these systems, and how
22 setting up polemical debates around free expression,
23 setting up a versus system is actually inaccurate betrayal
24 and does an incredible disservice to the public, the people
25 they serve, and the discourse that they're attempting to

1 present.

2 Media so often wants to reduce things to
3 simple answers and simple questions, which completely
4 ignores the complexity of human existence, and we need to
5 demand media do better in this, and right to the
6 individual. Individuals can do better. People who go on
7 these stations can be nuanced, can offer nuanced opinions.
8 They -- we don't have to reduce everything to a binary when
9 we know nothing in the world, except maybe math, exists on
10 a binary system, computers too. And we know inherently
11 that those are flawed because of those things.

12 And so, you know, I just reject all of those
13 notions. I, personally, no longer wish to engage with
14 anyone who's going to debate my existence or my right to
15 say my world because that is not a debate for -- to have.
16 And I won't even encourage that. We need to have -- we
17 need to go beyond those to get to the nuanced part of it
18 where we can actually find the solutions that are going to
19 occur for these issues.

20 **COMMISSIONER QADAQ ROBINSON:** Thank you.
21 Those are all my questions. Thank you both so much.

22 **COMMISSIONER BRIAN EYOLFSON:** I want to
23 thank you both very much for coming and sharing your
24 expertise with us today. I'm also mindful of the time and
25 I think I'll just ask one question of Ms. Talaga, if that's

1 okay.

2 You were speaking about some of the racism
3 in Thunder Bay and about the Indigenous students being met
4 with hostility. And I'm just wondering if you wanted to,
5 or if you could add anything further, in terms of
6 addressing racism in a community like that in your
7 experience as a journalist and a writer and being there.

8 Like, on the one hand you spoke to
9 indifference towards racism in Canadian society, but you
10 also referred to some hope and that people were starting to
11 talk about these issues in the community. So I'm just
12 wondering if you could add anything on what you may have
13 seen or would see as affecting change in terms of combating
14 and addressing racism in that context.

15 **MS. TANYA TALAGA:** Thanks for the question.
16 I'm going to turn it back to education again. I think that
17 that's the most important way to combat racism and what's
18 happening in Thunder Bay. And with the kids, you know, I
19 think what needs to happen -- and it is starting to happen
20 slowly, but it is starting to happen, the school boards
21 need to work together. The school boards, the public
22 school board in Thunder Bay, the Catholic school board, and
23 the Indigenous school. I mean, I think we have to stop
24 looking at situations in Thunder Bay, like, with the
25 schooling, as though that's a federal responsibility. That

1 school is funded by the federal government. I think that
2 all levels of government and just all community has to,
3 like, take ownership of that, and the provincial school
4 board has to get involved, like, the local schools have to
5 get involved, instead of saying, oh, that's not my problem.
6 That's their problem over there if the kids are going
7 missing or whatever. They need to get involved. And, I
8 know that some of that is happening, but I would urge more
9 of that to happen. Like, intramural sports between all of
10 the schools, things like sharing bussing. Bussing is a
11 huge issue for Denise Franklin Cromarty and keeping the
12 kids safe and, you know, being on public transit all the
13 time. Wouldn't it be great if some of the school boards
14 shared some of their busses, so the kids could have a
15 chance to get to their boarding houses as well in a safe
16 way? Little things like that, that I don't think would
17 cost too much money.

18 PA days or professional development days
19 that teachers have, bring in the teachers from DFC and
20 invite them so everybody can meet and talk and be together.
21 So, don't look at things as provincial responsibility,
22 federal responsibility and Indigenous. Like, everyone
23 needs to sort of come together in order to get over that
24 racism. Otherwise, it's just not going to happen.

25 **COMMISSIONER BRIAN EYOLFSON:** Thank you very

1 much.

2 --- QUESTIONS BY CHIEF COMMISSIONER MARION BULLER:

3 **CHIEF COMMISSIONER MARION BULLER:** I have
4 two questions. The first one is for you, Ms. Talaga. In
5 the course of the work that you did regarding the situation
6 that existed and still exists in Thunder Bay, was there any
7 comparison or any analysis done of services provided to
8 refugees to Canada and the services provided to children
9 who are coming in to Thunder Bay for school?

10 **MS. TANYA TALAGA:** That's a very good
11 question. Thank you. I have to say that I'm not aware of
12 that.

13 **CHIEF COMMISSIONER MARION BULLER:** Okay,
14 thank you. Now, for both panel members, I'm going to
15 describe a scenario to you based on truth, and I appreciate
16 your comments and your analysis, and there are five
17 different segments.

18 First, we have heard from many people across
19 Canada that they have chosen not to participate in this
20 National Inquiry because of the way the media has portrayed
21 their family members, their experiences, and others'
22 experiences. We've also heard from participants in this
23 Inquiry that they've chosen to testify only in private
24 because they are fearful of how the media will portray them
25 and/or their family members.

1 When we had what we call community hearings,
2 where families and survivors were testifying, we were well
3 covered, in fact, over covered by media. During these
4 types of hearings where we do not have stories of lost
5 loved ones, we have no media coverage.

6 Fifth and final point, organizations can
7 apply for standing and have, obviously. That means,
8 amongst other things, the organization can have access to
9 documents, the ability to cross-examine, and the ability to
10 make closing submissions, and participate in other ways in
11 this National Inquiry. Not one media outlet applied for
12 standing.

13 What, if anything, is this scenario
14 indicative of in your perspective? In 25 words or less.

15 (LAUGHTER)

16 **MR. JESSE WENTE:** Sure. I mean, for me,
17 that is a harsh indictment and I think if I was a media --
18 well, I am a media member hearing that, and I would feel
19 shame and embarrassment that our work is a way that keeps
20 people from testifying in a place like this, that people
21 are scared. That should be a shameful blight, because that
22 is not what journalism should be doing; the exact opposite.

23 And, in fact, you know, I didn't go to
24 journalism school. I didn't need to be taught what
25 journalism was about and the ethics of it. Somehow as a

1 human, I sort of understood what those would be, and I
2 think -- sorry, I'm over my 25 words, but I think these
3 sorts of inquiries should be covered on a daily, persistent
4 basis. Someone needs to be assigned to this so they are
5 here every single day. That is their job. And, if media
6 outlets are not doing that, then they, frankly, have no
7 right to cover other aspects of this story, then they
8 should just stay out of it. I think that in itself is an
9 incredibly horrible thing to even consider, that they then
10 don't have the right to do it.

11 But, you earn the right to these stories.
12 This is incredible difficulty. I know many people who
13 covered the TRC hearings have had an opportunity to spend
14 much time with survivors. It is a privilege to hear those
15 stories. Journalists should be honoured to be assigned to
16 this assignment. There is no more important job in
17 journalism to cover stories like this, and if you've
18 entered that profession and you don't think this is what
19 you're meant to do, then you are incorrect in your career
20 choice, and I would suggest choosing something else.

21 And, I would suggest the editors that don't
22 think of it, they should also do some self-examination
23 around whether they think that they should be in that spot.
24 And, the executives that run those offices should do that
25 same consideration, because they're taking up space where

1 others might be doing a better job, and they should no
2 longer occupy that space. They have failed in their
3 obligation to journalism as a profession, to their
4 audience, and to Canada as a nation.

5 (APPLAUSE)

6 **CHIEF COMMISSIONER MARION BULLER:** Thirty
7 words.

8 **MS. TANYA TALAGA:** I know. It's always hard
9 to follow Jesse, and I think I just used 10 words saying
10 that. That was brilliant and well said, but I'm also going
11 to say don't paint us all with the same brush, and that's
12 really hard because, you know, families, they have a bad
13 experience and then someone else hears about it. And so,
14 it just gets magnified and not all journalists are bad, and
15 not all journalists are insensitive, and some do work hard
16 to be sensitive. So, it's difficult because when that
17 happens, everyone gets painted with the same brush, and
18 that's not necessarily fair.

19 And, I agree, you know, there should be
20 daily coverage of something like this. Absolutely. There
21 should be. And, oftentimes, like when you look at the
22 inquest into the death of the seven kids, there was daily
23 coverage, because Jody Porter from the CBC, she was there
24 every single day. But, it also was helpful that the CBC is
25 a government-funded news-gathering outlet and it has the

1 money to have an employee there every single day. And,
2 oftentimes, too, with the private companies, it's not as
3 easy. With the shrinking news hole and everything else,
4 people are making decisions, and so that's why there isn't
5 somebody there every single day. Sometimes it's just,
6 like, people are trying to go like this and cover all of
7 these holes, and yes, truths get lost, stories get lost.
8 Our coverage diminishes, and that's a whole other talk
9 about what's going on in the news media right now.

10 But, saying all of that, we need to cover
11 things like this, because these are moral issues. These
12 are human rights issues and if we're talking about building
13 a better Canada, we need to be paying attention at all
14 levels of media to the Inquiry.

15 **CHIEF COMMISSIONER MARION BULLER:** Well,
16 thank you both. What a way to finish. My goodness.
17 Because you shared your truths with us today in a most
18 wonderful way, we have gifts for you, and I hope you will
19 accept them.

20 We were told by matriarchs on Haida Gwaii to
21 gift our witnesses with eagle feathers, and we don't argue
22 with them. Eagle feathers, of course, are significant in
23 so many ways, but today, I think they're significant
24 because you are warriors, and thank you for being warriors.
25 So, the eagle feathers will hopefully hold you up and lift

1 you up on those days and those moments when you think
2 you're the only one fighting the fight.

3 Also, the eagle feathers, at the right time,
4 will lift you up to heights you never thought were
5 possible, and you have lifted all of us up to heights we
6 never thought possible today.

7 So, on behalf of all of us, we want to hold
8 you up and lift you up and help you reach even higher than
9 you thought. Thank you both very much for your compelling,
10 wonderful testimony.

11 (APPLAUSE)

12 (GIFTING OF EAGLE FEATHERS)

13 **MS. CHRISTA BIG CANOE:** As the Commissioners
14 are gifting, just a couple of quick announcements for
15 housekeeping. So, during our break, once we have it and we
16 formally close this, I want to remind parties with standing
17 that there are a number of parties who still have not drawn
18 for this afternoon's cross. I also want to bring to your
19 attention that we have a very tight timeframe with our next
20 witness, Dr. Cindy Blackstock, and will have to end at a
21 specific time and, on that basis, I'm requesting a 30-
22 minute lunch because we have a hard stop with Dr.
23 Blackstock at 4:30.

24 **CHIEF COMMISSIONER MARION BULLER:** So, 30
25 minutes, please.

1 **MS. CHRISTA BIG CANOE:** Thank you.

2 --- Upon recessing at 1:29 p.m.

3 --- Upon resuming at 2:10 p.m.

4 **MS. CHRISTA BIG CANOE:** So, we're going to
5 get started please. So, Chief Commissioner, Commissioners,
6 before I call the next witness, I just had a couple items
7 of housekeeping if that's all right.

8 This morning on our first panel, I, again --
9 once again neglected to acknowledge the second chairs, the
10 Association Commission Counsel, that made it possible to
11 have the witnesses of the materials before us. And, this
12 morning they were Francine Merasty and Shelby Thomas. And,
13 before I forget to do so today, my second chair on this is
14 Shelby Thomas, and without her, the materials would not
15 have come together, so I just wanted to acknowledge that.

16 So, this afternoon we are working on a
17 particularly tight time frame. Dr. Blackstock has made
18 herself available, but it's in a specified time period.
19 And so, on that basis, there's a couple things I'm going to
20 suggest we expediate. I previously had sent all parties
21 with standing the way and manner in which I may -- wanted
22 to qualify Dr. Blackstock, and no one provided me an
23 objection.

24 And so, normally, on the record, we take a
25 little more time asking questions. But, instead of doing

1 that, I am just going to highlight some information and
2 qualify Dr. Blackstock as summarily as possible so we can
3 actually get to the meat of the issues with your
4 permission.

5 **--- EXAMINATION-IN-CHIEF BY MS. CHRISTA BIG CANOE:**

6 **MS. CHRISTA BIG CANOE:** And so, to start, I
7 actually just want to draw your attention -- and, first of
8 all, Dr. Blackstock, may I call you Cindy?

9 **DR. CINDY BLACKSTOCK:** Yes, you may.

10 **MS. CHRISTA BIG CANOE:** Thank you. I'd like
11 to draw your attention, Cindy, to your very large
12 curriculum vitae. And, it's literally pages and pages
13 long, and so I'm not even going to ask you to specifically
14 site anything, but if you could agree with me on a couple
15 facts. I note that you have seven degrees; is that true?

16 **DR. CINDY BLACKSTOCK:** I have -- I think I
17 have four academic degrees, and then I have a number of
18 honorary degrees. I think it's about 15 honorary degrees
19 at this point.

20 **MS. CHRISTA BIG CANOE:** Yes. So, in
21 addition to the academic work you've done, you have been
22 the recipient of a large number that's listed in your
23 curriculum vitae of honorary doctorate degrees. Yes. And,
24 I was just going to ask if you could share a little bit of
25 personal information to whichever comfort level you have

1 with the Commissioners and the public.

2 **DR. CINDY BLACKSTOCK:** Sure. I'd like to
3 just begin by honouring the territory we're on and pay my
4 respects to the elders. Thank you for this opportunity.
5 And, to the families, thank you for providing me this
6 opportunity to share with you a little bit about the
7 children's story.

8 My name is Cindy Blackstock. I'm a member
9 of the Gitksan First Nation. I grew up in Northern BC in
10 remote and rural communities, so I know that lifestyle
11 having lived it. And, I was a child protection worker for
12 13 years on the frontlines both in Northern BC, and then in
13 North Vancouver on downtown eastside. And then I worked
14 with the Squamish Nation.

15 I then left after that, and created a
16 provincial organization along with my colleagues who run
17 First Nations child welfare agencies in BC. And, we -- it
18 was then called the Caring for First Nations Children
19 Society. It did post-baccalaureate training for social
20 workers so that they could work more effectively in our
21 communities. It did policy work. And then from there, it
22 went to the Caring Society, which many of you, hopefully,
23 are familiar with, and it's the First Nations Child and
24 Family Caring Society of Canada, and I've been there since
25 2002. And, I am also a professor at McGill University,

1 School of Social Work. So, I've got, kind of, two jobs,
2 but my favourite job is hanging around with bears and kids.

3 **MS. CHRISTA BIG CANOE:** Excellent. And,
4 your reputation does precede you. And, a number of the
5 parties in the room will be familiar with the cases and the
6 academic work that you've contributed in the area of child
7 welfare.

8 And so, on the basis that there is no
9 objection and without going into too much more detail, I
10 would ask the Chief Commissioner and Commissioners based on
11 the knowledge, skills and practice experience as briefly
12 described by Dr. Cindy Blackstock and as evidenced in her
13 curriculum vitae, that I am tendering Dr. Cindy Blackstock
14 as an expert, specifically in the areas of social work with
15 knowledge in Indigenous theory, child engagement and the
16 identification and remediation of structural inequalities
17 affecting First Nations children, youth and families.

18 **CHIEF COMMISSIONER MARION BULLER:**
19 Certainly. Based on the evidence that we've heard, we're
20 satisfied that Dr. Blackstock is eminently well-qualified
21 to give expert opinion evidence, specifically in the areas
22 of social work with knowledge in Indigenous theory, child
23 engagement and the identification and remediation of
24 structural inequalities affecting First Nations children,
25 youth and families. And, welcome.

1 DR. CINDY BLACKSTOCK: Thank you.

2 MS. CHRISTA BIG CANOE: And, before we
3 begin, or I put into exhibit Dr. Blackstock's CV, I would
4 ask Mr. Registrar to please affirm Cindy in?

5 MR. BRYAN ZANDBERG: Good afternoon, Cindy.
6 Dr. Blackstock, do you solemnly affirm that the evidence
7 you give today will be the truth, the whole truth, and
8 nothing but the truth?

9 CINDY BLACKSTOCK, Affirmed:

10 DR. CINDY BLACKSTOCK: Yes, I do.

11 MR. BRYAN ZANDBERG: Thank you.

12 MS. CHRISTA BIG CANOE: And, just as the
13 first order of business, I kindly request and tender Cindy
14 Blackstock's CV as the first exhibit to her testimony.

15 CHIEF COMMISSIONER MARION BULLER: Exhibit
16 49, it's the CV of Dr. Blackstock.

17 --- Exhibit 49:

18 CV of Dr. Cindy Blackstock

19 Witness: Dr. Cindy Blackstock, First
20 Nation Children and Family Caring
21 Society

22 Submitted by Christa Big Canoe,
23 Commission Counsel

24 MS. CHRISTA BIG CANOE: So, Cindy, the first
25 place I thought we might want to talk about is we've heard

1 throughout the first part of the community hearings a lot
2 of evidence from families, particularly families and the
3 interactions and intersections with child welfare, and how
4 that has contributed to a lot of the issues including, you
5 know, racism or marginalization of Indigenous women and
6 families. So, I thought maybe a good starting place would
7 be to have you explain, because we know there's a whole
8 academic body, we know based on cases that there's a lot of
9 literature on this, but why have we, as Canadians, as
10 service providers, not done better when we've known better?

11 **DR. CINDY BLACKSTOCK:** I think that's a
12 fundamental question to ask. A lot of people think that we
13 need to find new answers to remedy some of the most
14 pressing problems confronting First Nations children in
15 care and their families. I argue against that. I think
16 that, actually, we have known for, or at least, 111 years,
17 the inequalities that have been facing these communities,
18 and how that has piled up on the hopes and dreams of
19 children and, in fact, incentivize their removal from
20 children -- from their families. First, in residential
21 schools; then, through the Sixties Scoop; now, in
22 contemporary times.

23 Our problem has not been not having the
24 answers. Our problem has been acting on the answers we
25 already know. And, in particular, that falls with the

1 governments. We can go through a series of reports -- and
2 I suspect we will -- that document the same recommendations
3 over and over and over again: Eradicate the inequalities
4 in housing; make sure kids have safe housing; make sure
5 kids are not growing up in poverty; address mental health
6 and substance misuse services; and focus on domestic
7 violence.

8 We did those four things and we equalized
9 the services in funding for education, early childhood,
10 cultural services, recreation, things like just a safe
11 place to play, and we could see this turnaround very
12 quickly. If we don't, then I fear we will have another
13 inquiry just like this one.

14 And I think that we have to do better, not
15 only as professionals in social work about putting more
16 emphasis on implementing the solutions already on the books
17 but I would really encourage members in society and
18 communities to make sure they're doing everything they can
19 to implement the recommendations that are already on the
20 books, too.

21 **MS. CHRISTA BIG CANOE:** Yes, and speaking of
22 those ---

23 (APPLAUSE)

24 **MS. CHRISTA BIG CANOE:** And speaking of
25 those recommendations, and as she said there's a number of

1 reports and we will be going through some of them -- not in
2 great detail -- just so we can put them formally on our
3 record as well.

