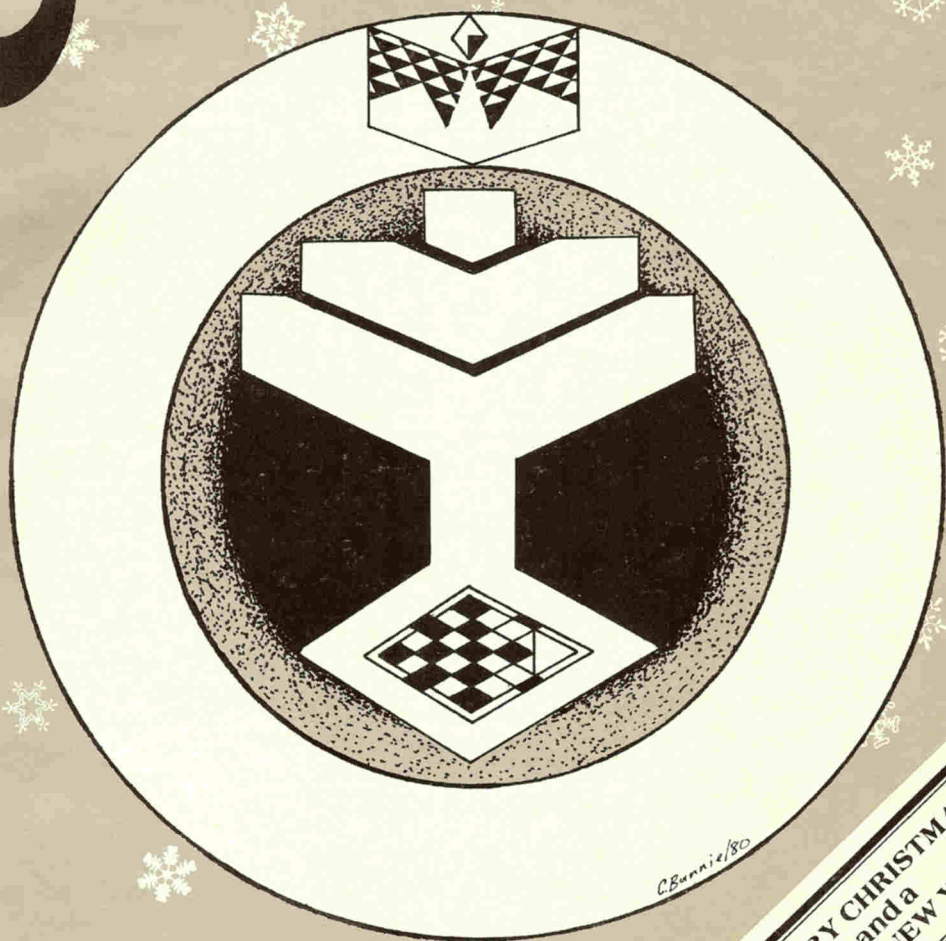


NEW BREED

DECEMBER 1980



C. Bunnic/80

"Voice of Saskatchewan Metis and non-Status Indians"

MERRY CHRISTMAS
and a
HAPPY NEW YEAR

LETTERS

Dear Editor:

At past annual meetings the topic of Aboriginal Rights has always been a major issue and it is my personal opinion that our Association should continue its efforts to seek a just settlement for the Metis people of this province.

However, in my travels throughout the area and the rest of the province it is readily apparent that there is no consistency amongst our membership as to what exactly the nature of this settlement of our claim should be, while our research was being completed we should have developed at the area level a policy position based on what local people perceived as a just settlement. This so far has failed to happen.

It would appear that most of our research is complete and we are entering a phase whereby hopefully most of this information can be distributed at a local or regional level. During this phase it is most important that the information gathered by our Ab Rights Dept. be presented in a form understandable by our people.

Once this information has been presented to our people it should help them understand completely where our people have been defrauded by people in positions of power, both in government and big business and sometimes in their own Associations, if this process is to be successful and we are to achieve a settlement of our choosing we must possess the necessary staff and resources to do this.

As a responsible member of this Association one should question why we have been able to obtain seven million dollars of LEAP funding for short-term job creations

projects but as an Association have been unable to obtain funding to pursue our foremost and toughest task, that of collecting a settlement for our people which is over one hundred years outstanding.

Funding must be obtained by this Association so we may hire or train the expertise required to explore the several options such as Royal Commission or court action, or perhaps both.

It should be remembered that throughout Canada right now there are several Metis, Indian, and Inuit groups who have presented claims to the Federal Government, some of these claims have been successful and some have not, it would do our Association well to meet with both the successful and unsuccessful groups.

Saskatchewan Metis have always considered themselves successful because of their past confrontation policies and the monies or funding our Association has received, however it is presently evident throughout Canada, particularly Northern Canada that other groups seem to have found the answers to dealing with racist and stubborn government officials, groups less in number, less vocal and with less money.

It must be remembered at all times that the first Metis Association was formed so they could petition the Canadian government for a land settlement.

A hundred years of repression and poverty are a living reminder that we cannot count on the generosities and self-serving actions of government.

To insure the most basic of



human rights for our children and future generations of Metis we must pursue a settlement which would include first of all a sizeable land claim, land which is held in perpetuity, free from tax, royalties and resources, rights to language, education, and religious freedom of our choice.

I think it wise to remember that other groups have received cash settlements but are now back in the same state of poverty they were before and still landless, it should be unacceptable to our people to think of accepting a settlement whereby there is no land included.