4 We've actually been pretty good historians
5 in some ways as Canadians; a lot of things are already
6 documented. And as you said, those number of
7 recommendations. I was wondering if you could walk us
8 through some of those seminal things, maybe starting, even,
9 with the Bryce Reports. I understand that, particularly,
10 the Caring Society has made sure to raise awareness about
11 Dr. Bryce's findings because this is, you know, early days
12 we knew what was happening at the Indian residential
13 schools.

14 **DR. CINDY BLACKSTOCK:** Dr. Peter Henderson
15 Bryce was born just outside Mount Pleasant, Ontario so not
16 far from where we're having hearings today. He got his
17 medical degree when Canada was nine years old, and he
18 became the first Public Health Officer here of Ontario.
19 He's the reason why folks off-Reserve, at least in Ontario,
20 get clean water to drink and have mandatory vaccinations.

21 His health code was really modelled for
22 other provinces around Canada, and indeed into the United
23 States. He was a president of the American Public Health
24 Association; founder of the Canadian Public Health
25 Association; one of the top physicians of his time. And

1 yet he was erased from Canadian history. He was not in the
2 history books that, certainly, I learned from.

3 And the reason for that is that at the age
4 of 51 he took up a post with the Department of Indian
5 Affairs as their Chief Medical Health Officer. And in 1904
6 he was sent out to survey the health of kids in residential
7 schools.

8 And what he found is that they were dying at
9 a rate of about 25 percent a year. And if you tracked the
10 kids over three years, 48 percent would be dead. And in
11 one school for which there was a complete record, for every
12 three children who walked in, only one would walk out
13 alive.

14 And he came back to Ottawa and he used the
15 quotes, "Medical science knows just what to do." He had
16 calculated that the Federal Government of Canada was
17 providing significantly less funding for healthcare for
18 First Nations children in these schools than they were to
19 all other Canadians. In fact, the budget for the city of
20 Ottawa then for the treatment and prevention of
21 tuberculosis exceeded that that was provided to all First
22 Nations children across the country. He argued strongly;
23 Canada refused to implement his reforms.

24 The cost of his reforms, by the way, would
25 have been about \$15,000. And that may seem like a lot of

1 money but not when you understand that even back then
2 Canada's annual budget was over \$100 million. It was well-
3 within the financial purview of Canada to have done the
4 right thing and saved those children's lives.

5 So his report is leaked -- no-one knows
6 exactly by whom but our main suspect is Dr. Bryce himself -
7 - to the *Evening Citizen*, which is now the *Ottawa Citizen*
8 newspaper. It was reported in the *Globe and Mail*, and in
9 fact as far west as the *Victoria Columnist*. It was on the
10 front page of the newspaper.

11 And that says something to me. It says that
12 the editors of the newspaper found this to be of
13 significant public interest that everyone should know about
14 it. And it also says that it wasn't okay, even in that
15 time, to allow children to die unnecessarily.

16 Dr. Bryce was persecuted by Canada for
17 speaking out. He -- his research funding was cut. He was
18 denied positions for which he was eminently qualified, and
19 they tried to disparage his reputation.

20 In 1921 he was pushed out of the Public
21 Service, and in 1922 he publishes a booklet called, *A*
22 *National Crime* where he details all of his efforts to try
23 and get the Canadian government to do the right thing.

24 And his family, who I've had the great
25 honour of meeting, has often said that that was the crisis

1 of his life in many ways. Because he was a doctor and he
2 knew how to make these kids okay, and Canada was saying no.

3 And that's a pattern that we're going to see
4 throughout the whole trajectory of child welfare: The
5 Canadian government knowing better and making a conscious
6 choice not to do better.

7 It's a mistake to say that they ignored
8 Bryce's report. They did not ignore Bryce's report. If
9 they had ignored Bryce's report there would have been no
10 need for retaliation. They considered it; they thought
11 about it, there was no internal evidence to suggest that it
12 was wrong. And there were other people even at the time
13 that were speaking out about it. In fact, there's a guy
14 named Samuel Hume Blake that you can read about in John
15 Malloy's book, *A National Crime*, that takes its title from
16 Bryce's work that says that upon noticing what Dr. Bryce
17 was doing, that Canada had found itself in unpleasant
18 nearness with manslaughter in failing to obviate the
19 preventable causes of death.

20 **MS. CHRISTA BIG CANOE:** If I may enter into
21 exhibit the report. First, actually, the news article from
22 the *Evening Citizen*. The news article from the *Evening*
23 *Citizen* as an exhibit, please.

24 **CHIEF COMMISSIONER MARION BULLER:** Okay.
25 The article from the *Evening Citizen* is Exhibit 50, please.

1 --- EXHIBIT NO. 50:

2 "Schools Aid White Plague: Startling
3 Death Rolls Revealed," *The Evening*
4 *Citizen*, Ottawa, November 15, 1907,
5 (photocopy, one page)
6 Witness: Dr. Cindy Blackstock,
7 Executive Director, First Nation
8 Children and Family Caring Society
9 Submitted by Christa Big Canoe,
10 Commission Counsel

11 **MS. CHRISTA BIG CANOE:** And then may I also
12 please have entered as an exhibit *The Story of A National*
13 *Crime*, and this is the report that Dr. Blackstock just
14 mentioned.

15 **CHIEF COMMISSIONER MARION BULLER:** Yes. *The*
16 *Story of a National Crime* by Dr. Bryce is Exhibit 51,
17 please.

18 --- EXHIBIT NO. 51:

19 "The Story of a National Crime: An
20 Appeal for Justice to the Indians of
21 Canada," by P.H. Bryce, M.A., M.D.,
22 1922 (18 pages)
23 Witness: Dr. Cindy Blackstock,
24 Executive Director, First Nation
25 Children and Family Caring Society

1 Submitted by Christa Big Canoe,
2 Commission Counsel

3 **MS. CHRISTA BIG CANOE:** Okay. So Dr.
4 Blackstock, you were just saying, like, you're going to see
5 this pattern repeat over and over again. And there's a
6 number of reports, including the Caldwell Report and the
7 Simms Report that also indicate some things. Can you just
8 give us a little context of those?

9 **DR. CINDY BLACKSTOCK:** In -- 1967 was
10 Canada's centennial year and Indian Affairs was busy
11 commissioning a series of reports about the Indians. And
12 that's the word that we were referred to back then so I'm
13 going to use that term to describe these two reports.

14 The first one is known as the Caldwell
15 Report and it's published in 1967, and it was authored by a
16 guy named George Caldwell who had his Master's in social
17 work. And he went out to really look at the situation of
18 children in residential schools in Saskatchewan. And what
19 he had found is that 80 percent of the children placed in
20 residential schools in Saskatchewan were placed there under
21 what was called the "Not properly cared for" provision.

22 Now, I'm going to take a step back in time
23 for a minute and I don't know if we have it as an exhibit
24 here but I can produce it if it's required.

25 In 1895, I have correspondence from then the

1 acting superintendent of Indian Affairs, Duncan Campbell
2 Scott, to the Department of Justice requisitioning a
3 warrant for the removal of Indian children and their
4 placement in residential schools. That warrant allows for
5 the removal of children for two reasons; one is for the
6 purposes of education, which we all know in this room and
7 thanks to the TRC that fell far short of that and was more
8 assimilation.

9 But the second reason was that they were not
10 properly cared for. So this is the earliest child welfare
11 document I know of in the country. And if we look at the
12 provisions of not properly cared for in that 1895 warrant,
13 the regulations closely map on to contemporary definitions
14 of neglect in that the not properly cared for provision
15 never considered whether families had the tools and
16 resources to be able to care for their children in ways
17 that were safe, that were healthy, and that kept them that
18 way.

19 It really conflated structural
20 discrimination and oppression that was happening from
21 colonialism as a parental deficit and codified it that way.
22 And the reaction to that codification was the removal of
23 children.

24 So that's what Caldwell is talking about in
25 1967, the number of First Nations kids in residential

1 school were placed there at a rate of 80 percent because of
2 the not properly cared for provision.

3 He also makes recommendations, which I find
4 just -- you know, I read it out, actually, at the emergency
5 meeting for child welfare in January. I think it's on page
6 129. Do we have it on the Tab of the exhibit and I can
7 just refresh my memory?

8 **MS. CHRISTA BIG CANOE:** Yes, it's on D, Tab
9 D.

10 **DR. CINDY BLACKSTOCK:** Okay, Tab B.

11 **MS. CHRISTA BIG CANOE:** D.

12 **DR. CINDY BLACKSTOCK:** D, yeah, I found it.

13 For the expediency of time, I'm going to --
14 I'll locate the page number for you later. But it
15 basically is, he's recommending that additional services be
16 provided to Indian families so they can care for their
17 children safely at home. Had someone implemented in -- the
18 1907 report by Dr. Brice, we would have not had the
19 inequalities in health care. Had someone actually
20 implemented the recommendations of George Caldwell in 1967,
21 we may well have stemmed the tide of the '60s scoop. And I
22 would have not found myself in litigation with Canada,
23 along with many others between 2007 and through to now for
24 the generation of kids.

25 So -- 148, there you go. Christa is looking

1 at the numbers. So yeah, let's turn to page 148 of this
2 thing. Yeah, I'm going to read from the top of page 149,
3 and read it into the record, because I think it's well
4 worth having, and for people to know. Because this to me
5 could be read today as a contemporary recommendation:

6 "Provision of family and child welfare
7 services should not be restricted to
8 the narrow definition of investigating
9 allegations or evidence of neglect of
10 the children, but recognition to the
11 prevention of family deterioration and
12 professional services given to
13 strengthen and maintain family life.
14 In families where protection of
15 children is an issue, all the resources
16 and authority of the child welfare
17 legislation should be used. This would
18 include intensive home supervision,
19 referral to other community services
20 for necessary services, the use of the
21 court, temporary substitute care,
22 foster home care, adoption and selected
23 institutional placement. The keynote
24 of this recommendation is that the
25 agency will need to direct more

1 resources and energy into services for
2 children in their own homes and that
3 where substitute care is required,
4 homes in the Indian community should be
5 helped to provide this service."

6 So that was the Caldwell report. That
7 same year there's a report on education of Indians in
8 Ontario, which is found at Tab E. Yeah, so -- and in this
9 one it is really interesting.

10 This guy is named Mr. Sim and he is looking
11 at the situation of education for Indian children in
12 Ontario. And again, he like his colleague Caldwell, calls
13 attentions to the inequalities in funding. So we're seeing
14 the cascade effect of the inequalities in funding for
15 children's services, this time in education. And on page
16 35 of that report, I'd just like to read one segment into
17 the thing, because I think it's really important. It says:

18 "Knowing how much lag can be expected
19 between the formulation of new
20 policies, including the staging of
21 exciting new pilot projects and a
22 general adoption of these principles
23 into the whole system, a key question
24 immediately comes to mind. Taking into
25 account the Indian question in this

1 province, can Ontario afford to wait
2 for this type of glacial change.
3 Schools, board, outlook, supervision,
4 teacher training, textbooks must all be
5 modified. Let someone hazard a guess
6 as to what year, or what century
7 significant changes towards real
8 equality will be noted in the
9 achievement for the children."

10 In this same report he talks about the
11 importance of including culture, or creating equity in
12 education. And you know, I hear politicians often say, you
13 know, we're making good first steps. I was in 1967, three
14 years old, and I'm not three years old anymore. Even the
15 bearer is older than that. And the question has to be,
16 when the second step will fall? Why is it that First
17 Nations children have to do as Simms has said, be subject
18 to this glacial change in simply trying to get equitable
19 services so they grow up healthy and proud?

20 There's a series of recommendations and I
21 commend them to the Commissioners to read at their own --
22 at their own leisure, but it's the centennial year, Canada
23 knew a lot, it could have done a lot better.

24 **MS. CHRISTA BIG CANOE:** Just as a -- for
25 purposes, may I please request that first the Caldwell,

1 which is located at Tab D, be entered as an exhibit. And
2 that is the -- sorry ---

3 **CHIEF COMMISSIONER MARIAN BULLER:** Okay.

4 The Caldwell Report, 1967 is Exhibit 52, please

5 --- EXHIBIT No. 52:

6 "Indian Residential Schools: A research
7 study of the child care programs of
8 nine residential schools in
9 Saskatchewan, prepared for the
10 Department of Indian Affairs and
11 Northern Development, project director
12 George Caldwell, January 31, 1967 (202
13 pages)
14 Witness: Dr. Cindy Blackstock,
15 Executive Director, First Nation
16 Children and Family Caring Society
17 Submitted by Christa Big Canoe,
18 Commission Counsel

19 **MS. CHRISTA BIG CANOE:** Thank you. And then
20 the Simms report, which the more formal title is "The
21 Education of Indians in Ontario" at Tab E, that would be
22 the next exhibit as well.

23 **CHIEF COMMISSIONER MARIAN BULLER:** Yes.

24 "The Education of Indians in Ontario" is Exhibit 53.

25 --- EXHIBIT No. 53:

1 "The Education of Indians in Ontario: A
2 Report to the Provincial Committee on
3 Aims and Objectives of Education in the
4 Schools of Ontario," by R. Alex Sim,
5 April 1967 (106 pages)

6 Witness: Dr. Cindy Blackstock,
7 Executive Director, First Nation
8 Children and Family Caring Society
9 Submitted by Christa Big Canoe,
10 Commission Counsel

11 **MS. CHRISTA BIG CANOE:** Thank you. So as
12 you've stated, we find ourselves this glacial change
13 happening but -- and talking again about these patterns,
14 over and over again we hear these recommendations come up.
15 There's a document in your materials, it's the First
16 Nations Child and Family Services Joint National Policy
17 Review, and it's the final report from 2000. Would you
18 please provide us some context and tell us about this
19 particular National Policy Review?

20 **DR. CINDY BLACKSTONE:** This was a joint
21 National Policy Review between the Government of Canada.
22 I'm just going to refer to them as Indigenous and Northern
23 Affairs Canada, INAC, because they always change their name
24 and I just -- I find it hard to keep up to them. I think
25 here they were still Indian Affairs and Northern

1 Development, but INAC to me. So INAC, as well as the
2 Assembly of First Nations. And on the Assembly of First
3 Nations side there was a series of First Nations Child
4 welfare or experts from all over Canada.

5 And our shared goal was to document the
6 inequalities in First Nation Child Welfare and to make a
7 series of recommendations to Canada on how they could
8 reform that. And I was very optimistic, I guess.
9 Unfortunately, a little naïve back then that I thought that
10 when we finally documented this and we showed how it was
11 disadvantaging families and children, that they would
12 actually do the right thing. Because I had seen on the
13 front lines the differences between working for the
14 provincial child welfare system and the First Nations one,
15 and I'm telling you it's dramatically underfunded, right?
16 And we did this report.

17 It took -- it started in 1997 when we did
18 the terms of reference. It concluded in June of 2000,
19 there are 17 recommendations at the end of the report, and
20 one of the major ones is to rectify the funding
21 inequalities. What we found in this report that was agreed
22 to by Canada, I think that's worth emphasizing, is that at
23 the time First Nations children and their families on
24 reserve were getting 70 cents on the dollar for child
25 welfare services, compared to other children who did not

1 have the same level of need because of the multi-
2 generational impacts of residential school. And I saw that
3 every day in my practice, when I literally was working in
4 North Vancouver as a provincial child welfare worker, and
5 then I just literally stepped across third Avenue into the
6 Squamish Nation, and the differences were profound in what
7 we could do for families.

8 Oh, the recommendations. Yeah, they start
9 on page 119. And one of the things that's worth
10 highlighting here to is recommendation number one because
11 it's of contemporary importance. Is we actually really
12 recommended that Canada expand its jurisdictional models
13 beyond the delegated model, because it was only funding
14 First Nations Child Welfare Agencies that assume provincial
15 jurisdiction. If you chose to operate an agency outside of
16 that jurisdiction, fine, Canada said, but you will not get
17 any money to operate it.

18 So the only way to operate was under this
19 provincial jurisdiction, delegated authority. It was
20 recommended as you see, in recommendation number one, that
21 that be expanded. It still has not been expanded. It's 18
22 years later.

23 **MS. CHRISTA BIG CANOE:** And just also as a
24 pinpoint in this -- in the executive summary on page 15, it
25 lists all 17. Could I kindly request that the Joint

1 National Policy Review Final report June 2000 be entered as
2 the next exhibit.

3 **CHIEF COMMISSIONER MARION BULLER:** Yes.

4 First Nations Child and Family Services Joint National
5 Policy Review, Final Report, June 2000 is Exhibit 54,
6 please.

7 --- Exhibit 54:

8 First Nations Child and Family Services
9 Joint National Policy Review, Final
10 Report, June 2000, by Dr. Rose-Alma J.
11 McDonald, Dr. Peter Ladd et al, ISBN:
12 0-919682-08-01 (124-page report and 15-
13 page bibliography)
14 Witness: Dr. Cindy Blackstock,
15 Executive Director, First Nation
16 Children and Family Caring Society
17 Submitted by Christa Big Canoe,
18 Commission Counsel

19 **MS. CHRISTA BIG CANOE:** So, I know we're
20 walking through these and I appreciate your ability to
21 actually fill us in in a summary way what all of these
22 reports are about. I believe, and I hope I'm not
23 mispronouncing it, the Wen:de series?

24 **DR. CINDY BLACKSTOCK:** Yes. Wen:de reports,
25 yes.

1 **MS. CHRISTA BIG CANOE:** Reports. And, it's
2 a series of reports, it's not just a single report, and
3 parties and anyone who have received the material will see
4 that it's actually a large body of literature. Could you
5 again, please, provide just a little context in what is the
6 important or key things that we learn from the Wen:de
7 series?

8 **DR. CINDY BLACKSTOCK:** When the
9 recommendations were made in 2000 in the National Policy
10 Review, there was actually a committee, First Nations child
11 welfare experts, AFN and Government of Canada, they would
12 oversee the recommendations and the implementation of
13 those. But, Canada really didn't implement in any serious
14 way any of the recommendations that would have made a
15 difference on the ground, what they said is we need a
16 second, more detailed report, and that gave rise to the
17 Wen:de reports.

18 Now, these are a series of three reports
19 that were commissioned beginning in 2004. They are under
20 the authorship of The Caring Society of which I'm the
21 executive director. So, I was directly involved in the
22 composition of these particular reports.

23 What we found is -- we actually brought
24 together over 20 leading researchers, including five
25 economists, some of the best economists in the country,

1 because we wanted to cost out to a penny, first of all,
2 what the shortfall would be, and then what are the
3 implications of that shortfall for kids using, you know,
4 First Nations experts and child welfare, some of the
5 Canadian Incidence Study on reported child abuse and
6 neglect.

7 We put this together with Canada and what we
8 found is that the shortfall was pretty significant. It had
9 increased probably another 10 percent. I should make a
10 correction. The National Policy Review found it was 80
11 cents on the dollar. This found it was about 70 cents on
12 the dollar. So, a few years later, the situation has not
13 improved, it's gotten worse. We provided, I think, just
14 over 100 pages of economic spreadsheet to show the
15 Government of Canada where every penny would go.

16 The reports were finalized in October of
17 2005, and they too were accepted by the Government of
18 Canada, in fact, I have letters from the Minister
19 commending the quality of the work, and they were never
20 implemented. And, what we found is that the inequalities,
21 particularly in the area of prevention services -- and I
22 wanted to take a minute to just clarify what I mean there
23 because some people think prevention services are just at
24 the front end.

25 It is in the public education and awareness

1 level, but it is also once a child is identified as being
2 at risk, what are the services you can provide to that
3 family and that child to remediate that risk. That is
4 required under every provincial child welfare legislation.
5 You have to exhaust what they call least disruptive
6 measures before you do a removal.

7 The problem is, and we identified it here,
8 it was also identified in the National Policy Review, is
9 that Canada so underfunded those services that it really
10 rendered those sections of the statute mute. And, the
11 problem for kids is that they then, took the fast track
12 into the child welfare system. And, we were finding, at
13 this point, that First Nations kids were dramatically
14 overrepresented in the child welfare system and it was
15 linked to Canada's underfunding.

16 So, there was some discussion from Canada
17 whether they wanted us to do another report and we felt
18 that we had to do something more courageous than that.

19 **MS. CHRISTA BIG CANOE:** You were just
20 talking about those prevention services. One of -- The
21 Coming to the Light of Day report in this series, you know,
22 the summary of findings specifically says, the general
23 consensus in the literature that child removal should
24 really be the last resort in responding to child
25 maltreatment, and you've just talked about that spectrum,

1 but I mean, that's been known for years that the last
2 resort should really be taking the child away from the
3 family.

4 **DR. CINDY BLACKSTOCK:** Right. I mean, if we
5 want to look back at the literature, even the Canadian
6 Association of Social Workers in 1948 does a submission and
7 says there needs to be more to -- that submission was made
8 to Parliament and to the senate. That there needs to be
9 more in the way of family support, but at a minimum, we can
10 turn to Caldwell's recommendation of 1967.

11 And, these reports are all united on one key
12 factor, they were all delivered to the Government of
13 Canada, they were all delivered to the Department of Indian
14 Affairs. So, they knew better, they knew exactly what
15 needed to be done. The failure was on the implementation
16 side to make a difference in the lives of children and
17 families.

18 **MS. CHRISTA BIG CANOE:** Thank you. At this
19 point, I would kindly request that the Wen:de series of
20 reports be entered as an exhibit.

21 **CHIEF COMMISSIONER MARION BULLER:**
22 Separately or together?

23 **MS. CHRISTA BIG CANOE:** I think we can put
24 it in as a series. There are three within the series.

25 **CHIEF COMMISSIONER MARION BULLER:** Right.

1 Okay. So, collectively, the three reports Wen:de, The
2 Journey Continues, will be Exhibit 55.

3 --- Exhibit 55(a):

4 "Wen-De The Journey Continues, The
5 National Policy Review on First Nations
6 Child and Family Services Research
7 Project: Phase Three, First Edition, by
8 J. Loxley, L. DeRiviere, T. Prakash, C.
9 Blackstock, F. Wien & S. Thomas Prokop,
10 2005, ISBN: 0-9732858-3-4 (193 pages)
11 Witness: Dr. Cindy Blackstock,
12 Executive Director, First Nation
13 Children and Family Caring Society
14 Submitted by Christa Big Canoe,
15 Commission Counsel

16 --- Exhibit 55(b):

17 "Wen-De, We Are Coming to the Light of
18 Day," First Nations Child and Family
19 Caring Society of Canada, 2005 (226
20 pages)
21 Witness: Dr. Cindy Blackstock,
22 Executive Director, First Nation
23 Children and Family Caring Society
24 Submitted by Christa Big Canoe,
25 Commission Counsel

1 **MS. CHRISTA BIG CANOE:** And, now, Cindy, I
2 know there are still a lot of other reports, but I'm going
3 to maybe try to look at it a little more thematically.

4 We've heard the Auditor General of Canada,
5 the various Auditor Generals of Canada in different years
6 actually talk to a number of issues that are relevant. Not
7 just to child welfare, but to the social determinants of
8 health. And so, I was wondering, maybe starting with the
9 report of 2008, we can touch on the fact that, again,
10 Canada and the country and public should know and be able
11 to identify a number of these issues.

12 **DR. CINDY BLACKSTOCK:** The Auditor General
13 completed a review of the funding for First Nations child
14 welfare in 2008. This is the year after, by the way, that
15 we had filed the Canadian human rights complaint against
16 the Government of Canada along with the Assembly of First
17 Nations. And, one of the things that they find is outlined
18 in Funding of Services under Section 4.48, which is on page
19 19, which is where they confirm again what Wen:de had
20 already found, which is that the funding levels are
21 inequitable. That they're not based on the needs of the
22 children, that they're based on a bureaucratic assumption
23 instead of actually on good social work practice and that
24 they found this highly problematic. They also did not find
25 significant evidence that the cultural component of caring

1 for children or the provision of services for families was
2 being measured, tracked or funded by the department.

3 So, they put this report out and we entered
4 it into evidence as one of the key exhibits at the Canadian
5 Human Rights Tribunal, when it finally got to the hearing
6 on the merits in 2013.

7 **MS. CHRISTA BIG CANOE:** Yes. Thank you.
8 Can we have the Auditor General of Canada Report, Chapter
9 4, First Nations Children and Family Service Program 2008,
10 entered as the next exhibit?

11 **CHIEF COMMISSIONER MARION BULLER:** Yes. The
12 Auditor General of Canada report, Chapter 4, is Exhibit 56.

13 --- Exhibit 56:

14 2008 Report of the Auditor General of
15 Canada to the House of Commons, Chapter
16 4: First Nations Child and Family
17 Services Program - Indian and Northern
18 Affairs Canada (35 pages)

19 Witness: Dr. Cindy Blackstock,
20 Executive Director, First Nation
21 Children and Family Caring Society
22 Submitted by Christa Big Canoe,
23 Commission Counsel

24 **MS. CHRISTA BIG CANOE:** Thank you. There
25 was also an Auditor General report of 2011 that spoke on

1 child welfare. So, just three years later, we have another
2 Auditor General report speaking to child welfare. Can you
3 provide us some context on that, Dr. Blackstock?

4 **DR. CINDY BLACKSTOCK:** Yes, this is a follow
5 up report. Auditor General often does follow up reports to
6 see what progress has been made on its previous report.
7 This was part of an omnibus report of programs on First
8 Nations reserves and it again finds that funding levels are
9 inequitable.

10 It does move up and say that the cultural
11 piece is better tracked by the department, so that is a
12 satisfactory recommendation according to the Auditor
13 General in 2011, but unsatisfactory progress made on the
14 equity of funding.

15 **MS. CHRISTA BIG CANOE:** Specifically in this
16 report that is found at Tab J or Schedule J, on page 3,
17 there's a reference of the lack of a legislative base.
18 And, the question I have for you is, over and over again,
19 we hear about issues around policy versus legislative. And
20 so, when thinking about, you know, what was the lack --
21 what is the lack of legislative base that is maybe causing
22 barriers to seeing movement or improvement, particularly
23 mentioned in this report.

24 **DR. CINDY BLACKSTOCK:** Well, Canada has
25 taken the position, or certainly did during the many years

1 that I was working on this file, that they were providing
2 funding for First Nations child welfare just as a matter of
3 policy, not as a matter of requirement. They would often
4 say that the provinces have the delegation, it really
5 should be them. And so, it was kind of like, we're doing
6 this because we're being nice. We could elect to choose
7 differently.

8 And, the Auditor General was pointing out
9 that, really, these are essential services and there should
10 be some mandatory base, not only to make it in legislation
11 that they have to fund these services, but to do so at an
12 equitable level.

13 My own personal opinion is that the *Charter*
14 *of Rights and Freedoms* already requires Canada to do that,
15 and that there is no shield for Canada to use racial
16 discrimination as fiscal policy, or indeed, to offload its
17 own responsibilities to an unwilling recipient in the
18 province who is also not going to pick up that cost and
19 leave children in their peril, and that's where Jordan's
20 Principle starts to come in.

21 **MS. CHRISTA BIG CANOE:** Thank you. If I
22 could kindly ask that this be marked the next exhibit?
23 It's the Status Report of the Auditor General of Canada -
24 Chapter 4: Programs for First Nations on Reserves, 2011.

25 **CHIEF COMMISSIONER MARION BULLER:** Yes. The

1 2011 June Status Report of the Auditor General of Canada -
2 Chapter 4, is Exhibit 57, please.

3 --- Exhibit 57:

4 2011 June Status Report of the Auditor
5 General of Canada, Chapter 4 - Programs
6 for First Nations on Reserves (40
7 pages)

8 Witness: Dr. Cindy Blackstock,
9 Executive Director, First Nation
10 Children and Family Caring Society
11 Submitted by Christa Big Canoe,
12 Commission Counsel

13 **MS. CHRISTA BIG CANOE:** And, just as a, sort
14 of, matter of housekeeping as well, in between those two
15 Auditor General Reports, there was a Report of the Standing
16 Committee on Public Accounts, and can you explain this?
17 This is a document that's created from the House of
18 Commons. So, for people who may not be familiar with the
19 types of reports, what does the First Nation Child and
20 Family Service Program in 2009, which is reporting on the
21 last Auditor General's report of 2008, what is that?

22 **DR. CINDY BLACKSTOCK:** Well, what the
23 standing committee does is they review all of the Auditor
24 General's reports. It's a parliamentary committee
25 represented by all parties, and they only take testimony,

1 however, from the government itself and from the Auditor
2 General. So, we, as the Caring Society, or other parties,
3 had no input into this report.

4 What's interesting, though, is it was stark
5 and very apparent to the Standing Committee on Public
6 Accounts that Canada was still underfunding in a very
7 insufficient way First Nations child welfare, and one of
8 the things I turn you to is a short paragraph at the
9 conclusion on page 13. And, this was chaired by the
10 Honourable Shawn Murphy, who was a Member of Parliament at
11 that time, and he said:

12 "Continuing to use a flawed funding
13 formula means that First Nations child
14 and family service agencies are often
15 under funded, and First Nations
16 children and their families do not
17 receive the services that they need.
18 Instead, First Nations children are
19 more likely to enter into care and stay
20 in care, and their families are not
21 given the full range of support
22 services to help them provide a safe
23 environment for their children. The
24 situation is not tenable. The
25 committee sincerely hopes that INAC

1 will take prompt action to ensure that
2 First Nations children are provided
3 appropriate and adequate services in a
4 manner that treats them equitably with
5 all other Canadian children." (as read)
6 That was 2009.

7 **MS. CHRISTA BIG CANOE:** May we have the
8 House of Commons of Canada's Report of the Standing
9 Committee on Public Accounts - March 2009, entered as the
10 next exhibit?

11 **CHIEF COMMISSIONER MARION BULLER:** Yes. The
12 Report of the Standing Committee on Public Accounts - March
13 2009, is Exhibit 59, please.

14 **MS. CHRISTA BIG CANOE:** Thank you.

15 **CHIEF COMMISSIONER MARION BULLER:** I'm
16 sorry, 58.

17 **MS. CHRISTA BIG CANOE:** Fifty-eight. Thank
18 you.

19 --- Exhibit 58:

20 Report of the Standing Committee on
21 Public Accounts, Chapter 4: First
22 Nations Child and Family Services
23 Program - Indian and Northern Affairs
24 Canada of the May 2008 Report of the
25 Auditor General, March 2009, 40th

1 Parliament, 2nd Session (17 pages)
2 Witness: Dr. Cindy Blackstock,
3 Executive Director, First Nation
4 Children and Family Caring Society
5 Submitted by Christa Big Canoe,
6 Commission Counsel

7 **MS. CHRISTA BIG CANOE:** Now, Cindy, we
8 already have actually in the record before us -- before you
9 actually were testifying today -- the Convention on the
10 Rights of Child. That came into evidence when the
11 provincial advocate for child and youth, Corey O'Soup,
12 testified. But, I do want to offer you the opportunity to
13 explain and contextualize why is something like the
14 Convention on the Rights of the Child so important and
15 substantial? We've seen, sort of, what happens in, sort
16 of, domestic Canadian law. You've explained your position
17 on the *Constitution*, but what about in the broader context,
18 in the global context? Why are international legal
19 instruments important like the Convention on the Rights of
20 a Child?

21 **DR. CINDY BLACKSTOCK:** One of the things
22 that's really important is they really symbolize the human
23 consensus on what the minimum standards are for persons of
24 different situations, like persons with disabilities, in
25 this case, children, the minimum standards for which

1 children should be treated. This is the international
2 consensus.

3 This particular convention -- when I use the
4 word "convention" or "treaty" in international law, it
5 means that they're actually binding on the states that
6 ratify them. A declaration is not technically binding on
7 states. That's why it was so important to have the United
8 Nations Declaration on the Rights of Indigenous Peoples
9 pass through the House of Commons, because it is not
10 binding on Canada from a technical point of view in
11 international law.

12 This is the most widely ratified convention
13 under the United Nations. The only group that has not
14 signed on is the United States. Otherwise, every other
15 country has signed and ratified the agreement, including
16 Canada, and it is a forum where the international community
17 appoints experts called the Committee on the Rights of the
18 Child, and they have periodic reviews of Canada. What that
19 means is that Canada writes a report saying, "this is how
20 we're doing and fulfilling all the obligations of the
21 rights of children," and then civil society are able to
22 say, "Well, they've done some things, but here's our view
23 on what they haven't done," and some recommendations for
24 change.

25 This was a very important review done in

1 2012, because I was really aware that it was most often
2 adults flying to Geneva to talk to the United Nations
3 Committee on the Rights of the Child, and that didn't seem
4 right to me. So, along with some colleagues, we
5 fundraised, and we were able to bring six First Nations
6 young people from all over Canada, and they met with the
7 United Nations Committee on the Rights of the Child in the
8 pre-session.

9 So, I want to pay tribute to those young
10 people who did just an outstanding job of explaining what
11 their lived experience was in terms of being children and
12 young people, and often bearing down under the weight of
13 these multiple inequalities that we talked about, like in
14 education, health, lack of mental health services and other
15 things.

16 The committee, then, after hearing
17 everybody, puts a state under review. It asks its
18 questions, and then it releases something called a
19 concluding observation, which is the international
20 committee's view of how Canada is doing, and that's what we
21 have here, is the concluding observations, and they make
22 specific notes here about the over representation of First
23 Nations children in child welfare care.

24 **MS. CHRISTA BIG CANOE:** And, this is
25 actually in your material at Tab M, the Committee on the

1 Elimination of -- oh no. I'm on the wrong one. Sorry.
2 I'm on the wrong concluding observations. Sorry, there we
3 go.

4 **DR. CINDY BLACKSTOCK:** It's Article 55.

5 **MS. CHRISTA BIG CANOE:** Yes, thank you.

6 **DR. CINDY BLACKSTOCK:** And, I think they
7 actually make a note about Canada's failure to implement
8 the Auditor General's report in here, too.

9 **MS. CHRISTA BIG CANOE:** Yes. So, it would
10 be on page 12, and I'm sorry, I misstated the tab. That
11 would be under Tab K, and it's article 55, and this is on
12 the Consideration of the reports submitted by the states
13 under Article 44 of the Convention. I would ask that this
14 be made the next exhibit. And, I can give you just sort of
15 the document address, is what it's often referred to. The
16 CRC/C/CAN/CO/3-4.

17 **CHIEF COMMISSIONER MARION BULLER:** Thank
18 you. Consideration of reports submitted by States parties
19 under article 44 of the Convention - UN Convention on the
20 Rights of the Child, September -- I think it's September
21 17th, 2012, Exhibit 59, please.

22 --- Exhibit 59:

23 "Consideration of reports submitted by
24 States parties under article 44 of the
25 Convention - Concluding observations:

1 Canada," United Nations Convention on
2 the Rights of the Child, October 5,
3 2012 advance unedited version,
4 CRC/C/CAN/CO/3-4 (22 pages)
5 Witness: Dr. Cindy Blackstock,
6 Executive Director, First Nation
7 Children and Family Caring Society
8 Submitted by Christa Big Canoe,
9 Commission Counsel

10 **DR. CINDY BLACKSTOCK:** And, if I may, I just
11 want to say the reason -- one of the other major reasons
12 why those six young people went is because Shannen
13 Koostachin, when she was still with us, along with two
14 other young people, wrote to the Government of Canada about
15 the inequalities in schools and education. She, of course,
16 and the Attawapiskat First Nation, and she planned to go to
17 the United Nations to tell them first hand.

18 Of course, we tragically lost Shannen on
19 June the 1st in 2010. She wasn't able to go. So, these
20 young people continued her work and went in her spirit.

21 **MS. CHRISTA BIG CANOE:** Thank you. Is it
22 okay if I skip this one? It's the U.S. statement.

23 **DR. CINDY BLACKSTOCK:** Oh yes, universal
24 periodic review.

25 **MS. CHRISTA BIG CANOE:** Yes. So, one of the

1 things is the Universal Periodic Review that also happens
2 within the human rights and within the U.N. process. And
3 so, the UPR Intervention for Canada that happened in April
4 2013 is something that's included in your materials. Can
5 you let us know why you wanted that included?

6 **DR. CINDY BLACKSTOCK:** The Universal
7 Periodic Review is, again, the U.N.'s review of Canada's
8 overall implementation of human rights, but this one is
9 unique. It's done by state parties themselves. They don't
10 appoint experts. They're actually there as a state party.
11 And, each state party can get one, or at most two, really,
12 recommendations that it can put to the state. And, the
13 United States that year chose the inequalities in First
14 Nations child welfare as its recommendation to Canada so
15 that it would make those kinds of amends. And, in
16 particular, they say:

17 "We recognize progress on initiatives
18 to better support Aboriginal groups.
19 However, we remain concerned by the
20 disproportionate levels of poverty,
21 violence and discrimination Aboriginal
22 women and children face. Recent
23 statistics indicate that on a per child
24 basis, federal funding for First
25 Nations child and family services has

1 fallen to less than 80 percent of that
2 provided by provincial territorial
3 governments for services in
4 predominantly non-Aboriginal
5 communities. Moreover, Aboriginal
6 women and girls represent a higher
7 number of victims of violence and
8 discrimination. We welcome the
9 ratification of The Convention on the
10 Rights of Persons with Disabilities and
11 look forward to the implementation and
12 enforcement of uniform accessibility
13 standards. We recommend..." (As read)

14 And, this is given by Ambassador Eileen C.
15 Donahue on behalf of the United States:

16 "...(1) ensure parity of funding and
17 services between Aboriginal and non-
18 Aboriginal communities;
19 (2) expand services and support to
20 prevent violence and discrimination
21 against Aboriginal women and girls;
22 and,
23 (3) implement and enforce national
24 uniform standards of access to
25 buildings, information and

1 communications for persons with
2 disabilities." (As read)

3 **MS. CHRISTA BIG CANOE:** And, I ask -- I
4 kindly ask and I'd like to request that the US Statement at
5 the UPR of Canada, so the US Mission Geneva, be entered as
6 the next exhibit, please.