We must achieve political freedom for our people at all costs and we must change some of our tactics to achieve this, it would appear we not only have to educate our own people, but those who are leaders in white communities at the local level.

However all this is only reported rhetoric if we don't have the resources to accomplish it, I propose a tax be levied against the wages of any employee of the Metis Society, this money to be used for the purpose of hiring the needed expertise used to help obtain an equitable settlement for our people.

I would like to take this opportunity to inform members of the West Central Area that we have staff preparing for your local an edited edition of the final report issued by our Ab Rights Department.

Murray Hamilton

[Editor's Note: Part II of the series is printed in this issue Part I was in the November issue.]

Comments on our publication are most welcome. What do you think of the NEW BREED in general? What are your opinions on specific articles? What else would you like to see in the NEW BREED? These are but a few of the questions we would like to have comments on.

Send to:

LETTERS

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CORRECTION

November Issue Page 27. Students missing from SUNTEP photos:

Regina: Gordon Sinclair, Darlene Deschambault and Helen Cyr.

Saskatoon: Anne Pambrun.

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EDITORIAL

The Association has been conducting research on the aboriginal and land claims of its people for the past several years. A great deal of information has been gathered which indicates that at one time, the government *did* recognize such rights and took steps to attempt to extinguish these rights. The obligation to compensate the aboriginal peoples for the loss of land was undertaken by the government, under the British North America Act, when Rupert's Land and the Northwest Territories were transferred to Canada by the British Crown. The B.N.A. Act, however, is silent on exactly what these rights of the aboriginal people are. In view of more recent legislation, such as the Indian Act, and because of conflicting court rulings in Canada, the question of who is an Indian or aboriginal person is in some doubt.

The Association's position is, that Metis and Non-Status Indians are aboriginal people and therefore, the government of Canada has the same responsibility for them as for registered Indians. This will be the basis of the claim the Association plans to develop and put forward. This approach to our claims is being threatened by current plans for the amendment and patriation of the constitution. The proposed amending and patriation resolution introduced by the government further clouds the issue of who is an "Indian", and is so vague on the question of native rights as to be meaningless.

The Association has repeatedly communicated with the Government of Canada on this issue. The Prime Minister's reply to the Association and to other Native organizations has been to refuse to involve Native people in constitutional discussion at this time. In a letter to our Association and to other Native organizations, the Prime Minister has agreed to hold discussions on Native rights with Native organizations after patriation of the constitution. He further indicates that such discussions will only cover such matters "which directly affect Canada's Native People." Those matters are narrowly defined as aboriginal rights, treaty rights, internal Native self-government, Native representation in political institutions, and the responsibilities of the federal and provincial governments for the provision of services to Native peoples.

The question of constitutional reform is a very important one for Native people and for Metis and Non-status Indians in particular. The reasons for its importance and what a guarantee of Native rights enshrined in a constitution could mean to Native people, is discussed in some detail in the feature

article in this issue, by Clem Chartier.

The recognition of Native rights would ensure a satisfactory framework within which a land claims settlement can be negotiated. It would also provide the basis on which the exercise of other rights by Native people can take place. The lack of recognition of these rights could deprive our people forever, of their rightful inheritance as aboriginal people.

The proposed constitutional amendment is therefore inadequate, for the reasons outlined in the guest editorial by the Association lawyer, Rob Milen. The Native people cannot depend on the good intentions of the Prime Minister and his colleagues. Even if they are sincere, the process of amending the constitution after patriation is so difficult, that there is no chance of having any Native rights or a Native charter of rights enshrined in the constitution later. If the amendments do not even provide for the federal government to have legislative responsibility for Native people, then even the possibility of a charter of rights in legislation is closed to our people.

The Association is requesting certain minimal changes to the proposed sections of the charter of rights dealing with Native peoples. These amendments would;

- i) make it clear who Native peoples are;
 - ii) make the Government of Canada responsible for these rights;
 - iii) ensure guarantees in the present constitution, and
 - iv) recognize the contributions of Native people to the development of Canada.
- These proposed amendments are the minimum the Association sees as being necessary to keep the door open for future negotiations on land claims and to make possible the adoption of a charter of "Native Rights". The exact amendments requested and the reasons for these amendments are explained in the guest editorial and the AMNSIS position paper pg 6,7 - Editor)

In regard to constitutional patriation and constitutional discussions, the Association has set out the following position in its communications with the Government of Canada:

- (a) That all political Native organizations be allowed to participate in the discussions as full partners in all areas of Constitutional Reform.
- (b) That the federal government provide each Native organization with funds to develop its position and facilitate its input.

By full partnership, the Association means that Native representatives must be involved in all constitutional working groups, that we participate on an equal

basis in ministerial meetings with the provinces and the federal government, and that the leaders of Native organizations sit as full participants in meetings between the Prime Minister and the Provincial Premiers. It also means that we want to be involved in all aspects of constitutional discussions. The government has indicated that Native organizations will only be consulted on areas which directly affect them. These are narrowly defined. Our position is that all areas and aspects of constitutional reform affect our people directly and therefore we must be involved in all areas of discussion involving constitutional reform.

In the event that the Federal Government fails to respond to the requests of Native organizations, the Association has set out the following strategies, some of which are in process of implementation at this time.

These are as follows:

- (a) The Western Non-Status Native Associations develop a joint position on constitutional reform and patriation and that they jointly present this to the Government of Canada.
- (b) At the same time the Associations petition the Queen, the British Parliament, the Secretary General of the United Nations, and his Holiness Pope John, requesting their support for our position.
- (c) That we consult legal experts immediately to determine what steps we can take to prevent patriation until our rights are recognized in the constitution.
- (d) That we have our research staff, along with legal experts, begin work on a statement on Constitutional Reform, linking the findings of our Aboriginal Rights research with the incorporating it into constitutional positions.
- (e) That we continue to press for a Royal Commission into the question of Aboriginal Rights of the Non-Status Native people.
- (f) That failing a federal government response we find the means to hold our own public hearings to air these questions.
- (g) That we proceed with such legal action as is recommended by legal experts.

In closing, we again stress the importance of the question of Constitutional Reform and Patriation to our People. It is urgent that we agree on a course of joint action and that we take such action in the very near future. We cannot, based on historical experience, depend on the government to act in our interest, when that interest conflicts with the interest of the majority population. We must fight for the recognition of our rights and ensure that they are clearly recognized before the constitution is patriated.

GUEST EDITORIAL

Most Canadians are today confused or frustrated, or both, with all the hoopla and loud noises surrounding the debate on a proposed new Constitution for Canada. What's this process all about? What is the position of A.M.N.S.I.S. regarding what should be included in a new Constitution?

Under Canadian law, *all power* is divided between two levels of government - the federal government on the one hand; the provincial governments on the other. These powers are spelled out in a statute passed in 1867 by the Parliament of Great Britain and the United Kingdom. This statute is the British North America Act, 1867, or the *B.N.A. Act, 1867* for short.

Under this statute, the federal government is given the jurisdiction to pass laws for "Indians and Lands Reserved for Indians." Since 1867, the federal government has passed legislation dealing with Native rights, or aboriginal rights. The federal government inherited this legal tradition from the British.

Thus, in Canada, a consistent pattern in law has recognized Native rights, or aboriginal rights and so has federal government policy. As a result, a variety of agreements and settlements were made by the federal government regarding aboriginal rights, with Native peoples, which now cover approximately one-half of Canada.

These agreements and settlements vary. They cover the simple Treaties in central Canada to the more complex ones in Western Canada, in the latter, the federal government agreed to provisions for health, education, and economic development. The Metis, on the other hand, were treated quite differently. Their aboriginal rights were to be extinguished not through negotiation and agreement, but through unilateral legislation. No separate policy by the federal government was put in place to maintain the Metis as a category of persons with special status like Treaty Indians. Since the Metis lacked this government protection, their rights were recognized but

never settled in a satisfactory manner.

Now the federal government wants to create a new Constitution. It is suggested that within the context of the new Constitution for Canada it is possible to lay a framework so that resolution of the claims of the A.M.N.S.I.S. membership can occur. While *all* the Native organizations in Canada oppose the creation of a new Constitution at this time without proper recognition of their rights, it must be recognized that the federal government is going ahead with its plans whether the Canadian public likes it or not. Therefore, A.M.N.S.I.S. has attempted to take advantage of the

"Once a new Constitution is in place, the proposed amending formula makes it all but impossible to get your rights recognized and entrenched in the Constitution"

situation in order to seek amendments to the proposed Constitution so that your rights can be recognized and protected in a new Constitution.

All of the above points, along with positive suggestions for amendments to the proposed Constitution, are contained in a Brief recently sent to the Parliamentary Committee on the Constitution by A.M.N.S.I.S. Basically, the Brief asks for "a restatement of Native rights, something we have not had since the Royal Proclamation of 1763, with these rights recognized and entrenched in the new Constitution." The amendment will be contained in the *Charter of Rights and Freedoms* and confirm federal responsibility for the Indian, Inuit, Metis and other Native peoples of Canada.

It is critical that the new Constitution be properly amended *now*. Once a new Constitution is in place, the proposed amending formula makes it all but impossible to get your rights recognized and entrenched in the Constitution. Therefore, the Association has put forward positive amendments at this state of the process.

The proposed Constitution is also to contain a provision for annual meetings between the Prime Minister and the provincial premiers, unless they should decide otherwise. The Association believes that all Native peoples must be represented at these conferences.

Since 1867, then, the history of the treatment of Native peoples has been a disgrace. Should positive changes not be made to the Constitution *now*, you may be condemned to a future similar to the past. The justice you demand can only be met if, as the Brief states, we can:

"take advantage of this unique opportunity to lay the foundation for resolution of our just claims so that new relationships between Natives and non-Natives will be developed. The road to a better future can only be a better one if we pass successfully through the constitutional process so that we can begin the path down our own road to a just settlement of our just claim."

In this issue, *New Breed* is publishing the entire Brief submitted to the Parliamentary Committee on the Constitution. Please read it. Consider it. Study it. Space limitations prevent me from discussing the entire Brief.

After reading the Brief if you have questions, please direct them to me for response at 1170 Eighth Avenue, Regina, Sask. S4R 1C9.

Rob Milen

(Rob is a staff lawyer at the AMNSIS OFFICE IN Regina. He is a member of the Law Societies of Saskatchewan and the Northwest Territories)



CONSTITUTIONAL PATRIATION

The following is the complete text of the brief submitted by our President, Mr. Jim Sinclair, to the Parliamentary Committee on the Constitution. The amendments proposed by AMNSIS are designed to "keep the door open" for negotiations after Patriation of the Constitutions. For example, the AMNSIS definition of Native includes Metis, Status Indians, Inuit and other Native People. In this way Non-Status people and those who have never signed treaties are included in the definition. This is more all encompassing than the definition supplied by the Native Council of Canada. Similarly the other amendments proposed by AMNSIS are more inclusive of rights than amendments being proposed by other Native organizations. It is hoped that the Parliamentary Committee on the Constitution will see fit to use the AMNSIS amendments and recommendations because there are only five, they are simple and do not require much revision to the current Constitutional document. We encourage you to read the AMNSIS Position Paper as this may be our last chance to get Constitutional recognition of Aboriginal Rights.