7 **CHIEF COMMISSIONER MARION BULLER:** The US
8 Statement at the UPR of Canada, 16th session, April 26, 2013
9 is Exhibit 60, please.

10 --- Exhibit 60:

11 "U.S. Statement at the UPR of Canada"
12 as delivered by Ambassador Eileen C.
13 Donahue, UPR Intervention for Canada,
14 16th Session April 26, 2013 (one page)
15 Witness: Dr. Cindy Blackstock,
16 Executive Director, First Nation
17 Children and Family Caring Society
18 Submitted by Christa Big Canoe,
19 Commission Counsel

20 **MS. CHRISTA BIG CANOE:** Thank you. Okay.
21 So, we've been talking. We talked on a number of different
22 committees, and so you've already contextualized for us,
23 and we did hear in a prior expert hearing on international
24 human rights some of the different components or parts or
25 branches, if you would, of the UN, and CERD is one of

1 those. CERD stands for the Committee on the Elimination of
2 Racial Discrimination.

3 In your material, there is concluding
4 observations on the 21st and 23rd periodic reports. Can you
5 please let us know why we should be considering this, or
6 what the Commissioners should be thinking about when
7 they're looking at this document?

8 **DR. CINDY BLACKSTOCK:** Well, the Caring
9 Society made submissions as part of the pre-session review,
10 and I actually attended the pre-session review personally.
11 And, in Section 27 of the committee's concluding
12 observations to Canada it says:

13 "The Committee is alarmed that despite
14 its previous recommendation
15 (CERD/C/CAN/CO/19-20, para. 19), and
16 multiple decisions by the Canadian
17 Human Rights Tribunal, less money is
18 reportedly provided for child and
19 family services to Indigenous children
20 than in other communities, and that
21 this gap continues to grow. The
22 Committee is further concerned, that
23 the federal government has adopted an
24 overly narrow definition of the
25 Jordan's Principle, as stated in the

1 Canadian Human Rights Tribunal decision
2 *First Nations Child and Family Caring*
3 *Society of Canada et al. v. Attorney*
4 *General of Canada* in 2016, and has
5 failed to address the root causes of
6 displacement, while tens of thousands
7 of children are needlessly removed from
8 their families, communities and culture
9 and placed in state care." (As read)

10 **MS. CHRISTA BIG CANOE:** Thank you. The,
11 sort of, address on this particular document is the CERD,
12 C-E-R-D, C/CAN/CO/21-23. If we could -- if I could request
13 to have this made the next exhibit, please?

14 **CHIEF COMMISSIONER MARION BULLER:** Yes.
15 "The Committee on the Elimination of Racial Discrimination:
16 Concluding Observations on the Twenty-First to Twenty-Third
17 Periodic Reports of Canada" is Exhibit 61.
18 --- Exhibit 61:

19 "Concluding observation on the twenty-
20 first to twenty-third periodic reports
21 of Canada," Committee on the
22 Elimination of Racial Discrimination,
23 August 25, 2017 advance unedited
24 version, CERD/C/CAN/CO/21-23 (12 pages)
25 Witness: Dr. Cindy Blackstock,

1 Executive Director, First Nation
2 Children and Family Caring Society
3 Submitted by Christa Big Canoe,
4 Commission Counsel

5 **MS. CHRISTA BIG CANOE:** Thank you. And so,
6 maybe one of the last documents we can look at in terms of
7 United Nations or International could be the General
8 Assembly's, the "Draft Report of the Working Group on the
9 Universal Periodic Review", and who they were reviewing was
10 Canada at the time. This was in May of this year, so
11 literally last month, May 15th, 2018. And, can you please
12 let us know what's important about this particular
13 document?

14 **DR. CINDY BLACKSTOCK:** Again, the Caring
15 Society felt it was such urgency, the situation of First
16 Nations children being separated from their families and
17 Canada's failure to act with the dispatch necessary to make
18 sure that that wasn't happening where it could be prevented
19 wherever possible, that we submitted a pre-session report
20 to the Universal Periodic Review. Now, keep in mind that
21 US Statement was the last one that happened. This is the
22 current one five years later.

23 And, we urged -- the member states to
24 recommend to Canada that they eliminate the inequalities
25 not just in child welfare, but in other areas of funding,

1 like early childhood education, child and maternal health,
2 mental health for youth, all of those things are co-related
3 with child welfare. And so, you start to see the
4 recommendations were taken up with quite vigour by the
5 various state parties.

6 And, if you turn to page 10 of the
7 observations, we start to see a number of them. I'm not
8 going to read them all, because there literally are dozens
9 of these. But, just to give you a flavour of it, I'll read
10 6.139 which says:

11 "Take steps to ensure that all Canadian
12 children have equal access to
13 government services such as health,
14 education and welfare, and address the
15 disparities in access to these services
16 for Indigenous children in particular
17 (Government of Ireland)." (As read)

18 6.140:

19 "Ensure that Indigenous peoples have
20 access to the same support, services
21 and ability to exercise their human
22 rights as other Canadian citizens
23 (Government of Sweden)." (As read)

24 6.142,

25 "Cease cases of children being taken

1 away from their parents by child
2 welfare agencies, thus restoring the
3 era of residential schools of 1874-1996
4 (Syrian Arab Republic)."

5 And, 6.143,

6 "Address disparities in access to
7 health, education and welfare services
8 provided for Indigenous people, in
9 particular for children (Government of
10 Hungary)."

11 I'm just going to call one other, and it's
12 6.148,

13 "Continue efforts to expand financial
14 and human resources to ensure the
15 implementation of Jordan's principle
16 (Republic of Korea)."

17 So, I think these documents really show me
18 that not only does Canada know better, but the world knows
19 we can do better. And, a world cannot understand, the
20 global community cannot understand why Canada, given its
21 wealth in this situation, would not be doing everything in
22 its power not just to work towards equality, but to achieve
23 it.

24 (APPLAUSE)

25 **MS. CHRISTA BIG CANOE:** So, Cindy, I

1 understand, and I actually remember seeing some of it on
2 television when there was an event, that you were one of
3 the honorary witnesses for the Truth and Reconciliation
4 Commission. Maybe you can tell us a little bit about that,
5 what it was to be witness to that? But, also, to, kind of
6 -- what particular Truth and Reconciliation Commission
7 calls to action we should be contemplating and thinking
8 about.

9 **DR. CINDY BLACKSTOCK:** I was -- that's one
10 of the great honours of my life, I think. I was inducted
11 in the ceremony in Edmonton, and I said then and I say now
12 that I feel that I, in fact all of us, owe a great debt to
13 residential school survivors. I don't look at them as
14 victims in this way in that I am so grateful for those
15 children that went to bed and kept on saying that word in
16 their language over, and over, and over again so they
17 wouldn't forget so that one day we could say it.

18 I am so grateful to those kids who, despite
19 what happened to them, came out and in those hearings were
20 not asking for vengeance, they were asking for one simple
21 thing from all of us, "Don't let this happen to our
22 grandchildren." We -- yes, let's give them an applause.

23 (APPLAUSE)

24 **DR. CINDY BLACKSTOCK:** It's for that reason
25 that I don't use the word "healing". I use the word that

1 we are building on the intergenerational strength of those
2 ancestors and those people who lived through residential
3 schools and passed onto us all the strength that they
4 could. That's not something to heal from. That's
5 something to honour, to celebrate and to build upon. And,
6 I've tried to do that every day of my work.

7 As I listen to their stories, my debt became
8 even deeper when I realized, I think in technicolor, what I
9 had known by intuition before, and that is that the
10 greatest harms done to those children during residential
11 schools wasn't the things that actually happened to them,
12 it was the things that didn't happen to them. That they
13 grew up without teddy bears, without someone who -- waking
14 up to see someone who loved them every day, without having
15 their birthdays celebrated, without being able to grow up
16 among people who knew their customs and cultures and
17 ceremonies, and cook them the food that they liked, who
18 knew their favourite colour and would mentor them in the
19 best that they could be. That knew that they were, as each
20 child, the most sacred in our communities. The elders are
21 very sacred, but they're only sacred because they teach the
22 children.

23 So, I listen to those stories and it was
24 surreal to me, because I actually had to leave Edmonton a
25 day early to go back to Ottawa to attend at the Canadian

1 Human Rights Tribunal hearings, where Canada was issuing
2 another technical comment to try and get the hearings
3 dismissed on a preliminary motion. And, it was the same
4 narrative being played out again, it was as if the -- they
5 had not learned from the past.

6 They were still trying to dismiss the case
7 on technicalities versus asking the most essential question
8 which is, as a country, what duty do we owe to First
9 Nations Métis and Inuit children and how are we going to
10 fulfil that? Instead, they were making themselves out to
11 be the ones that were the victim. I have a case that
12 shouldn't have been properly brought in that forum and that
13 should be swiftly dismissed on technicalities. But, to me,
14 every one of those kids is worth the money and every kid is
15 worth the sacrifice, and at a very minimum, they deserve
16 the truth.

17 So, I was thrilled when I saw the TRC's
18 opening report and I saw that the top recommendation was
19 equity in child welfare, that we -- to me, the number one
20 way we honour those survivors is not letting it happen to
21 their grandkids. And, that means we need to, at a
22 community level, have the strength to embrace what hurts,
23 because that to me is what self-government is. It's not
24 signing an agreement. It's addressing some of the
25 dysfunction that has been handed down and is experienced

1 most sharply by children, that's self-government. And, it
2 is also about ensuring that the families have the supports
3 that they need to be able to confront those difficult
4 challenges.

5 And so, I was thrilled with that. And,
6 number 3 was Jordan's principle. And, of course, in the
7 top six, we also have education equity, and I attribute
8 that to Shannen Koostachin and many of the other activists
9 that went before. It was really, you know, like
10 traditionally, I thought, when I opened up that report the
11 way that things should be. It wasn't adult concerns that
12 led the front end of that report, it was the children that
13 ran that report. And, we always have to remember that.

14 We might have lots of different jobs, but
15 our number one job as an adult is to stand up for kids. It
16 doesn't matter what your day job is, that's your number one
17 job. And so, the survivors of the residential schools and
18 the Commissioners reminded us of that, and the TRC's final
19 report.

20 **MS. CHRISTA BIG CANOE:** Thank you. The
21 Truth and Reconciliation report is actually right within
22 the terms of our mandate. However, for the -- hello.

23 **DR. CINDY BLACKSTOCK:** Yes, go ahead.

24 **MS. CHRISTA BIG CANOE:** However, for the
25 purposes of ease of reference, and because this is

1 specifically the Calls to Action, I don't think technically
2 we have to have it exhibit, but for that ease, I'm kindly
3 requesting that it is marked an exhibit, and it's the Truth
4 and Reconciliation Commission of Canada: Calls to Action.

5 **CHIEF COMMISSIONER MARION BULLER:** Okay.

6 Just before we do that, did you want the draft report of
7 the Working Group on the Universal Periodic Review by the
8 Human Rights Council marked as an exhibit?

9 **MS. CHRISTA BIG CANOE:** Yes. Thank you,
10 Chief Commissioner.

11 **CHIEF COMMISSIONER MARION BULLER:** Then, the
12 UN General Assembly Human Rights Council Working Group on
13 the Universal Periodic Review, Thirtieth Session, draft
14 report of the Working Group on the Universal Periodic
15 Review, May 15th, 2018 is Exhibit 62.

16 The Truth and Reconciliation Commission:
17 Calls to Action will be Exhibit 63.

18 --- Exhibit 62:

19 "Draft report of the Working Group on
20 the Universal Periodic Review -
21 Canada," United National General
22 Assembly Human Rights Council, May 15,
23 2018, A/HRC/WG.6/30/L.9 (19 pages)
24 Witness: Dr. Cindy Blackstock,
25 Executive Director, First Nation

1 Children and Family Caring Society
2 Submitted by Christa Big Canoe,
3 Commission Counsel

4 --- Exhibit 63:

5 Truth and Reconciliation Commission of
6 Canada: Calls to Action, 2015 (11
7 pages)

8 Witness: Dr. Cindy Blackstock,
9 Executive Director, First Nation
10 Children and Family Caring Society
11 Submitted by Christa Big Canoe,
12 Commission Counsel

13 **MS. CHRISTA BIG CANOE:** Thank you. So,
14 we've already talked about a number of the reports of the
15 Auditor General, particularly the 2008 and the 2011, but we
16 also have a recent one on the socio-economic gaps of First
17 Nation reserves for Indigenous Services of Canada that is
18 spring of 2018. So, almost hot off the presses.

19 Cindy, what would you like to talk about in
20 relation to this particular report?

21 **DR. CINDY BLACKSTOCK:** Well, as I've said, I
22 think it's a mistake to just look at inequities and child
23 welfare. We know that when people are treated unequally
24 and particularly in this compound way, where a First
25 Nations child wakes up in the morning, and in some cases

1 can't even get a clean glass of water, lives in a very
2 overcrowded home that might have black mould, that then
3 leaves that home and is not able to go to a good quality
4 culturally based early childhood centre, but finds
5 themselves in a school like Shannen Koostachin did, that
6 wasn't really a school at all, and that the teachers and
7 staff were doing the best they could, but it was
8 significantly underfunded, and that their families are
9 struggling and yet there's not the level of supports to be
10 able to keep them together, and then when they need
11 something for health care, that health care isn't available
12 in the same way. That's a lived experience of a First
13 Nations child and that's what's got to stop.

14 And, what the Auditor General finds in here
15 is that Canada is not doing a good job of even measuring
16 the wellbeing of Indigenous peoples. And, we see that --
17 you know, I think -- I'm just going to turn to the page.
18 On page 3 of the report. So, measuring wellbeing on First
19 Nations reserves, and in bold, it says, "The department did
20 not have a comprehensive fixture on the wellbeing on
21 reserve First Nations compared with other Canadians."

22 Like, this is, now, 11 years after the
23 apology for residential schools. It is 111 years after
24 Bryce's report. It is 51 years after the Caldwell and Sims
25 report. And, there is not even a picture from the federal

1 government about how folks are doing on reserve. And, yet,
2 if you go to a First Nations community and you ask first
3 citizen you walk into and meet, they'll tell you what it's
4 like. Life for them is really hard.

5 And, the sad thing for me as a person and as
6 a social worker is that for the kids, they don't know
7 Ottawa is underfunding them. All they know is that life is
8 really hard for them. And, I saw the previous panel, where
9 they're talking about Snapchat and all the rest of it.
10 Well, the kids have access to that and they see that life
11 is a lot easier for other kids. So, what do they do? They
12 do what children naturally do developmentally. They
13 internalize that inequality as a personal deficit. They
14 start to believe that they're not worth the money.

15 And so, when I see the suicide rates, I am
16 horrified at the loss of every child, but I think it's an
17 absolutely predictable thing to happen when you're treating
18 children in this way as a country.

19 **MS. CHRISTA BIG CANOE:** And, I know you're
20 probably going to go there when we explore a few other
21 things, but not only -- when you say it's predictable, and
22 we know it's preventable, and we've seen this whole body of
23 literature and reports and observations, you know, and we
24 heard the witnesses over the last couple of days say, how
25 could you not characterize this as anything other than

1 racial discrimination?

2 **DR. CINDY BLACKSTOCK:** It is racial
3 discrimination. And, that's not a judgment on my part,
4 that's a judgment on law. That's what the Canadian Human
5 Rights Tribunal found. It is racial discrimination. And,
6 that's what the committee on Elimination of Racial
7 Discrimination found. That's why the state parties at the
8 Universal Periodic Review called Canada out on it.

9 You know, we look to the United States and
10 we've all seen the horrors and the strength of the African
11 Americans in the civil rights movement, and they then were
12 trying to overcome the Jim Crow laws, which were separate
13 and equal. So everybody had a waiting room but there was
14 one for coloured folks and then there was one for white
15 folks and that was as good as it got under U.S. law. That
16 was the Jim Crow law.

17 In Canada we have separate and unequal. And
18 yet we have normalized it so much that we have not
19 addressed it. And we have somehow drank the toxic potion
20 of incremental equality where we think that, you know,
21 we'll deal with this one program at a time and one teaspoon
22 at a time. And the problem is that equality never comes
23 for First Nations' children that way.

24 And when I look at the wealth of this
25 country, I think that equality for First Nations' children

1 should come in a leap, not in a shuffle. And just frankly,
2 if they can afford to spend 5 billion on a pipeline, they
3 can afford to eradicate inequalities in education and other
4 areas for their kids.

5 (APPLAUSE)

6 **DR. CINDY BLACKSTOCK:** The other thing I
7 should point out that I was concerned about is actually the
8 way they presented, and the Auditor General points this
9 out, is the education numbers.

10 So Canada was reporting that there was a --
11 some progress in addressing the graduation rates. But as
12 the Auditor General pointed out that was actually not the
13 case. And what they were doing, Canada was just measuring
14 all children or young people that came into the core to
15 Grade 12 -- let's say there's a hundred -- how many of
16 those would then graduate in June? But the Auditor General
17 pointed out that's a false measure. What we should be
18 doing is looking at all children who -- and youth who enter
19 into Grade 8 and then see how many actually graduate at
20 Grade 12.

21 And you can see the difference in the
22 calculation what that means on page 7, is that we're
23 looking at -- there's a graph there for those of you who
24 can't see it. So it goes from 2001 to 2016. And under
25 Canada's calculation it says that -- well, this one has a

1 percentage of high school diploma. Where's the difference
2 between the numbers? I'm looking at the wrong chart. It's
3 in here somewhere because I took a snap, took this shot out
4 and I put it on Twitter, so I know it's here.

5 (LAUGHTER)

6 **DR. CINDY BLACKSTOCK:** We'll find it.
7 Education results. Oh, here it is.

8 **MS. CHRISTA BIG CANOE:** It's ---

9 **DR. CINDY BLACKSTOCK:** Yeah.

10 **MS. CHRISTA BIG CANOE:** Yeah, page 20.

11 **DR. CINDY BLACKSTOCK:** --- so it's on page
12 20. Sorry.

13 So it's the same thing. They track it from
14 fiscal year 2011 to 2015/16. So the department in 2015/16
15 -- we'll use the most recent year -- was saying that the
16 graduation rate or completion rate for Grade 12 only was 40
17 per cent. But when you actually factor in the Grades 9
18 through 12, it actually, according to the Auditor-General,
19 is 24 per cent. Only 24 per cent of our kids are
20 graduating from high school on reserve.

21 And that's not because they're not smart
22 kids. It's not because they don't want to learn. It's
23 because they're kids like Shannen Koostachin who want to
24 grow up and be someone important and aren't given that
25 opportunity by the Government of Canada.

1 Canada, Independent Auditor's Report,
2 Report 5 - Socio-economics Gaps on
3 First Nations Reserves - Indigenous
4 Services Canada (30 pages)
5 Witness: Dr. Cindy Blackstock,
6 Executive Director, First Nation
7 Children and Family Caring Society
8 Submitted by Christa Big Canoe,
9 Commission Counsel

10 **MS. CHRISTA BIG CANOE:** And now, Cindy, you
11 talked quite a bit ---

12 **CHIEF COMMISSIONER MARION BULLER:** Oh, yeah.
13 Excuse me.

14 **MS. CHRISTA BIG CANOE:** --- about -- sorry.

15 **CHIEF COMMISSIONER MARION BULLER:** We've had
16 a request for a five-minute break, please.

17 **MS. CHRISTA BIG CANOE:** Okay. Yes.

18 **CHIEF COMMISSIONER MARION BULLER:** Can we do
19 that? Not six minutes, but five minutes, please.

20 **MS. CHRISTA BIG CANOE:** Five minutes. Five
21 minutes.

22 --- Upon recessing at 3:22 p.m.

23 --- Upon resuming at 3:32 p.m.

24 **MS. CHRISTA BIG CANOE:** Okay. So, if we can
25 recommence? So, where we had just finished, Cindy, was we

1 were actually -- we talked about the last Auditor General's
2 report and you've been talking quite a bit about the Human
3 Rights Tribunal, Canada Human Rights Tribunal case, and I
4 know that just as a little context for those who are
5 watching or are in person but weren't in attendance at the
6 Quebec City hearings, we had an expert witness Naomi
7 Metallic, actually, talk quite a bit about the case, and
8 she laid out some of the principles and explained a number
9 of the deficits, not just funding deficits, but some of the
10 issues and prevalence.

11 And so, I know a lot of people would like to
12 hear from your perspective in your role as the Executive
13 Director of the First Nations Child and Family Caring
14 Society that raised the complaint in the first place. If
15 you could tell us a little bit about 2016 CHRT2, which was
16 the decision of the Human Rights Tribunal? And, please
17 feel free to share what you would like about how it
18 started, getting there, what happened. I leave it in your
19 capable hands.

20 **DR. CINDY BLACKSTOCK:** When we created the
21 Caring Society, we got a great piece of advice, and I
22 actually pass that on to everyone in this room. It was
23 from an elder, and he said, "Never fall in love with the
24 Caring Society and never fall in love with your business
25 card; only fall in love with the children, because there

1 may come a day when you have to sacrifice both those things
2 for them."

3 And, for us, that came in 2007 when we filed
4 a complaint, along with the Assembly of First Nations,
5 alleging that Canada's underfunding of child welfare and
6 the structure of its funding was discriminatory on the
7 grounds of race and national ethnic origin. We further
8 alleged that Canada's improper implementation of Jordan's
9 Principle was discriminatory on the basis of race and
10 national ethnic origin. Within 30 days, we lost all of our
11 federal funding, and up until this day, the Caring Society
12 receives no funding from the federal government or any
13 level of government.

14 They did offer to provide us funding
15 recently under a contribution agreement, but we turned it
16 down, because Canada is not in full compliance with the
17 rulings, and our view is that we will only accept funding
18 from people or organizations that are treating First
19 Nations children with respect. And so, that point hasn't
20 come yet. There's been some progress.

21 Immediately, Canada started fighting the
22 case on legal technicalities, and that's why it took from
23 2007 to 2013 to get it even to hearing. And, during that
24 time, there were two continuous things. Number one is the
25 bear was always there. This is Spirit Bear, for anybody

1 who doesn't know him. If you were younger, you would all
2 know him. And, he symbolizes 165,000 children whose lives
3 were at the centre of this case, and also, all the non-
4 Indigenous children that stood for justice. So, the room
5 was normally filled with children, which is one of the most
6 beautiful parts of this case.

7 The other thing that was consistent in it
8 was the determination of the community and the support from
9 the community with their prayers and thoughts that we were
10 actually going to make it through, and by some miracle, the
11 hearings started in February of 2013. We were gifted with
12 pro bono legal counsel for much of this, so thanks to those
13 lawyers who worked for brownies and cookies on what is a
14 massive case, and by the time the closing arguments were
15 heard in 2014, Canada had brought at least eight separate
16 motions to try and get it dismissed but were unsuccessful
17 in doing so.

18 Over 25 witnesses testified at the tribunal,
19 including the federal government had called its own
20 bureaucrats, and many of the documents we've already gone
21 through have been tendered as evidence, although we
22 tendered 500 documents as evidence. Many of them were
23 Government of Canada's own documents. And, there were
24 three panel members. I'm just going to take a minute to
25 mention this, because I don't know if Naomi would have

1 covered it, but I want to do this service.

2 The panel members who heard the case are
3 Edward Lustig, Sophie Marchildon and Réjean Bélanger. And,
4 sadly, two months before the hearing -- the decision was
5 released, Member Bélanger passed away. But, one of the
6 last things he did was relay to the other tribunal members
7 his wishes for the decision, and I think we all owe him and
8 his family a great debt for the dedication that he put into
9 the decision, and that's why the January 26th decision is
10 dedicated to him.

11 I want to say that I got the decision two
12 days before the world knew, and in 2008, the day before the
13 Prime Minister issued the apology, I went to see Peter
14 Henderson Bryce who is buried in Beechwood Cemetery. I
15 thanked him for everything that he had tried to do to save
16 the children, and I brought him a bouquet of brightly
17 coloured daisies to reflect the joy of children.

18 I told him about the case that we had filed,
19 incidentally, exactly the previous year which would have
20 been exactly 100 years after his 1907 report and I told him
21 I would be back the day the kids won.

22 So, on the day I found out the decision, I
23 was actually at a graduation party, and time just stood
24 still. And, the only thing that I had finally got the
25 courage to do was open the PDF file, and the first line of

1 the decision is -- I'm just going to bring it up here. Oh,
2 it's right there. The Acknowledgement section. So, we're
3 just going to go past that. So, it says:

4 "This decision concerns children. More
5 precisely, it's about how the past and
6 current child welfare practices in
7 First Nations communities on reserves
8 across Canada have impacted and
9 continue to impact First Nations
10 children, their families and their
11 communities. These proceedings
12 included extensive evidence on the
13 history of Indian residential schools
14 and the experiences of those who
15 attended or were affected by them. The
16 tribunal also heard heartfelt testimony
17 from someone who attended and was
18 directly impacted by attending a
19 residential school. At the outset of
20 these reasons, the panel members
21 believe it's important to acknowledge
22 the suffering of all residential school
23 survivors, their families and
24 communities. We recognize the courage
25 of those who have spoken about their

1 experiences over the years and before
2 this tribunal. We also wish to honour
3 the memory and lives of the many
4 children who died and all who were
5 named while attending these schools
6 along with the families and
7 communities. We wish healing and
8 recognition for all Aboriginal peoples
9 across Canada for the individual and
10 collective trauma endured as a result
11 of the Indian residential school
12 system." (As read)

13 They substantiated all of the complaints.
14 The kids had won. So, I had a promise to keep to Peter
15 Henderson Bryce, and I put on my gum boots, and Spirit Bear
16 and I went through -- and I am not a girl for the cold,
17 I'll tell you that right now. I hate the cold. So, we
18 went down to Beachwood Cemetery and I read the decision to
19 Dr. Bryce to thank him for having laid down a trail that we
20 could pick up a hundred years later, and to pledge to him
21 that we knew that in a decision would not come change, that
22 we had to ensure that decision was made real in the lives
23 of every kid across this country.

24 And, I suspected that would take some work
25 even though Minister Bennett and Minister Wilson welcomed

1 the decision. Implementation is really where it counts.
2 And, sadly, that's been going a little slower than I'd like
3 and slower than the tribunal would like, and I think we
4 have five noncompliance orders against Canada so far. They
5 are making some progress but, in my view, they're still not
6 in full compliance with the tribunal's decision. The
7 tribunal has retained jurisdiction of the complaint up
8 until December of 2018 at a minimum and, likely, it may
9 extend a few months beyond that.

10 **MS. CHRISTA BIG CANOE:** Cindy, I note that
11 we didn't put the decision in the material because it's
12 already an exhibit within our process when Naomi Metallic
13 testified. However, we have put in the noncompliance
14 orders. They're located or can be turned up at Schedule Q.

15 And so, I'm just going to enumerate them.
16 They're in as a series. However, it's important to note
17 that there is the 2017 CHRT 14, amended on November 2nd,
18 2017. There's the 2016 CHRT 10, dated April 26th, 2016.
19 There is the 2016 CHRT 16, dated September 14th, 2016. And,
20 there is the most recent one, the 2018 CHRT 4, dated
21 February 1st, 2018. I believe that's the most recent one,
22 and I feel like I've missed one.

23 **DR. CINDY BLACKSTOCK:** The only additional
24 one would be for the Choose Life for NAN. The decision in
25 May of 2017 was regarding Jordan's Principle. Canada,

1 during the years of litigation, claimed there were no
2 Jordan's Principle cases. They were using a definition
3 that was so narrow that no child ever qualified. There was
4 multiple disabilities, multiple service providers, and
5 there was a whole process you then had to follow in order
6 to be able to reach that qualification.

7 When the decision was made in January 2016,
8 Jordan's Principle, that approach was discriminatory,
9 Canada did not change it until July of 2016 when they
10 adopted a definition that said that Jordan's Principle only
11 applies -- First Nations children should only be able to
12 access services without delay if the child has a short-term
13 illness and a disability -- and/or a disability. We
14 disagreed with that, of course. For example, I remember
15 saying at the Finance Committee, "If a child has cancer,
16 you mean they don't have access to public service, when a
17 child with a broken leg would," right? This doesn't make
18 sense. The tribunal agreed that it didn't make sense.

19 But, sadly, in that lag time between when
20 Canada was ordered in May of last year to apply it to all
21 First Nations children, on and off reserve, all services
22 and to make sure they process the complaints very quickly,
23 within roughly 48 hours in all cases, the tribunal heard
24 evidence that two girls in Wapekeka First Nation died of
25 suicide because they were denied access to the mental

1 health services they should have received had Canada fully
2 complied with the January 2016 decision.

3 So, that is -- I just want to emphasize that
4 this noncompliance isn't neutral. It's not just pushing
5 paper around. It's having real impacts on children.
6 Canada is now adopting the proper definition, but they are
7 excluding non-status children and also Inuit children. We
8 disagree with that, we put that to the tribunal officially,
9 and so that's continuing on. But, at least, and thanks to
10 Jordan's family and to Jordan himself and his memory, there
11 has been at least 80,000 services provided for children
12 since roughly the tribunal ruled last year in May. So,
13 it's -- change can happen.

14 **MS. CHRISTA BIG CANOE:** Although we don't
15 technically need to put authority -- case authority on the
16 record, I will still ask as a series that any of the
17 noncompliance orders that I have just listed are entered as
18 the next exhibit, please.

19 **CHIEF COMMISSIONER MARION BULLER:** Do you
20 want them collectively as one exhibit?

21 **MS. CHRISTA BIG CANOE:** Yes, please.

22 **CHIEF COMMISSIONER MARION BULLER:** Then,
23 I'll just read the citation and date into the record. The
24 noncompliance order 2016 CHRT 10, April 26, 2016; and 2016
25 CHRT 16, September 14th, 2016; 2018 CHRT 4, February 1,

1 2018; and 2017 CHRT 14, amended by 2017 CHRT 35,
2 collectively -- I'm sorry. 2017 CHRT 14, 26 May 2017, as
3 amended by 2017 CHRT 35, November 2nd, 2017, collectively
4 are Exhibit 65.

5 --- Exhibit 65(a):

6 Canadian Human Rights Tribunal Ruling,
7 Citation: 2017 CHRT 14, as amended on
8 November 2, 2017 (see 2017 CHRT 35),
9 May 26, 2017 (File # T1340/7008, 50
10 pages)

11 Witness: Dr. Cindy Blackstock,
12 Executive Director, First Nation
13 Children and Family Caring Society
14 Submitted by Christa Big Canoe,
15 Commission Counsel

16 --- Exhibit 65(b):

17 Canadian Human Rights Tribunal Ruling,
18 Citation: 2016 CHRT 10, April 26, 2016
19 (File # T1340/7008, 13 pages)

20 Witness: Dr. Cindy Blackstock,
21 Executive Director, First Nation
22 Children and Family Caring Society
23 Submitted by Christa Big Canoe,
24 Commission Counsel

25 --- Exhibit 65(c):

1 Canadian Human Rights Tribunal Ruling,
2 Citation: 2016 CHRT 16, September 14,
3 2016 (File # T1340/7008, 49 pages)
4 Witness: Dr. Cindy Blackstock,
5 Executive Director, First Nation
6 Children and Family Caring Society
7 Submitted by Christa Big Canoe,
8 Commission Counsel

9 --- Exhibit 65(d):

10 Canadian Human Rights Tribunal Ruling,
11 Citation: 2018 CHRT 4, February 1, 2018
12 (File # T1340/7008, 96 pages)
13 Witness: Dr. Cindy Blackstock,
14 Executive Director, First Nation
15 Children and Family Caring Society
16 Submitted by Christa Big Canoe,
17 Commission Counsel

18 **MS. CHRISTA BIG CANOE:** Thank you. So, if I
19 may ask, Cindy, in addition to -- you talked about, sort
20 of, the resistance, or maybe it can be characterized as an
21 active resistance, the fact that the government tried to
22 use legal latches, but there was more than that happening
23 at the surface. It was also true that the Government of
24 Canada was found to have breached other laws -- other law
25 in relation to breaching *The Privacy Act*, willful and

1 reckless retaliation and the obstruction of process at the
2 CHRT by consciously withholding documents. Can you tell us
3 just a little a bit about that?

4 **DR. CINDY BLACKSTOCK:** The third one -- the
5 hearing on the merits started on -- in February of 2013. I
6 was actually the first witness, although I always emphasize
7 I'm not the first voice. There are many people who came
8 before me who had been bringing this to the attention of
9 government. I just want to recognize that. And, there
10 were a couple of other witnesses who testified.

11 I saw holes in Canada's disclosure, so I
12 filed an access to information request sometime in the fall
13 of the previous year, and that arrived on April 9th of 2013,
14 so we're now talking three months into the hearings. And,
15 inside was thousands of pages of government documents that
16 were highly prejudicial to its case that had never been
17 disclosed.

18 And, when those were sent to the Department
19 of Justice, they admitted that they hadn't disclosed those,
20 they were getting them together for us and, in fact, they
21 had -- they then claimed it was an additional 50,000
22 documents that they had not disclosed. It turned out to be
23 an additional 90,000 documents that could not be disclosed.

24 The tribunal of course was very disturbed to
25 hear this because there had been numerous case conferences

1 before that. They issue a ruling in July of 2013, they
2 find that -- you know, they call Canada's behaviour far
3 from irreproachable. They note that in the documents I got
4 under ATIP that there was actually an e-mail going to
5 justice, where it shows they had possession of these
6 documents a year in advance of the actual hearings, so they
7 were known to the government, but they did not disclose
8 them. So, that set the hearings back. But, more
9 importantly for me, it set justice back for these kids.
10 And so, the tribunal still has a decision about the
11 obstruction matter under reserve.

12 When I describe the next set of things, I
13 want to make clear of one thing, it is my job to stand up
14 for kids. We all must take our turn in the winds of
15 discrimination and sometimes those winds get pretty strong.
16 So, for me, during that time, Canada was found to be
17 monitoring my electronic, and my communications and my
18 personal movements. They would make notes when I was at
19 places and when I was not at places. They had notes when I
20 was delivering a talk in the middle of the desert of
21 Australia. They were on my Facebook page. They blocked me
22 from attending a meeting.

23 The Privacy Commissioner investigated all
24 this and found -- because I got this through the Privacy
25 Act, so I had all the documents and e-mails. And, the

1 Privacy Commissioner found that they were in breach of the
2 Privacy Act by collecting personal information that wasn't
3 related to a policy or program, they made several
4 recommendations for reform. We asked that Canada provide
5 an undertaking that they would not continue the
6 surveillance. They verbally told us they weren't
7 continuing the surveillance, but they refused to sign the
8 undertaking. So, that's the status of that.

9 And then on the blockage -- that whole thing
10 was brought to the tribunal. It was amended -- the
11 complaint was amended for retaliation. The tribunal felt
12 that the surveillance itself did not meet the threshold for
13 retaliation under the *Canadian Human Rights Act*, but the
14 blocking of me attending the meeting did. I was awarded
15 \$20,000.00 and I donated it all to children's charities.
16 This has nothing to do with money for me. This has to do
17 with being able to preserve the right of any person in this
18 country to bring forward a human rights complaint,
19 particularly for vulnerable groups like children and be
20 free of retaliation by the Government of Canada.

21 So, I am not the victim in this case. I
22 have never seen myself that way. It is really the children
23 that we need to be concerned about, but that did happen
24 during this piece. It's been a little bit of an adventure
25 sometimes.

1 **MS. CHRISTA BIG CANOE:** You've talked a
2 number of times about Jordan's Principle. We have heard
3 many stories across the country about services, not just
4 medical services from Indigenous families including Métis,
5 Inuit and on registered or non-status First Nations, about
6 how there are gaps or there's been jurisdictional issues.
7 You've already talked about the narrow scope or the way
8 that the Jordan's Principle was being interpreted narrowly,
9 and you've also talked about Canada's current position on
10 not including more Indigenous people. Can you please help
11 us to understand, really, what Jordan's Principle is and
12 how it should apply after this decision.

13 **DR. CINDY BLACKSTOCK:** Okay. So, Jordan's
14 Principle is to ensure that all First Nations, and I would
15 also include Inuit -- and I'm not saying registered First
16 Nations, I want to make that clear. I go with tribunal's
17 decision. All First Nations children, I'd like to see
18 Inuit children as well because they also receive services
19 under the federal government, it's called First Nations and
20 Inuit Health Branch as you know.

21 So, that all First Nations children are able
22 to access all public services when they need them in ways
23 that are free from any adverse differentiation, meaning
24 delays, disruption or denials because they are a First
25 Nations child. That's the way it's supposed to work.

1 So -- in fact, there is a 1-800 line that,
2 persons watching this, if know of a child who has a need,
3 they can call this line. Canada's established it. It's 1-
4 855-JPCHILD. So, 1-855-JPCHILD. You can call that line.
5 And, the tribunal set very definite time frames for when
6 Canada has to get back and approve the service.