Mr. Chairman:

We sincerely appreciate the opportunity to provide you with our views on the proposed new constitution for Canada. This constitutional process has considerable merit. Inherent in this process is the opportunity to provide the foundation wherein our people can begin to settle the fundamental outstanding issues which have made the Metis and non-status Indians the forgotten Native people of Canada.

From the beginning, Native rights, or aboriginal rights, have been recognized in Canada. A consistent pattern in law has recognized these rights. So has government policy. As a result, a variety of agreements and settlements regarding aboriginal rights were made with Native people which now blanket approximately one-half of our country.

These agreements and settlements with Native people are varied. The Treaties, for example, evolve from a single format in Central Canada to the more complex ones in Western Canada in which the Federal Government agreed to provisions for health, education, and economic development.

The Metis, on the other hand, were treated quite differently. Their aboriginal rights were to be extinguished not through negotiation and agreement, but through unilateral legislation. No separate policy by the govern-

ment was put in place to maintain the Metis as a category of persons with special status like Indians. Since the Metis lacked this government protection their rights were recognized but never settled in a satisfactory manner.

Now, people of mixed blood are making claims jointly with status Indians in the North, and in British Columbia, to resolve freely and fairly this unfinished business of settling our aboriginal rights and the constitutional recognition of our other rights.

The settlement of our aboriginal rights must be completed. There must also be a settlement which recognizes that we will never surrender our other rights such as our right to our identity as a separate and distinct people within the Canadian mosaic.

How, then, within the context of the proposed new Constitution for Canada can we lay a framework so that we can resolve our just claims so that a new relationship between Natives and non-Natives can, and will be, developed.

What we are asking for is a restatement of Native rights, something we have not had since the Royal Proclamation of 1763, with these rights recognized and entrenched in the new Constitution. We believe the way to go about doing this is to examine Section 24 of the

Charter of Rights and Freedoms, and amend it. Section 24 provides:

"24. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada, including any rights or freedoms that pertain to the Native peoples of Canada."

We would propose the following amendments:

- (1) The phrase "the existence of any other rights and freedoms" be amended to read: "the existence of land and/or any other rights and freedoms".
- (2) The phrase "including any rights or freedoms" be amended to read: "including the aboriginal and/or Treaty rights or freedoms".
- (3) The phrase "the Native people of Canada" be amended to read: "the Indian, Inuit, Metis, and other Native peoples of Canada".
- (4) Section 51 in the proposed Constitution be amended to delete subsection 91(24) of the *B.N.A. Act, 1867* wherein the Federal Government assumes the legislative responsibility for "Indians and Lands reserved for Indians". A new subsection 24(2) to the Charter of Rights would, we propose, re-assert and confirm Federal responsibility for the Indian, Inuit, Metis, and other Native peoples of Canada, and their rights.
- (5) Therefore, we propose the following:

"S. 24(1). The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of land and/or any other rights and freedoms that exist in Canada, including the aboriginal and/or Treaty rights or freedoms that pertain to the Indian, Inuit, Metis, and other Native peoples of Canada.

24(2). The Parliament of Canada shall have the legislative authority to protect land and/or any other rights or freedoms that exist in Canada relating to the aboriginal and/or Treaty rights and freedoms that pertain to the Indian, Inuit, Metis, and other Native peoples of Canada."

With respect to the proposed amendments it will still be our obligation to identify the rights of our people to the Federal Government who we believe are responsible within Section 24 of the amended *Charter* to settle all Native claims. It will also be our responsibility to put forward to the Federal Government the nature of our claims. The issues will be complex. Uncertainty is unavoidable. But our grievances can no more disappear than those of Quebec or the West unless we lay a framework on which a just settlement can take place.

Resolution of our claims are issues fundamental to us. Without a sufficient amendment to Section 24 of the Charter we cannot create a more productive framework in which we can sit down with the Federal Government to settle our grievances. Unless we take these steps the problems we seek to alleviate will remain with us. The problems we seek to alleviate can, and will, only be compounded if we are denied an opportunity in the new Constitution to open the door so that we might enter in-

to the living room of a new, refurbished, remodelled Confederation to resolve unfinished business.

To complete this business we are also suggesting an amendment to Section 32 of the proposed Constitution which relates to constitutional conferences of the Prime Minister and first ministers. We would propose that a new subsection be added to provide for the participation of Indian, Inuit, Metis, and other Natiave peoples of Canada. Section 32 with our amendment would read:

"S. 32(1). Until Part V comes into force, a constitutional conference composed of the Prime Minister of Canada and the first Ministers of the Provinces shall be convened by the Prime Minister of Canada at least once in every year unless, in any year, a majority of those composing the conference decide that it shall not be held.

S.32(2). Such constitutional conferences shall include the direct participation of the Indian, Inuit, Metis, and other Natiave peoples of Canada."

We would also propose, and strongly recommend, an amendment to the proposed Joint Address along the following lines to follow the present third "WHEREAS" clause.

"AND WHEREAS it is also desirable to provide in the Constitution of Canada for the rights of Indian, Inuit, Metis, and other Native peoples of Canada;"

We suggest such recognition is consistent with the two Joint Address to Her Majesty regarding the admission of Rupert's Land and the Northwest Territories into Confederation.