7 Now, the great thing about the tribunal
8 decision, it's not just services that are available to non-
9 Aboriginal children. The tribunal has recognized that,
10 because of the ongoing effects of colonialism and indeed
11 the ongoing effects of the discrimination, that it may take
12 additional services for First Nations children to achieve
13 the same outcomes. So, something called substantive equity
14 applies.

15 And, the best way to, kind of, think about
16 substantive equity is -- you know, I go back to -- I think
17 it's a 1955 U.S. Supreme Court decision, where Justice
18 Frankfurter says, there's no greater inequality than the
19 equal treatment of unequals. And so, this is about making
20 sure that people who have suffered more, in this case
21 children who have suffered more, get more of an advantage
22 so they can start off at the same place as other kids, just
23 because they've had more disadvantage in their lives.

24 So, Canada has funded -- and I want to give
25 them credit for this. They funded things like, services

1 for autistic children, assessments, cultural regalia,
2 language, education -- it's not just health care. I can
3 still hear that coming out. It's not just health care.
4 It's all public services. That's the way it should be
5 rolling out.

6 **MS. CHRISTA BIG CANOE:** Thank you. One of
7 the other topics I know that is important to cover is First
8 Nations child and family service agencies in terms of
9 developing First Nations child and family services. When
10 we see better resourcing for First Nations child and family
11 services, when we see better programming, we see better
12 outcomes for the whole family.

13 So, I was wondering if you could spend some
14 time talking to us a little bit about solutions to the
15 challenges children in their nations face in relation to,
16 specifically, First Nation -- and beyond just the money.
17 Beyond the funding. In terms of the challenges they face
18 and in terms of establishing -- I think that there's some
19 stereotypes or beliefs around First Nations' ability to
20 necessarily govern or oversee the program that's really
21 tied into what we heard this morning by our witnesses about
22 these perceptions or false assumptions.

23 And so, I'm hoping that you might be able to
24 talk to us about -- there's, like, a reflex of accepting
25 the First Nations recommendations and then only rejecting

1 them. It's like -- and a couple of our counsel this
2 morning in asking questions, like we have to convince
3 people that we can actually do the job. And so, I'm
4 wondering if you can address that, like who is in the best
5 position to do this job and what about First Nation child
6 agencies?

7 **DR. CINDY BLACKSTOCK:** Well, I've always
8 felt First Nations child and family service agencies are
9 staffed by some of the best, most committed people in the
10 province, because they could literally cross the street to
11 work with the provincial agency and their salary would go
12 up about 30 percent. And, same with having more services.
13 It was much easier doing child welfare, I can say
14 personally, off reserve working for the provincial system
15 than it was on reserve.

16 So, I think it's a mistake to suggest that
17 First Nations agencies are, in some cases, the villain.
18 And, I've seen that narrative out there a little bit where,
19 somehow, they are the ones that are doing the wrong. They
20 were the ones that actually supported The Caring Society in
21 bringing this case forward in the first place, because they
22 knew they didn't have the resources to give families. And,
23 one of the -- they actually would even hold fundraisers for
24 us and volunteer for fundraisers to push this case through,
25 because they wanted to see First Nations families and their

1 children have a fair chance at growing up in their homes.
2 And, they saw on the frontlines that they weren't able to
3 do that. And, that was painful for them and frustrating
4 for them, and they wanted to do better.

5 And, I think that's really historic because
6 this case could have been filed in education, it could have
7 been filed in all other areas, but it wasn't. It was filed
8 because people on the frontlines of child welfare wanted to
9 see something different. So, I want to recognize them.

10 The second thing is to say that they know
11 they aren't doing the job that they'd like to do; right?
12 Which is with the equity and funding, and that's really
13 critical. When I hear your comments, I think of Robert A.
14 Williams, he's the Native American scholar. I'm not sure
15 if any of his work has ever been brought into this Inquiry,
16 but he wrote a book called Savage Anxieties. And, it's
17 really the whole roots of colonialism, where you create
18 this dichotomy between the savage, that being Indigenous
19 peoples, and the civilized, that being the colonial forces,
20 and how ingrained that becomes not just historically,
21 because of course, if you're a savage, you can't look after
22 the land, and so the civilized have to take over. And, if
23 you're a savage, you can't look out for your children, and
24 the civilized have to look after them.

25 But, it's also what Marie Battiste would

1 describe, and she did a wonderful, kind of, writing or
2 testimony, I can't remember what it was, but it's a scribe
3 to her knowledge anyway. I hope I do it dignity. Where
4 she said, in the beginning, we looked after our own kids,
5 educated our own kids. Then, Canada started educating our
6 kids for which they've had to apologize. Now, Canada is
7 telling us how we have to look after our own kids. And,
8 what we need to do is break that cycle and get back to the
9 beginning. But, that getting back to the beginning
10 requires a couple of things. First of all, Canada needs to
11 implement that national policy recommendation, Review
12 Recommendation No. 1 of 18 years ago to expand the range of
13 eligible funding models so that First Nations jurisdiction
14 is recognized.

15 The second thing that's important for us to
16 do as community members is to realize that we have to re-
17 embrace those cultural ways of keeping kids safe and be
18 prepared to do that. And, we have a program called
19 Touchstones of Hope where we help -- we feel that one of
20 the things taken from many Indigenous peoples through
21 colonization, perhaps even, I would argue, the most
22 important thing was our ability to dream for ourselves.

23 What does a healthy Gitxsan family and child
24 look like? Some of us have pieces of that vision, but that
25 communal vision, that was broken apart; in some cases, more

1 than in others. And so, one of the first things is to re-
2 dream what that looks like, and then work with community to
3 re-establish that dream. And, I'm one of these people that
4 believes that we need to rethink child welfare so that
5 we're actually looking at dealing with poverty. We're
6 looking at inequalities, we're dealing with addictions.

7 Good child welfare workers equipped with
8 proper resources will be working with their colleagues
9 across programs to make sure that we can holistically meet
10 the needs of those kids. Right now, the way the feds fund
11 is through a silo approach that doesn't promote that type
12 of collaboration, and that needs to stop. We know that
13 because we know what the risks are for kids. We've known
14 them since 1998 in the CIS studies, so we can do far better
15 than that.

16 So, I would say that's really one of the key
17 things, and I think First Nations agencies, their staff
18 primarily, in the most -- vast majority of cases by First
19 Nations people, if we reject those agencies and we say
20 that, no, we don't want First Nations agencies, then who is
21 going to be doing the child welfare? That's my question.

22 Political leadership is important, but
23 political leaders should not be doing child welfare, for
24 obvious reasons; right? So, we need to have people from
25 our communities who are trained and supported to do that

1 hard work. And, we as community members who are not out
2 there on the frontlines need to be out there supporting
3 them and supporting the families as best we can.

4 I think we all need to understand that we
5 are child protection workers. Whether you're doing it or
6 not, it is -- the measure of our lives is going to be
7 whether we step up to the plate when a kid needs us or not.
8 And so, we all need to re-embrace that responsibility and
9 that Touchstones of Hope is a way of getting there.

10 So, I would love to see these agencies
11 better supported to be able to do the type of quality work
12 that I know they can do, because they are not the savages.
13 They have done extraordinary work, and the data is starting
14 to show that even when they're underfunded, they're less
15 likely to remove a child than the provincial child welfare
16 systems. It's off reserve that we're starting to see the
17 numbers pulling.

18 And, to give you a sense of the scale of it
19 just for on reserve, between 1989 and 2012, we've known
20 that First Nations' kids are 12 times more likely to go
21 into child welfare care, primarily driven by neglect,
22 primarily driven by poverty, substance misuse and by poor
23 housing.

24 You can say that word without shrieking, and
25 that's why I don't like the word over representation. I

1 think it's a bad word. It's too clean. The way you need
2 to think about it is the way that I saw in an INAC exhibit
3 when I was testifying at the tribunal. It was an Excel
4 spreadsheet.

5 Kids don't think about over representation.
6 When they're looking forward to something or they're
7 looking forward to something being over, they think, "How
8 many sleeps until I see my mom?" And, this spreadsheet
9 counted up those sleeps. How many sleeps did First
10 Nations' kids spend away from their families in foster care
11 between 1989 and 2012? And, it was 66 million nights, or
12 187,000 years of childhood.

13 That's the price of us waiting. That's the
14 price of us putting up with this underfunding and this
15 partial equality for even a day more. That's why we have
16 to do everything in our power as individuals, as systems,
17 as inquiries, to make sure that this is the generation of
18 kids, First Nations, Métis and Inuit kids who don't have to
19 recover from their childhoods, because we know better and
20 we can do better, so we've got to get to it.

21 **MS. CHRISTA BIG CANOE:** In terms of the --
22 and you used the phrase earlier, "the failure of
23 incremental equality and change", we've seen the
24 preponderance of evidence and the role of inequity and poor
25 health and social outcomes for children has had, but I know

1 you do have a set of recommendations and I know -- do you
2 want to get those?

3 **DR. CINDY BLACKSTOCK:** Yes.

4 **MS. CHRISTA BIG CANOE:** Okay, sorry. And
5 then before we do turn to your recommendations, I know
6 there is one more example that you want to provide of a
7 reallocation, so not putting the children first, and that
8 is in your materials and was just delivered electronically
9 to parties today on Cost Drivers and Pressures: The Case
10 for New Escalators. That's a really technical term for
11 reallocating money. But, if you could sort of walk us
12 through what this slide presentation by what you're calling
13 INAC, and I believe is now INAC again, but at the time was
14 AANDC's presentation?

15 **DR. CINDY BLACKSTOCK:** This was entered as
16 an exhibit at the tribunal. It's not redacted for that
17 reason, but it is now a public document because it was
18 filed with the tribunal. It's dated June 2013, authored by
19 INAC.

20 On page 6, I think, is an important piece,
21 because it shows what the department does when it knows
22 it's underfunding. First of all, what it does is it
23 understood that it was underfunding particularly education,
24 child welfare and social assistance, but all of those
25 programs are required by law.

1 So, instead of topping up that money and
2 making sure those programs are properly funded,
3 Commissioners, what they decided to do is transfer money
4 out of what they call infrastructure. And, why is that
5 important to children? Well, infrastructure is the money
6 where the budget comes out for building schools, like
7 Shannen Koostachin wanted. It's where money for housing
8 comes out, for water, for sanitation services. All those
9 things are out from infrastructure.

10 And, what this shows us is that between 2006
11 and 2012, Canada had actually transferred over about \$98
12 million a year. So, over that period of time, over half a
13 billion dollars that was announced as money for new water
14 system, that was announced for new housing, that was
15 announced for new schools, was not spent for that purpose
16 at all. It was transferred over to try and put a hole in
17 the dyke of the dramatic underfunding of education and
18 child welfare services. And, of course, it was
19 insufficient to even meet that need.

20 But, I think what the tribunal did in its
21 recent decision of February 1st, 2018 is suggesting, and
22 they did it in more eloquent words that I'm going to, but
23 the shifting decks on the Titanic in terms of taking all
24 these under funded programs and just shifting money over
25 from one under funded program to another is not in the

1 interests of children, and the tribunal has a mandate to
2 prevent discrimination from happening again.

3 It argued that it had a mandate to say to
4 Canada that this practice of reallocating funding has to
5 stop, because inadequate housing, which is in the budget
6 for infrastructure, is one of those programs being
7 disadvantaged by these transfers. They were ordered to
8 stop that in February of 2018. In the most recent
9 submission to the tribunal, Canada said, "We have not
10 permanently reallocated."

11 Now, we don't know what permanently
12 reallocated means, because in our view, the order was to
13 stop reallocating. We're going to find that out, I guess,
14 in coming proceedings. But, I think we need to be aware of
15 this fact, that these reallocations may, in fact, be
16 continuing to happen for other programs, because the
17 tribunal's decision only applies to Jordan's Principle and
18 child welfare.

19 **MS. CHRISTA BIG CANOE:** Could we please have
20 the document that's a presentation from Aboriginal Affairs
21 and Northern Development Canada entitled Cost Drivers and
22 Pressures: The Case for New Escalators, made an exhibit,
23 please?

24 **CHIEF COMMISSIONER MARION BULLER:** Yes.
25 Cost Drivers and Pressures: The Case for New Escalators -

1 June 2013 - INAC is No. 66, please.

2 --- Exhibit 66:

3 "Cost Drivers and Pressures - the Case
4 for New Escalators," Aboriginal Affairs
5 and Northern Development Canada, June
6 2013 (22 pages)

7 Witness: Dr. Cindy Blackstock,
8 Executive Director, First Nation
9 Children and Family Caring Society
10 Submitted by Christa Big Canoe,
11 Commission Counsel

12 **MS. CHRISTA BIG CANOE:** Thank you. And,
13 sorry, the last question I was starting to ask is in
14 relation to recommendations. So, we heard you say, you
15 know, the failure of incremental equality and change is
16 obviously problematic, and I know that you have a number of
17 actual substantial recommendations that you believe would
18 assist. And, I don't know if you want to start with the
19 Spirit Bear plan, which has been entered into evidence
20 during our last expert hearings, or ---

21 **DR. CINDY BLACKSTOCK:** Well, I think that's
22 appropriate, since he's here; right?

23 **MS. CHRISTA BIG CANOE:** I do, too.

24 **DR. CINDY BLACKSTOCK:** He doesn't show up at
25 every little gathering; right? It has to be an important

1 one. The Government of Canada does not have a plan to
2 eliminate all these inequalities. It's never had a plan to
3 eliminate all these inequalities. And so I thought, we'll
4 write a plan if they don't have a plan, and we called it
5 the Spirit Bear plan. In name, I -- had a spirit bear's
6 energy. Because again, keeping in mind he represents the
7 children, the First Nations and the other children who
8 stood up for justice during that hearing. So it's in his
9 name, but in their honour.

10 It has two key components, ask the
11 parliamentary budget officer, we say to Canada, to cost out
12 all the inequalities in every service from water, to sewer,
13 to early childhood, child and maternal health, mental
14 health for young people, child welfare. Let's see what the
15 big figure looks like. What is the big gap? And then work
16 with First Nations to develop something like the Marshall
17 plan.

18 So those of you who are kind of history
19 buffs like me, remember after the Second World War, the
20 allies got together, and they created the Marshall plan to
21 rebuild Europe in 10 years, and they did it. If they can
22 rebuild Europe after a war like that in 10 years, they can
23 end inequalities in First Nations kids in far shorter
24 period of time than that. And in my view, that should be
25 done with dispatch.

1 I just -- I cannot fathom why there's any
2 excuse whatsoever for a First Nations child to be told in
3 2018, you're not worth the money. I cannot accept that and
4 none of us should accept that. And if they don't have a
5 plan to eradicate all of those inequalities, we're going to
6 see more reports. This report will be read in 50 years --
7 it will add to this stack. And this is not all the stack
8 of all the reports. Yours will just become another layer
9 on that piece.

10 So there is a plan to eradicate all the
11 inequalities, it's a public plan, they have to say how much
12 they're going to invest and when. And this is a top
13 priority for Canada, it should be. For some of you who
14 know, the Kids' Rights Index came out yesterday which
15 measures the proportion of effort that countries are making
16 to uphold children's rights, proportionate to their wealth.
17 Canada ranks 52nd in the world on that. When you look at
18 the sub-measure on how much their attention they're paying
19 for a child enabling environment, which is government
20 budgets and legislation for children, we rank 138th in the
21 world. That shows clearly, there's room to increase the
22 budgets on the amount we pay for kids. And not only does
23 it make sense morally, it makes sense economically.

24 I sit on the Pan-American Health Commission
25 for health equity and inequity that's chaired by one of the

1 worldwide experts on health equity, Dr. Michael Marmot.
2 And we know that the very best investment any government
3 can make is in kids. It's not in older folks like myself.
4 The rate of return is not very good for me, but if you go
5 to a baby preschool, or kids in school, the rate of return
6 is really good, it's about 1 to \$20. You can make a big
7 difference. So that's the front end of the Spirit Bear
8 plan.

9 The second part speaks to what the Auditor
10 General found in his 2018 report, is that there has to be a
11 change in the department itself. The department itself has
12 to reform, and I would argue Ministries of Children and
13 Families have to reform. They have to -- it's not enough
14 to say that we're sorry for the past.

15 My question to the federal civil service
16 after the 2016 decision was, tell me what did you learn
17 from that? How did it change the way you think, it changed
18 the way of your policies and your practices within the
19 department? If you can't answer that question despite your
20 best of intentions, you're going to replay the same cycle
21 again, and we've seen that non-compliance order after non-
22 compliance order. The tribunal makes reference, I believe
23 14 times in those non-compliance orders to Canada's old
24 mindset.

25 So what we say in the Spirit Bear plan is

1 that there should be an independent, 360 degree evaluation
2 of the Department of Indian Affairs. The data evaluation
3 and its results should be used to develop performance
4 criteria and reward performance for public servants so that
5 they come into alignment with the decisions, with the UN
6 Declaration on the Rights of Indigenous Peoples, and with
7 the TRC's calls to action. So that's the Spirit Bear plan.

8 **MS. CHRISTA BIG CANOE:** Thank you. That's
9 very helpful.

10 I know that there are some other
11 recommendations and the recommendations were actually
12 included in the summary, but just for ease of reference
13 we've created -- and the parties have not received this in
14 hard copy yet, but we -- you will find it in the summary.
15 It's the same as which is on page 3 of the summary. The
16 recommendations by Dr. Cindy Blackstock, and of course, you
17 know in the fashion of the lawyer I am, there's a
18 disclaimer that these are only to accompany the testimony
19 and what we've heard in evidence today by Dr. Blackstock.
20 And that these are not -- these are the recommendations
21 included but not limited to.

22 And so Dr. Blackstock, there was a number of
23 recommendations that you wanted to highlight and there's
24 eight of them listed here, and I was wondering if you could
25 maybe walk us through them shortly?

1 **MS. CINDY BLACKSTOCK:** Okay. Very quickly,
2 the first -- I think it's a mistake to actually focus on
3 just reducing children in care. I've seen lots of ways
4 where governments quickly reduce the number of children in
5 care, but it doesn't make children safe, and it doesn't
6 make families safe. I could, for example, reduce the
7 number -- the age of majority for children entering into
8 child welfare care. I could reduce the scope of what I
9 consider to be maltreatment. I could lighten up the weight
10 in which I assess child safety. All of those would have
11 the effect of reducing the number of children in care.
12 That's not what I'm interested in.

13 What I'm interested in is, I think we should
14 be measuring the health of families. If we focussed on
15 healthy families the number of children in care will
16 eventually decrease. But in a way where the children
17 themselves are healthy and where they're going back to safe
18 and healthy families where they're not going to end up back
19 into the child welfare system because the family wasn't
20 provide adequate support.

21 And I need to say that, not only just for
22 kids who we are trying to keep in their families, but for
23 kids that we're trying -- we're reuniting back in their
24 families. It's the emotional reaction and I get it,
25 because I believe that every child, when we remove them

1 from a family, the pledge should be we provide them a
2 better life, and we certainly haven't done that in the vast
3 majority of circumstances. But we have to avoid the the
4 emotional reflex of saying, bring all our kids home, when
5 we're not ready for it yet. We have to get those services
6 in place, so those families are healthy and happy and that
7 that child can go back and get that nurturing childhood.
8 They only get one childhood, so let's make the best of it.

9 The second is community-based plans for
10 dealing with the structural inequalities are key.
11 Communities are the people on the front line are in the
12 best positions to develop these plans. That's why the
13 caring society will never develop a parenting program,
14 because we know that you know how to do that at the front
15 line. Our job is just to provide the resources to be able
16 to do that so that you're able to complete that good work.
17 And that includes recognizing First Nations jurisdiction,
18 but also keeping open other levels, jurisdictional models
19 that people can choose from at different stages of
20 readiness.

21 The community-based plan, the touchstones of
22 hope that I talked about, ending all inequalities, applying
23 a substantive equity lens to all service for children. I
24 think that's absolutely essential given that First Nations,
25 Metis, and Inuit children have all had the multi-

1 generational effects of residential schools. Culturally
2 based interventions should target the key reasons why kids
3 are coming into care. So unless we get at the poor
4 housing, the poverty, the substance misuse, and mental
5 health, and domestic violence with our prevention services,
6 then we're going to miss the boat and kids will continue to
7 come into care.

8 And there needs to be coordination between
9 prevention services and the actual needs of kids. So I
10 know that the government was saying for a while after the
11 tribunal's order, well, let's just give all the prevention
12 money to the communities. I disagree with that. I think
13 the community should get some of the prevention money, but
14 the agencies need it to because you need to be able to
15 coordinate those prevention services with the families who
16 are most at risk. So that coordination is absolutely
17 critical. It's not an "either or", it's "yes and" for the
18 well being of kids.

19 And services to children to promote their
20 success and well-being need to be augmented, and that means
21 cultural support, supports for them to meet with extended
22 family, for former youth in care to get reconnected with
23 their families.

24 And I want to say one thing, I don't want us
25 to always talk about First Nations kids -- and I'm going to

1 take a leap here and even though I have no mandate really
2 to talk about Inuit or Metis kids -- as at risk and
3 vulnerable. They are more than that. I meet with these
4 kids every day and they've got the same strength that I've
5 seen in the ancestors, and we cannot allow ourselves to
6 believe, or in fact to live, the idea that multi-
7 generational trauma is more stronger than our multi-
8 generational strength. It is not. It never will be.

9 (Applause)

10 **DR. CINDY BLACKSTOCK:** We need to support
11 those kids, and that means we as adults need to embrace
12 what hurts in our own families and our own communities.
13 It's not enough to talk about making kids safe, we've got
14 to do it and that means taking our own stuff and the stuff
15 in our families.

16 And two major research goals, there's a
17 study called the Adverse Childhood Experiences Study, which
18 basically says when you have about five -- four to five
19 adverse childhood experiences -- and those can be going to
20 a crummy school, not getting early childhood, having
21 parents who are stressing from addictions -- when you get
22 to four or five of those, that's when you really see
23 lifelong disadvantage for children throughout their whole
24 life cycle. And we know from epigenetics it actually can
25 be passed on to the next generation.

1 I'd like to see a baseline A study it's
2 called, the Adverse Childhood Experiences Study, where we
3 measure where kids are right now and then we can see
4 whether what we're doing is actually making a difference
5 for them over time.

6 And I'd like to see a longitudinal study of
7 children in care. There's never been a longitudinal study.
8 The best we know is the Canadian Incident Study that
9 measures from the time of the report of child maltreatment
10 to the time the investigation is disposed of. There is no
11 tracking over the long-term of what happens to these kids
12 and that needs to be done.

13 So those are just some of my recommendations
14 that I hope are helpful.

15 Oh, Siri's helping too.

16 (LAUGHTER)

17 **DR. CINDY BLACKSTOCK:** See, even Siri ---

18 **MS. CHRISTA BIG CANOE:** And my device is
19 turned off so ---

20 **DR. CINDY BLACKSTOCK:** --- think it's good
21 to help First Nation's kids; right?

22 (LAUGHTER)

23 **MS. CHRISTA BIG CANOE:** So, Cindy, I'm
24 really aware of your time and I know that you had a hard
25 timeline because you were able to fit the National Inquiry

1 into your schedule today on the base of another and I'm
2 looking out at the parties withstanding anticipating
3 frustration, but respectfully so, and acknowledged. We
4 have such limited time, but I do want to ask you one
5 question.

6 If the National Inquiry were to call you
7 back as a witness to build on the foundational work that
8 you have provided us today and the background, would you be
9 willing to come as a witness before the National Inquiry
10 again?

11 **DR. CINDY BLACKSTOCK:** If it's helpful to
12 the women and their families, it would be my honour and
13 Spirit Bear will come back again as well.

14 And I apologise to the parties that I was
15 only called while I had already made a prior commitment to
16 be at University of Toronto tonight, so I -- that's why I
17 have to leave so quickly.

18 I know that you have important questions.
19 You have a right to challenge and expand on what I have to
20 say. I absolutely respect that and I welcome that so.

21 And I'd like to thank the Commissioners for
22 the opportunity too.

23 **MS. CHRISTA BIG CANOE:** And just on that
24 basis too, I do acknowledge that we were running late and
25 that that's the nature of when we're receiving good

1 evidence from experts or from families, we've had a
2 tendency not to prevent that good evidence from continuing
3 and to be heard. And so this morning as we were receiving
4 good evidence and we ran over time, we started a little
5 later than anticipated and lost an hour with Dr.
6 Blackstock.

7 And so on that basis, I just put to the
8 Commissioners now, you know Dr. Blackstock's willingness to
9 be recalled. And I note that she'll only be available for
10 probably another 15 minutes.

11 **CHIEF COMMISSIONER MARION BULLER:** Yeah.

12 **DR. CINDY BLACKSTOCK:** Yeah.

13 **MS. CHRISTA BIG CANOE:** Yes.

14 **CHIEF COMMISSIONER MARION BULLER:** Yeah.

15 Well, it's unanimous. Dr. Blackstock, we
16 look forward to seeing you again at your convenience to
17 allow for cross-examination by parties and examination by
18 Commissioners and re-examination by Commission counsel.

19 Having said that, since this is Dr.
20 Blackstock part one ---

21 **DR. CINDY BLACKSTOCK:** I'm used to this. I
22 think I was called five times during the tribunal so.

23 (LAUGHTER)

24 **DR. CINDY BLACKSTOCK:** Hopefully it doesn't
25 say that you'll have to put up with me five times.

1 in this little bear. So if that is ---

2 **CHIEF COMMISSIONER MARION BULLER:** Yeah.

3 **DR. CINDY BLACKSTOCK:** --- okay, I apologize
4 to the Elders of Haida Gwaii if that's a breach of
5 protocol, but somehow I think they'd be okay with it.

6 **CHIEF COMMISSIONER MARION BULLER:** I think
7 it's okay too.

8 (LAUGHTER)

9 **CHIEF COMMISSIONER MARION BULLER:** Thank you
10 so much. Thank you.

11 (APPLAUSE)

12 **MS. SHERI DOXTATOR:** (Speaking in Native
13 language). So while they're gifting Spirit Bear in
14 recognition for that, I'd like to thank Cindy and Spirit
15 Bear for coming today and sharing the expertise that they
16 have.

17 So we do -- are mindful of time as well,
18 from our perspective here and knowing that everyone's been
19 here for the past three days and filling with information.
20 So, I just wanted to recap a little bit about what happened
21 over the last three days while everyone's giving their
22 remarks here.

23 So, what we saw over the last three days,
24 and want to just give recognition to all our panellists and
25 all those presenters and experts and knowledge keepers that

1 we had.

2 So on day one we had Albert and Fallon here
3 and they talked about racism in the 2SLGBTQQIPAA
4 communities. And we had some lengthy discussion on the
5 information they had and the expertise that they shared
6 with us as well.

7 The other thing that we looked at as well is
8 racism in institutions, and we looked at that yesterday, to
9 look at health, justice, police services and in education
10 as well. So I want to thank Barry, Farida, Sylvia and Amy
11 for sharing their expertise and knowledge and skill in that
12 area with us yesterday.

13 And for those of you who joined us today,
14 you are well aware that we were looking at racism in media
15 and journalism and film. So, thanks to Jesse and Tanya
16 today for their expertise and sharing their skill and
17 knowledge in that area today as well.

18 And this afternoon, again, just want to
19 thank Cindy and Spirit Bear for sharing this time --
20 limited time that she does have with us. And, as you
21 heard, she will be returning back to us as well. So, on
22 that, she provided her expertise on racism against
23 Indigenous children and youth, which you can see is quite
24 extensive, which is why we've invited her back for this as
25 well.

1 One thing I just want to remind people, that
2 why we are here and why we're going through this process
3 and protocol -- and you can take your seats now if you
4 like. We just wanted to do that with the gifting of the
5 eagle feather to honour that. Is we're here to remember
6 those who've gone before us, our loved ones, our families
7 and how we do that. As we transition, I just want to ask
8 as well if there are any Elders in the audience. We'd like
9 to have the Elders come up to the front as well so we're
10 just transitioning through.

11 But one of the things I did is I went around
12 and we looked at all the quilts as well that you see behind
13 us that come from the communities, that are crafted and
14 have information and knowledge shared in that as well.

15 So I want to let you know that one of the
16 areas that you have shared -- and I asked you to listen
17 with your hearts today, and with that is your strength.
18 And with that you share your strength with others. The
19 other thing that we share is the love and the kindness, as
20 well, and look at that.

21 The other one that I did that I thought was
22 of significance to share with you was a beautiful soul is
23 never forgotten and I shared that with you yesterday. The
24 other one that I shared with you on day one was you hear
25 that sound. It is a call of our common humanity. Listen

1 to the call. I'll read it again. Did you hear that sound?
2 It's a call of our common humanity, and I ask everyone to
3 listen to that call. So, as we bring together our minds
4 and our spirits and our hearts today, we're going to do our
5 closing of the expert knowledge keeper hearing that we had
6 on racism.

7 So, we're going to start the process as soon
8 as get through our quick hugs here of Spirit Bear. I know
9 everybody wants to meet Spirit Bear, that's why they're all
10 lining up; right? So -- sure.

11 **CHIEF COMMISSIONER MARION BULLER:**

12 (Indiscernible - microphone not on). Thank you very much.

13 **MS. SHERI DOXTATOR:** Thank you, Chief
14 Commissioner. So, again, we have the elders just making
15 their way up to the front. The drum is setting up as well.
16 And, if we could have the families as well. Whoever
17 chooses to sit up front can sit up front as well.

18 So, just to give recognition to those who
19 are here from the National Family Advisory Circle and their
20 supports, we have Pauline Muskego, Laurie Odjick, Micah
21 Eric, Cynthia Cardinal, Ceejai Julian, Lorraine Clements,
22 Norma Jacobs, Barb Manitowabi, Charlotte Jacobs, Bonnie
23 Fowler and Carrie-Lee Julian (phonetic). Val King, if
24 you're in the room -- oh, there she is.

25 So, what I'd like to do at this point is

1 we're going to have some closing comments from a few
2 people, and we're going to start with our Commissioners,
3 and they'll offer some closing comments. And then we'll go
4 into our official closing of the day. Okay. Thank you
5 very much, Cindy and Spirit Bear. I know that you do have
6 to run as well, so thank you again.

7 (APPLAUSE)

8 **MS. SHERI DOXTATOR:** And, we will remember
9 to build on that intergenerational strength. She stated
10 that. We are going to turn it over -- I'll turn it over to
11 Chief Commissioner Buller and to start us off with some
12 closing remarks. And, we do have a set up here, so we'll
13 get you to start us off.

14 **CHIEF COMMISSIONER MARION BULLER:** Actually,
15 because we always want to make sure we remember our women
16 and girls, I'd really appreciate it if the NFAC members
17 could go ahead of us in the closing.

18 **MS. SHERI DOXTATOR:** Okay. All right.
19 We're just going to have all the National Family Advisory
20 Circle members and their supports stand up front.

21 **MS. CEEJAI JULIAN:** (Speaking in Indigenous
22 language). Elders, grandmothers, grandfathers, keepers of
23 the four sacred directions, our missing and murdered women
24 and girls, their family members and those that aren't able
25 to be here today, I would like to first give thanks for

1 allowing us to do this work here and also for the people of
2 this land, the Nishnawbe -- the people of this land. I
3 want to thank them for allowing me to be a visitor. It's
4 like a round drum. We all come from all different
5 directions, and we also have all different perspectives in
6 this important work that the National Inquiry is doing for
7 missing and murdered women and girls and survivors.

8 My name is Ceejai Julian. I am Carrier
9 Nation from Fort St. James. My reserve is called
10 Nak'azdli, and I belong to the Beaver Clan. The given name
11 that I was given, which I believe is my real name, is
12 Shining Eagle Woman. I'm also a member of the NFAC, the
13 National Family Advisory Circle, to the Commission of the
14 National Inquiry.

15 There's a circle of family members that
16 aren't able to be here, but I want to also acknowledge them
17 as well. Also, each and every one of my sisters that sit
18 beside me and behind me and not in front of me. I want to
19 also acknowledge my beautiful daughter that has -- is going
20 to be a leader of our future.

21 Our job is to advise the Commissioner in the
22 work that they do. We would like to thank and acknowledge
23 all the knowledge keepers and the experts that have been
24 able to share their experience as well as their lived
25 experience and their perspectives on this important issue

1 of racism with us this week. I'm really nervous because
2 I'm trying to read the -- they had to write it in big
3 letters just so you know. We would like to thank the
4 Commissioners and also acknowledge Michèle Audette that
5 isn't here today, but will be soon.

6 I'm inviting us, the staff who put this
7 together as well as the grandmothers and the elders, I want
8 to thank them for all the important work, and that includes
9 the cameramen. I want to acknowledge all the hard work
10 that they've been doing 24 hours, 7 days a week, maybe
11 sleeping four hours and travelling from coast to coast,
12 missing their family members and their loved ones, and
13 taking time out to acknowledge this important work and
14 putting a shining light on the issues of missing and
15 murdered Indigenous women and girls. I want to acknowledge
16 you because without you other people in the remote
17 communities would not be able to hear us.

18 And to Canadians, all of Canadians to
19 please, please hear what we are saying. Make a difference.
20 It starts with one person. It starts with self.

21 I know that this is a hard journey. I know
22 because of my lived experience and losing family members.
23 But my heart goes out to the ones that are still missing;
24 the unanswered questions to those family members that
25 haven't been able to have the opportunity to come here;

1 that are afraid.

2 And I want to also readdress, too, the
3 federal government, Justin Trudeau, and Carolyn Bennett. I
4 want to acknowledge you; you said to me that you're an
5 arm's length away from me. Why is that when you can pick
6 up your phone and text me that? That is not -- that is --
7 that's a lie.

8 And one of the other things is I feel that
9 this important work that has to be done is not going to be
10 completed unless they meet us, and not be an arm's length
11 away from me.

12 I feel that as we go along, each and every
13 one of you are my spiritual allies. You're going to be
14 that light. You are going to be that light to the issue,
15 to go to your own community and to share what you've heard
16 today and the past three days, and to also acknowledge --
17 acknowledge your own spirit and your own strength, and
18 share it with those that are less fortunate, that aren't
19 able to be here today, in regards to the ones that are
20 still alive; the ones that are struggling in their
21 addictions and mental health and in poverty; the ones that
22 are marginalized.

23 The frontline workers, I see them today and
24 I want to thank them for being here today and being that
25 person with the great words, the educated words that you've

1 shared to stand up for the ones that are in the back
2 alleys, and the ones that are isolated on those small,
3 remote reserves.

4 I want to say again on behalf of National
5 Family Advisory Circle it is my great honour to sit with
6 you, to stand with you. They say there's a "Me" movement
7 in the States, the United States of America. I think there
8 should be a "Stand-up" movement in Canada.

9 I thank you again.

10 (APPLAUSE)

11 **MS. CEEJAI JULIAN:** That means stand up, -

12 --

13 (LAUGHTER)

14 **MS. CEEJAI JULIAN:** --- acknowledge this
15 National Inquiry; stand up for each and every one of us;
16 stand up for yourself; stand up for the missing; stand up
17 for the murdered; stand up for the ones that are on the
18 street. And like Dr. Cindy Blackstock -- I just met her
19 today but stand up for the children; the ones that are in
20 diapers; the ones that are going to grade school; the ones
21 that are in high school; stand up for the ones that are in
22 Thunder Bay. All across Canada, from nation to nation with
23 no borders, I ask you in honour and respect, that we stand
24 up for our human rights as Indigenous women and girls, all
25 my relations.

1 (APPLAUSE)

2 **MS. CHRISTA BIG CANOE:** Thank you.

3 Thank you, Ceejai, for those beautiful words
4 and sharing that with us.

5 (SHORT PAUSE)

6 **MS. CHRISTA BIG CANOE:** Thank you, ladies.

7 **MS. CEEJAI JULIAN:** Stand up to the
8 government, too.

9 (LAUGHTER)

10 **MS. CHRISTA BIG CANOE:** All right. I'd like
11 to invite the Commissioners to give their closing
12 arguments.

13 So we'll start with Chief Commissioner
14 Buller and then we'll move on to Commissioner Eyolfson and
15 then Commissioner Robinson.

16 Chief Commissioner?

17 (SHORT PAUSE)

18 **CHIEF COMMISSIONER MARION BULLER:** Thank
19 you.

20 Well, Ceejai's a hard act to follow.

21 (LAUGHTER)

22 --- CLOSING REMARKS BY CHIEF COMMISSIONER MARION BULLER:

23 **CHIEF COMMISSIONER MARION BULLER:** Yes,
24 let's stand up for what we know is right.

25 Well, what a week. I want to, first of all,

1 acknowledge and thank our hosts for their warm, generous
2 hospitality this week, and to acknowledge the lands that
3 are recognized. Of course, this week, the traditional
4 territory of the Mississauga Anishinaabe Nation of which
5 the Mississauga of the New Credit First Nation are part.

6 Chief Stacey Laforme, thank you. Thank you
7 for your hospitality.

8 I also want to formally recognize and
9 acknowledge knowledge keepers Valarie King and Norma Jacobs
10 for their kind and warm greetings from the Mississauga of
11 the New Credit First Nation and the Haudenosaunee; my
12 profound thanks.

13 NFAC, National Family Advisory Circle, they
14 literally have our backs, and I want to thank them. Not
15 just for today but every day that they work with us.