In this regard we are somewhat uncertain about Schedule 1 to the proposed *Constitution Act* which speaks of "modernization of the Constitution." We would request clarification as to the stand of the Federal Government in regard to what exactly comprises the constitution. We believe Canada's constitution is more than the proposed *Constitution Act*.

We note that Section 146 of the *B.N.A. Act, 1867*, now to be called the *Constitution Act, 1867*, provided for the entry of Rupert's Land and the Northwest Territories into Confederation. Section 146 stated in part that:

"...the provisions of any Imperial Order-in-Council in that behalf shall have the effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland."

The Imperial Order-in-Council passed by the British Parliament regarding Rupert's Land contained the following provision regarding the Hudson's Bay Company:

"14. Any claims of Indians to compensation for lands required for the purposes of settlement shall be disposed of by the Canadian government in communication with the Imperial Government and the Company shall be relieved of all responsibility in respect of them."

As well, the two joint Addresses to Her Majesty regarding the admission of Rupert's Land and the Northwest Territories were incorporated into the aforementioned Imperial Order-in-Council. The Order also contained the following from the joint Address to Her Majesty regarding the admission of Rupert's Land:

"...that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes for compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines."

We believe the foregoing are constitutional documents recognized under Section 146 of the present *B.N.A. Act, 1867*. Any "modernization" of the Constitution cannot, we submit, affect the status of the foregoing as part of our Constitution. Therefore, we seek assurance that Order-in-Council 9, passed and made the law of Canada under Section 146 will be included in the Patriated Constitution.

Lastly, we want to explain to you why the Native people are unanimous in their opposition to patriation without recognition and protection of our rights. We believe we have not been treated fairly since Confederation, therefore, we cannot believe that the Federal Government will seriously attempt to resolve our concerns *after* patriation. History is clear. We do not want the next 113 years to be a repetition of the last 113 years of Federal inaction, failure, and disgrace.

Should the Federal Government indeed not agree to make the changes Indian, Inuit, Metis, and other Native peoples desire, the amending formula ensures certain defeat of any future amendments pertaining to Native rights. Section 50 specifically provides that any amendments involving the *Charter* can only be amended in accordance with a procedure spelled out in Section 41 or 42. The rights of Indians, etc., are located in Section 50.

Given the parochial attitudes of so many of the Provincial Governments in our country, any attempts to seek amendments under Sections 41 or 42 would be only an exercise in accordance with the highest orders of frustration and futility.

We would be condemned to a future similar to the past. We fear greatly for such a result. Surely the degree of militancy, revolt, and extremist measures around the world should tell us all that if we don't collectively take the legitimate concerns of our people seriously, then the problems we so graphically see in other parts of the world, can become a problem succeeding generations in Canada may encounter in a real and direct way, all because we failed to deal adequately with a problem we could have begun to resolve in our new Constitution--a Constitution for *all* Canadians.

Canadians must learn that we will never surrender our identity as a separate and distinct people within the Canadian mosaic. We all need to take advantage of this unique opportunity to lay the foundation for resolution of our just claims so that new relationships between Natives and non-Natives will be developed. The road to a better future can only be a better one if we pass successfully through the constitutional process so that we can begin the path down our own road to a just set-

tlement of our just claims.

We have a significant piece of unfinished business that strikes at the foundation of Canadian society.

Is the government prepared for the challenge of laying a solid foundation for Native rights which will enable us to participate equally with other Canadians within what can become a truly great society?



Clem Chartier

Indian Rights and the Constitution

by Clem Chartier

This paper was delivered in a Panel dealing with Indian Rights and the Constitution at the Native Law Student Association Annual General Assembly. The writer, in 1977-78, was the Secretary/Treasurer of that Association and is currently the President of the Canadian Indian Lawyers Association.

As we all know, Canada is governed by a Constitution which is both written and unwritten. The British North America Acts form the majority of the written part of the Constitution. As such, this paper will deal with the B.N.A. Acts that are of relevance to half-breeds and non-status Indians. Of major concern is the difficulty of dealing with the different classifications of Indian peoples who have differing degrees of non-Indian blood coursing through their veins. This is at-

tributable to both historical developments and to legislation.

To begin with, the *Treaty of Utrecht (1713)*, the *Royal Proclamation of 1763* and the *B.N.A. Act of 1867* do not use the term half-breeds or non-status Indians. The *B.N.A. Act, 1867* merely contains the following phrase, "Indians and the Lands Reserved for Indians". There is no definition to be found and the only court case dealing with this issue is the 1939 Supreme Court of Canada *Re Eskimos Case* which held that the term "Indian" included the Inuit. In the No. 1, Vol 43 *Saskatchewan Law Review* (1978-79) is an article written by myself which uses the *Re Eskimos* analysis to conclude that half-breeds are also included under the generic term "Indian" in the *B.N.A. Act, 1867*.

Since Confederation, legislation dealing with Indians began to change and in 1876 when the first *Indian Act* was enacted the government stated that:

"...no half-breed in Manitoba who has shared in the distribution of half-breed lands shall be accounted an Indian; and that no half-breed head of family (except the widow of an Indian, or a half-breed who has already been admitted into a treaty), shall, unless under very special circumstances, to be determined by the Superintendent-General or his agent, be accounted an Indian, or entitled to be admitted into any Indian Treaty."

Clearly, prior to 1876 half-breeds were viewed as being part of the Indian peoples. However, as mentioned earlier, historical developments were to play a major role in the legislation that developed. In 1867 when Canada was created, the greater portion of what is now known as Canada was controlled by the Hudson's Bay Company. In Rupert's Lands, especially with respect to the Prairies and what is now known as Manitoba and Saskatchewan, the Hudson's Bay Company employed a large number of people of mixed blood. As time progressed this group of people, or at least a large majority of them, began to congregate into settlements of their own, notably the Red River. This group developed a distinctive culture and form of discipline and were involved in setting up the Provisional Government in 1870. They were also instrumental in negotiating Manitoba's entry into Confederation in 1870. Because of this, the Government in the East perceived them as being different from the rest of the Indian peoples and thus dealt with them differently. This is reflected in the *Manitoba Act, 1870*, which was ratified by the *B.N.A. Act, 1871*. Hence the above reference in the *Indian Act, 1876*.

In 1951, the last major revision of the current *Indian Act*, the government by section 12(1)(a)(i) and (ii) excluded from registration a person who has received or been allotted half-breed lands or money scrip and their descendants. This same section also excludes persons who have been enfranchised and those people upon attaining the age of 21 whose mother and whose father's mother attained Indian status by marrying an Indian man. Section 12(1)(b) further provides that an Indian woman who marries a non-Indian man loses her status, although the Act doesn't make this applicable to an Indian man who marries a non-Indian woman; in fact, section 11 provides that a non-Indian woman attains

status upon such a marriage.

That being the case, a person within Canada is either designated or labelled as a status Indian, a non-status Indian or a Metis or half-breed. In Eastern Canada and to a large extent in British Columbia, where status is lost through the Indian Act, the children are generally non-status Indians, whereas in the Prairie Provinces they're generally termed Metis, and the children of persons attaining status by marriage are registered as status Indians. To a great degree the status or lack of it is dependent on sex and the designation of half-breed or non-status Indian is based on geographic location.

Although non-status Indians and Metis are accorded the same non-rights by the Federal Government, the situation of the non-status Indians can be viewed in a better light, at least with respect to the Constitution and Indian Government citizenship. According to Ken Lysyk, in the Hawthorn Report, it is not open to either the Federal or Provincial Governments to control the definition of the terms contained in the *B.N.A. Act* by defining the same term in a particular way in a particular statute. Basically, the *Indian Act* definition cannot control the definition of the term "Indian" in the *B.N.A. Act, 1867*. The issue as to half-breeds being covered by section 91(24) of the *B.N.A. Act, 1867* is a bit more complicated, but the arguments for it are strong. However, caution must be adopted with the Metis or half-breed people when it comes time to determine citizenship of Indian nations. As pointed out above, there was a new development, being the emergence of a Metis Nation. This has further developed over the past 100-odd years and is now firmly entrenched. The Metis people will have to be viewed as a separate nation with the Indian peoples and they will have to develop their own criteria for citizenship, although there will be overlap in this area as there are half-breeds who consider themselves to be Indians.

That half-breeds are Indians, at least under its generic meaning, also finds support under the concept of Aboriginal Rights. Although this is a limited right developed by the colonial governments and their courts, it nevertheless can be used as a means to determine the right of the Metis and non-status Indians under the Constitution. Here again the case of the non-status Indians is clear and it is only the issue with respect to the half-breeds which has to be dealt with.

The first piece of legislation that specifically refers to the half-breed people is the *Manitoba Act of 1870* which unilaterally provided for the extinguishment of their Indian title. By section 31, the government set aside one million four hundred thousand acres to be divided among the children of the half-breed heads of families residing in Manitoba at the time of transfer, "in such mode and on such conditions as to settlement or otherwise, as the Governor-General in Council may from time to time determine". It can be noted that the provisions of the Royal Proclamation were not followed and the Government allowed gross injustices to be perpetrated against the half-breed people through the implementation of a grant and scrip system which left the half-breeds landless and in abject poverty which persists to this day. [See article on *Aboriginal Rights - Editor*]

This Act was ratified by the *B.N.A. Act, 1871* and in 1879 the *Dominion Lands Act* extended this unilateral extinguish-



The Honourable Murray Koskie, Minister of Social Services spoke to the supporters outside the Centre of The Arts.

Action Daycare Rally

In a show of support, about 400 Native and non Native men, women, children and elder people rallied outside the Centre of the Arts during the N.D.P. convention on November 15, 1980 in Regina.

Action Daycare organizers, wanted to bring their concerns to the

N.D.P. delegates and especially to the attention of the Honourable Murry Koskie, Minister of Social Services.

The issues are:

1. Quality of care (including the need for better facilities, staff training and food),

2. Cost, and
3. Availability of spaces.

Some of the groups participating in the rally were:

- Saskatchewan Action Childcare Prince Albert Women Co-operative
- Saskatchewan Native Women Saskatchewan Working Women Regina Native Women Day Care Worker's Association, and the Moose Jaw Native Women

In an interview with Ms. Donna Pinnay, Regina Native Women's Association, she pointed out that presently only a forty hour training program is required for daycare workers. The Native Women are pressing for a more extensive training program. Ms. Jane Coombe with the Women's Division, Department of Labour, confirmed this and added that a possible one year training program is now being considered.

The Native Women and Action Daycare have been working jointly since June 1980 to lobby for a commitment from government for funds, training and legislation to upgrade daycare in Saskatchewan. [Editor's Note: January New Breed will carry an in-depth look at present facilities and future needs in daycare.] ■

Native Daycare Centre Opens

Two grant approvals totalling \$10,000 from the Minister of Welfare were awarded to the Prince Albert Community Housing Society to begin a Native Day Care Centre in a renovated room in the Carlton Apartments.

The Director Bud Pocha explained that in order for single Native parents to compete for employment, and have a better chance to help themselves, their children can be enrolled in this day care Centre during working hours.