16 Thank you Elder Paul Shilling and Elder Blu
17 Waters for your prayers.

18 Naulaq LeDrew, thank you for lighting and
19 tending the qulliq.

20 Rita Blind, thank you for your guiding
21 wisdom.

22 To the Spirit Wind drummers, (undiscernible)
23 Crow Eagle Women's Drum Group, thank you for honouring us
24 with your songs and your presence.

25 Métis Senator Constance Simmonds, thank you

1 again for quite literally having my back. Thank you for
2 coming and being with us; it's been an honour to have you
3 here.

4 I want to thank and recognize the drum and
5 sacred items that are here every time we meet to help us
6 work in a good way.

7 To the witnesses who we heard from this
8 week, my goodness, I have to tell you it was hard for me to
9 remain serene and stay in my chair. I was so excited by
10 what I heard this week: New things, thinking outside the
11 box, moving ahead in a good way, building on the strengths
12 that we as Indigenous people have to live in a good way.
13 Thank you, witnesses, for letting us understand racism and
14 how it fits in our lives in perhaps ways we hadn't thought
15 of before.

16 And also I want to emphasize how I've
17 learned so much about how racism intersects with the
18 2SLGBTQ community. This was an eye-opener for me.

19 I'm not going to go on, other than to say
20 thank you all witnesses for changing me personally, and for
21 changing the work of the National Inquiry. You've really
22 made a difference.

23 For parties with standing, thank you for
24 your patience. Thank you for your insightful questions,
25 your comments, and for your thorough preparation. It's

1 made a big difference to our work as well in a good way.

2 I want to conclude by saying racism isn't
3 over. This hearing might be over, but racism isn't over.
4 And, we have to be vigilant every day, every moment to
5 remember how racism is so insidious and fills every corner
6 of our lives and our being. Until we meet next time, live
7 well, live strong. And, as CJ said, stand up.

8 I'd now like to call on Commissioner Brian
9 Eyolfson for his closing remarks.

10 (APPLAUSE)

11 **--- CLOSING REMARKS BY COMMISSIONER BRIAN EYOLFSON:**

12 **COMMISSIONER BRIAN EYOLFSON:** Thank you,
13 Chief Commissioner. I'd like to say thank you, merci,
14 miigwetch for this wonderful few days we have spent
15 together here, these very informative hearings that we've
16 had over the past few days. But, I'd also like to thank
17 our hosts, and acknowledge that many Indigenous peoples and
18 nations have walked these lands before, which is also the
19 traditional treaty territory of the Mississaugas of the New
20 Credit.

21 And, I'd also like to, as well, thank and
22 acknowledge the support and guidance provided to us by our
23 elders this week, by our grandmothers, our traditional
24 knowledge keepers, and also the members of the National
25 Family Advisory Circle who have been here with us this

1 week, sitting with us and supporting us and guiding us.
2 And, I want to recognize the many contributions made by the
3 witnesses who have shared their knowledge and expertise
4 with us this week, and by the parties with standing who
5 have helped in gaining understanding through all of their
6 thoughtful questions that they had to quickly ask and they
7 made very good use of that time.

8 And, I also want to recognize our MC, for
9 getting us started and getting us going in a good way,
10 Sheri Doxtator. And, I want to acknowledge the drum, the
11 drummers as well. So, I'm really happy that I think our
12 hearings here in Toronto have been inclusive and that we
13 have had a chance to welcome different perspectives.

14 And, over the last few days, we again heard
15 powerful testimony from many knowledge keepers and experts
16 who shared their experience and their knowledge with us, to
17 help us understand how racism and discrimination combine to
18 create vulnerable circumstances or target Indigenous women
19 and girls, and trans and two-spirit people. And, how
20 institutional racism and discrimination can impact their
21 health and wellbeing. But, we also heard about solutions,
22 ideas for solutions and practices that can be effective in
23 combating racism and creating safer spaces and services for
24 our Indigenous women and girls, 2SLGBTQ people. And,
25 today, we heard about racism in the context of journalism

1 and, of course, we heard from Dr. Blackstock about our
2 youth and children.

3 So, as you know, our job is to inquire into,
4 report on the systemic causes of all forms of violence
5 against Indigenous women and girls, and trans and two-
6 spirit people, to make recommendations on concrete actions
7 that can be taken to improve their safety. And, I think
8 the testimony that we've heard this week has provided us
9 with some really important information and context, and
10 that we can analyze and reflect on this and incorporate it
11 into our work and formulating our recommendations moving
12 forward.

13 So, I just want to thank the families and
14 survivors, and again the honoured witnesses that have
15 shared their truths with us this week and helped us honour
16 our murdered and missing loved ones with their presence and
17 knowledge. Thank you. Merci. Miigwetch.

18 (APPLAUSE)

19 **---CLOSING REMARKS BY COMMISSIONER QAJAQ ROBINSON:**

20 **COMMISSIONER QAJAQ ROBINSON:** Thank you. My
21 fever is coming back, so I'm going to be quick. I want to
22 thank our hosts, the Haudenosaunee, Mississaugas of New
23 Credit, the elders, the knowledge keepers who have been
24 here guiding us and opening with prayer and ceremony. The
25 health supports, spiritual supports for giving us the

1 medicines that we need when this gets heavy, and it gets
2 heavy, but also brings light, enlightenment, and working
3 through that is so important and thank you for that.

4 The drums, the songs, the elders. I want to
5 give a proper thank you to Naulaq, (speaking in Inuktitut).
6 It's so important to have the qulliq to create that welcome
7 space, that warm space, that light.

8 I want to thank the families and survivors
9 here in the room and those on the National Family Advisory
10 Circle that guide us and who have shared with us so much
11 insight. I want to thank the parties with standing for
12 your questions as well, and your presence, and committing
13 and being present here in this process.

14 I really want to thank those that came and
15 shared with us, the experts and the knowledge keepers.
16 We've learned so much this week, I've learned so much. The
17 experience of the 2SLGBTQQIA reality was, I think for all
18 of us, such a moment of learning. How right down to the
19 pronouns that are used when you encounter institution can
20 result in your fundamental human rights being denied. The
21 need for you to define your genitals, and gender and
22 orientation to get an education, these realities are just
23 so unacceptable and how devastating exclusion and being
24 ignored and being made invisible has.

25 We've heard about racism, and sexism, and

1 education, health, policing, media and child welfare, and
2 there's two points that I've learned this week that I want
3 to share with you before I conclude. I think we've all
4 learned that racism kills. Racism, discrimination,
5 exclusion, sexism kills. It kills sometimes at the hands
6 of that person. Other times, and what we've heard a lot
7 about, is it kills when there's a climate of indifference
8 and dehumanization which allows violence and exploitation
9 and killing of Indigenous women and girls, trans and two-
10 spirited to continue to happen with impunity.

11 I've also learned that racism is not the
12 problem or the responsibility of those that are subject to
13 its effects. We, as non-Indigenous Canadians, have to
14 address racism. We can't expect Indigenous women and
15 girls, trans and two-spirited and all Indigenous people to
16 be taking the lead on this.

17 Fundamentally, what should be happening at
18 this point in this country is you will have listened and
19 learned from the over 1,000 families that have shared with
20 you their experience of being dehumanized, erased and
21 ignored. And, it's up to you now, to learn and to act, to
22 crack open the books that our witnesses talked about, to
23 watch those films that are produced by Indigenous peoples.
24 I'll give you a couple of names to start. Arnait
25 Productions out of Igloolik produces documentaries that

1 properly reflect Inuit lives. Google it. They're free to
2 watch. I watched one last night.

3 There are so many places where you can
4 learn. Friendship centres in your community, go with an
5 open mind, ready to learn and ready to reject your
6 privilege and ready to give up your power so that it's a
7 shared one so that this country, as our witnesses have said
8 over and over, is a country that truly reflects what it
9 purports to be. I wish you all safe journeys home, and I
10 look forward to seeing you all in Regina very soon.
11 Nakurmiik.

12 **MS. SHERI DOXTATOR:** Thank you Chief
13 Commissioner, Commissioner Eyolfson, Commissioner Robinson.
14 Thank you for those words in closing. I'd like to call
15 upon now Chief Stacey Laforme from the Mississaugas of the
16 New Credit. Chief Laforme.

17 **--- CLOSING REMARKS BY CHIEF STACEY LAFORME:**

18 **CHIEF STACEY LAFORME:** A-ni, hello,
19 (speaking in Anishnaabe). So, since you talked about
20 racism over the last couple days, and Val's heard me tell
21 this story before, so she doesn't have to listen. So, I
22 dress like this. Actually, this is a ribbon shirt, but
23 this is actually that's toned down. I have some -- this is
24 my "blend in" shirt, so I have others.

25 So, I was in a store one day, because I

1 don't just wear this to share with you, I like to share it
2 with everybody. So, I wore this in a store one day and a
3 man goes, "That's a nice shirt." And, I said, "Thank you."
4 He goes, "It takes a special kind of man to wear a shirt
5 like that." And so, I said -- I chuckled and said, "Thank
6 you."

7 But, the truth is, when I was young I would
8 have been too afraid to dress like this, too afraid of what
9 others would say, what others would think. But, the truth
10 is, we should never have to change to fit into the world
11 around -- to fit into society. The world around us should
12 adapt to embrace our uniqueness, and I think that goes to
13 the crutch of what you're saying and about racism.

14 So, I'm here today, really, just to offer my
15 respect, my support, my strength and my love. I just wish
16 that I could travel in body with you when you go across the
17 country and have these conversations. I'll be there in
18 spirit if I can though. So, to Canada, never mistake
19 adaptation for resignation, never mistake sadness for
20 weakness for our people have proved historically that we
21 are strong and we can stand together.

22 (APPLAUSE)

23 **CHIEF STACEY LAFORME:** So, I'm going to read
24 you a poem now, and it's very much in keeping with stand up
25 movement as been suggested. It's called "Belief":

1 stars. Your memory shall lead us, as
2 it should, for we are with each other.
3 We are all connected, we are all
4 connected one, and as long as one
5 stands, we all stand and we will stand
6 forever."

7 Chi-miigwetch and thank you.

8 (APPLAUSE)

9 **MS. SHERI DOXTATOR:** Chi-miigwetch, Chief
10 Laforme. At this time, I'd like to call upon Micah to come
11 forward. We're going to call our elders up, and she's
12 going to help us distribute some of the gifts. So, if the
13 elders could please make their way forward? We have Val
14 King, Paul Shilling, Reta Blind, Senator Constance Simmonds
15 and Grandmother Blu Waters, if you could make your way up
16 to the front, please?

17 So, for -- in recognition of all your words
18 and wisdom, and your prayers, and your ceremonies that
19 you've shared with us, Micah, on behalf of the NFAC
20 families, would like to present you with a token of our
21 appreciation.

22 (PRESENTATION OF GIFTS)

23 **MS. SHERI DOXTATOR:** And, I'd like to ask
24 all of us just to show them a round of applause and thank
25 them for all their contributions.

1 (APPLAUSE)

2 **MS. VALARIE KING:** Thank you. Thank you,
3 everyone.

4 **MS. SHERI DOXTATOR:** Don't go anywhere, Val.
5 We're going to have you do the closing now too. So, I'll
6 call Val back up to provide us with a closing prayer.

7 **MS. VALARIE KING:** I had to -- (speaking in
8 Anishnaabe), which means she who speaks the truth. Woman
9 Warrior Leader is one of my names. And, when I got really
10 sick, another name came from the Lakota people, and that is
11 she who protects Mother Earth.

12 But, anyway, today I had to go to my room
13 for a little while after this morning's presentations, and
14 I thought about what I said the first day when I opened and
15 what came to me. And, I -- you know, I said racism is a
16 really hard word to me, and I talked about the writing, the
17 research that I had come across, the earlier writing, and
18 where that word "squaw" came from.

19 And, I never pictured myself going to
20 university, but I had this dream I had to go, and Stacey
21 was in it. Stacey was up in his -- up in the audience.
22 You know, how all of these seats are in university? I
23 couldn't make sense of what it meant. But, as I was going
24 through university, I kept thinking about that dream.
25 Then, I talked to my cousin who was a seer too, and I said,

1 "Do I have to go back?" And, he goes, "Yes." So, every
2 year I go back.

3 But, I wouldn't have come across that if it
4 wasn't for Indigenous Studies programs, especially Dawn
5 Martin-Hill, Dr. Dawn Martin-Hill. And, she was talking
6 about all of these stats, and I was researching it. And, I
7 was presenting to either 10, 15, 20, sometimes 200,
8 sometimes 400 people -- students at McMaster, and a lot of
9 them didn't understand or even ever hear about our people,
10 our stats or what was happening with our people no matter
11 what it was.

12 And then the one particular week that I was
13 going to present about missing and murdered Aboriginal
14 women, a friend in our community was murdered. And so, I
15 started this Facebook page called "Never To Be Forgotten",
16 and I start realizing how many I was posting. And, I
17 didn't go to school for a week. And so when I went back
18 and when I was doing my presentation, I asked everybody. I
19 start talking and I said, "Who all heard about this lady?"
20 And I had a picture. And nobody raised their hand, not one
21 person. That's how close they were to us. Forty (40)
22 minutes away. Nothing on the news.

23 So, like, everything that everybody was
24 saying, it doesn't matter what story it is. It's not on
25 the news. It's never on the news, but other race it is.

1 So I had broken down, but I finished my
2 presentation. And I completed that, but that one
3 particular piece is what I was talking about. I come
4 across where the word "squaw" came from and that the women
5 were mindless and that's what they were saying. And, you
6 know -- and I just had a nice cry because it really hit me
7 that that's what they really thought of us. And it started
8 way back then, like I said.

9 But when I look around this room at
10 Indigenous women and when I -- and all the women that I
11 have met since then as I travel and are my sisters, that's
12 not what I see. I see the strength. I see the beauty. I
13 see the resistance. I see the deep love and caring.

14 So I've -- every time I go somewhere I
15 connect with somebody and it makes my heart full and big.

16 So that part, you know, that part of that is
17 -- I wouldn't have known that and be where I am today and
18 start doing the work that I am doing to help the families,
19 to help the families, to help our -- to help the women, to
20 help the men, to help our children, to help our nations.

21 So when Judy DaSilva contacted me -- she was
22 one of the one people that I would research and quote.
23 She's activist. She's fought for the water Grassy Narrows.
24 She wanted to come to our First Nations and lay down
25 tobacco because she was coming to meetings here in Toronto.

1 So when she came, I was just nervous. But she's just like
2 me or you, you know. I had her up on a pedestal, but we
3 went and ate.

4 And she said to me -- I said, "I need to
5 really help. I don't know if I'm doing enough. I don't
6 feel like I'm doing enough." And she said, "I felt the
7 same way." I said, "I went into you weepy and I asked this
8 question, how can we help our families for the missing and
9 murdered?" And she said, "I did too." The same -- it's
10 the same night. We were in the same ceremony, same night.

11 And she said -- I said, "My answer was this.
12 The spirit said, keep singing, keep feasting and keep
13 dancing." And she said, "My answer was the same." Because
14 when we do those things, we heal them behind us, our
15 ancestors, those women, our grandma, great-grandma, all of
16 them. They sing and dance and feast with us and they heal.
17 And we help the ones ahead of us. That's what happens.

18 And then I know this work gets heavy. The -
19 - I can't imagine what the families feel. And somebody in
20 my community came to me that had a dream that had written a
21 couple of pages. They said, "We want you to talk about
22 this." And that came from the missing and murdered women
23 to tell me. And it just felt like they picked me back up.
24 And it was about singing and feasting and dancing, because
25 when we do that it comes off of our breath, comes off of

1 our body. It helps our mind and it lifts us up, lifts us
2 up. So that's what I share with people.

3 So this song's been playing in my head all
4 day about our children, about our innocence. It takes back
5 that innocence, and it's called the Wildflower Song. So
6 that's how I'm going to end this, my part.

7 So Miigwetch for letting me be part of this
8 and witnessing the stories.

9 (SINGING AND DRUMMING)

10 **MS. VALERIE KING:** I just want to say one
11 more thing. The last part of that dream where Stacey was
12 in there was the government was walking around looking at
13 flipcharts behind us. And all the helpers were coming
14 around the people and they couldn't -- they didn't -- they
15 couldn't see them, but they were guiding the people that
16 were working, so they couldn't be tricked anymore.

17 (APPLAUSE)

18 **MS. SHERI DOXTATOR:** Valerie King of
19 Mississauga of New Credit, thank you for those words. I
20 just want to mention as well that Chief Stacey Laforme was
21 gifted on behalf of the Commissioners. He was gifted a
22 copper necklace as well; right? Yes. He's got it on.

23 We'll turn it over now to Naulaq and do with
24 our ceremonial extinguishing of the Qulliq.

25 **MS. NAULAQ LEDREW:** Hello. Good evening.

1 First, what I would like to do is call Micah
2 (ph). Micah (ph) and I will be performing. She'll be my
3 singer.

4 (SINGING AND DRUMMING)

5 (MUSICAL PRESENTATION)

6 **MS. NAULAQ LEDREW:** Now, I will be closing
7 with the Lord's prayer in my language. (Speaking in
8 Inuktitut). My, that took my breath away. Thank you all.
9 Our spirits are high, our -- this has been a tremendous
10 journey. Thank you, hi-yuk (phonetic). Thank you,
11 Commissioner. Enjoy your evening. I'm going to go have
12 myself seal meat now.

13 (LAUGHTER)

14 **MS. SHERI DOXTATOR:** Thank you. Thank you,
15 Naulaq. We'd now like to turn it over to the Spirit Wind
16 Drummers, and right after them, we'll have the Eagle Women
17 singers as well that will join in. So, I'll turn it over
18 to Spirit Wind Drummers.

19 (MUSICAL PRESENTATION)

20 **MS. SHERI DOXTATOR:** Yong-go (phonetic),
21 chi-miigwetch a-nu-shik (phonetic) to all the drummers. We
22 do have some gifts up here, so before you leave, please
23 grab a bag for each of you. Thank you for that. I just
24 want to say that I hope that all those prayers, all the
25 songs you've heard will carry you home safely, and journey

1 well everyone, and hopefully everyone reaches their
2 destination safely, and I wish you all well. It truly has
3 been my honour to be with you this week. Yong-go, chi-
4 miigwetch a-nu-shik don-ay-toe (phonetic).
5 --- Upon adjourning at 5:23 p.m.

6

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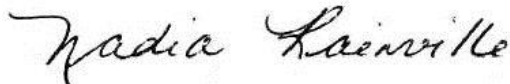
LEGAL DICTA-TYPIST'S CERTIFICATE

8

9 I, Nadia Rainville, Court Transcriber, hereby certify that
10 I have transcribed the foregoing and it is a true and
11 accurate transcript of the digital audio provided in this
12 matter.

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Nadia Rainville

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June 13, 2018