He further pointed out that the government subsidizes people in day care fees up to \$150 per child per month, provided that they are looking for work, or earn less than \$800 a month.

Example: If you have two children that you want to enroll in this Day Care, and if you make less



Photo: Dick Gustin

Local News

than \$800. per month or are looking for employment, all it would cost you is \$15 per month per child totalling \$30/month for both children.

The Centre is designed to become self sufficient. By self-sufficiency we mean that the monies collected from the government subsidies and fees collected from the parents, can go to wages and expenses of the centre. Regulations and floor space has limited the centre to 25 children.

Riel Native Employment Centre Celebrates Official Opening

The Native Employment Centre has been in operation since May of 1980. However due to relocation, staffing and operational structure, the official opening was delayed. The project has since come into its own. On Thursday, November 13, 1980, the Native Employment Centre, located at 2505 11th Avenue beside Riel Local, in Regina celebrated not only the opening of their doors, but also the successes of the project thus far.

In a short period of only six months, they have established both operational and financial stability. The entire staff is made up of six persons. The Director of the project, Dona Desmarais feels her staff are committed and competent.

The response to the opening was

The centre operates under a day care centre board who meet once a month, employs 3 full time workers, and at present has 12 children enrolled. The children are well cared for as they have 3 good meals, naps in the afternoon and fun sessions such as painting and games.

"Anybody wanting some information or help in Day Care matters just contact us at 335 River St. west, Prince Albert (922-5440)." This was the message that Mr. Pocha wanted

to relay to all the people in need of such a program or services.

Day Care Centre Board

*Rose Boyer-President
Bud Pocha-Vice President
Kent Halvorson-Treasurer
Stella Head-Secretary
Maryanne Ellis-Board of Directors
Norma Pelletier-Board of Directors
Mavis Pridham-Supervisor of the Day Care*

Native Employment Centre Opens



Top (Left to Right):

*Delora Parisien
Dona Demarais
Louisa Muskego
Dan Paul Bork
Marlene Anderson*

Left:

*Dona Demarais
Wayne McKenzie
Jim Sinclair
Don Ross*



excellent. Steps made toward credibility were realized. There was representation from Native groups, government and the private sector.

The mandate is clear: Employment and training opportunities for Native people. We are confident that programs and people of the calibre will be the vehicle to make change.



Season's Greetings

President's Message

Dear Members:

We are once again approaching the Christmas season, when many of us will be renewing acquaintances with relatives and friends as well as celebrating the Christmas holiday. This festival has been the symbol of giving, sharing, relaxing and for many as well, having a good time. In the Native community and in our Association in particular, it is a time when we take a few weeks off from the pressures of work and the constant struggle of our people to find their rightful place in their own land. This reminds us that the sharing in our society is quite discriminatory. The strong tend to share with the strong and the weak get the food baskets and the other crumbs that fall from the tables of plenty.

The position of our people for a century or more has been that of the weak and the poor. As we now make some progress toward self-determination and respect, we see increasing evidence of efforts to keep us down, to put us in our places, so to speak. We see the rise of the Ku Klux Klan in western Canada and its attempt to establish itself in our Saskatchewan cities by preaching racism against Native people. More disturbing, we see a hardening of the attitudes toward our people in certain circles of government. Nowhere is this more evident than in the current discussion regarding constitutional patriation.

The government is proposing a plan of action for constitutional patriation which has the effect of stripping our Native people of any meaningful constitutional recognition of their rights. The government of course says, "don't worry about that, we guarantee we will talk to you about your rights and claims after patriation." Well, the guarantee of talk is no guarantee at all. Furthermore, the possibility of having amendments made to the constitution at a later date, which provide for Native rights, must be considered as virtually impossible, given the methods for amending the constitution, set out in the government's constitutional resolution.

For this reason, our Association, along with all other Native organizations oppose patriation until our rights are recognized in the constitution. Our position is covered in more detail in various Editorials and articles in this issue of New Breed, and I would refer you to them so that you can learn about our views and the position we are putting forward. This issue will be one to which we will give a good deal of attention and effort over the next several months.

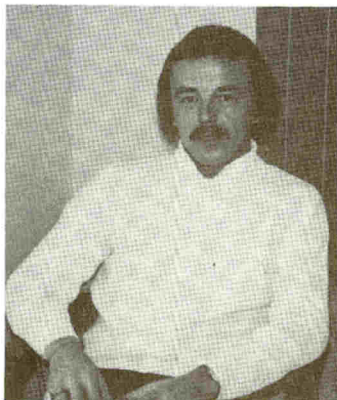
In other areas, I am happy to report that we have made some progress. The Dumont Institute has become a reality. We hope to be able to announce an effective career development and job training program within the next few months. We are in the process of putting together an economic development program. The N.R.I.M. review is complete and should lead to changes in that program. Work continues on the development of housing and recreation programs. Other actions are being started in the area of youth and women's programs, and so forth.

Your concerns are many, and the Association is attempting to deal with them. However, I and a few members of the executive cannot carry the whole load. I ask you in the spirit of sharing, to share this responsibility with us. We ask you to share the work; we ask you to give your time. We ask you to put aside your petty differences and we ask you to share with us the blame for things gone wrong. It is only through unity that we can advance. The enemy is outside our community, it is not ourselves. Therefore, I ask you to put your differences aside and share with us in the hard work to be done and in the decisions which must be made, if we are going to be successful in realizing our goals.

Enjoy your Christmas vacation in the spirit of sharing and goodwill, and in an atmosphere of moderation and order. I'll look forward to renewing acquaintances with you in the New Year.

Merry Christmas,

Jim Sinclair



Message from The Executive Director

Dear Members:

I, for one, am looking forward to the Christmas break. I can look forward to two weeks of relative peace and quiet, when by blood pressure doesn't madly fluctuate between normal and pre-heart attack levels. My telephone won't ring 50 times per day and I won't have to attend six meetings a day. For a while, I won't have to try to deal with impossible requests and settle everyone else's problems. I know these sound like selfish reasons for wanting a Christmas break but sometimes we have to put our own interests first if we are to survive in this mad world.

I, of course, want to experience the joy of sharing, fellowship and relaxation that Christmas promises to all. I agree with the message of your President in this regard, and I too, urge you to share in the accomplishments, the work, the decisions and the blame for things gone wrong. We can only make progress as a people if we are united and share in both the accomplishments and failures of our organization. Failures are events which we should evaluate for the purpose of learning how to do things better, not for the purpose of finding someone on whom to lay all the blame. We spend too much time looking at the bad things about our organization and not enough telling the story of our own accomplishments. I want to share with you some of our successes.

After many years of hard work, we have a cultural institution in which we can take pride in. Dumont Institute is developing a library resource centre for your use. It is working on curriculum resource materials which will be made available to the school system. As well, cultural and historical research is continuing. The Teacher Education Program is also well under way. We are, at present, working on a review of the N.R.I.M. program and it is the Association's intention to obtain these resources to develop a Community Education program.

We have also made progress on the development of a career development and job training program. We have reached agreement in principle on the details of the program with the province. We are now working with the federal government to determine our input into the program which must come through Canada Manpower centres. Linked with this development is the work which is going on to put together an economic strategy for our people. Our Board has looked at economic development amongst poor people in various parts of the United States and has gained ideas from this research. We have set up an economic development task force involving the two levels of government and A.M.N.S.I.S.. We have hired consultants to assist us in this development. Our plan is to have put together a proposed Economic Development Strategy for our people by year end. We have also begun to upgrade our magazine, the New Breed, by training staff, increasing circulation, publishing regularly, and improving the quality of the magazine.

There have been other areas of progress and activity which are too numerous to mention. I refer you to my report which was presented to the Annual Assembly for more of these details. There is much work yet to be done. In the next few months, we must work on the question of the patriation of the constitution. Part of this will involve further work on our Aboriginal Rights claim. We are planning to hold a delegate workshop on January 29th and 30th. The purpose of this workshop will be to look at what our claims are and what evidence there is to support them. We must then decide what claims we wish to make, what kind of settlement we want, and how we see that settlement being implemented.

There must also be work done on developing more effective housing programs, developing social-recreation programs, and in putting together, a complete communications program. There are other areas which must receive our attention in the future. These include correctional services, child welfare programs, and family support programs. We must always continue to improve and expand the alcohol treatment programs.

Our work is cut out for us and everyone must pitch in and do their share if we are to succeed. So don't spend all of your Christmas holidays celebrating; rest too, because we are going to need a lot of healthy, well-rested bodies to share the work after the first of the year.

Merry Christmas,

Wayne McKenzie
Executive Director

Trapping



Top: HBC 1, was a square token given for each White Fox hide

Centre: MB - Made Beaver - this token was given when the top layer of the fur had been removed from the hide

Bottom: North West Company token

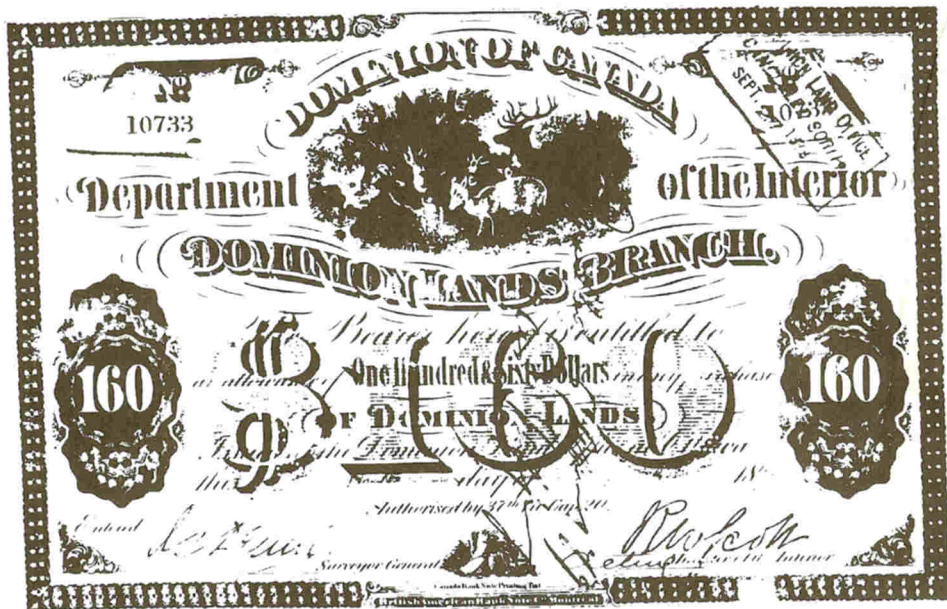
When Western Canada first became settled, Metis people depended on trapping and hunting as their main source of survival. There were two trading companies at that time, which were called the North West Company and the Hudson Bay Company. These companies were always competing against each other in trying to get the Metis to work for them. The Metis were well known for being excellent trappers and hunters. Due to the shortage of money in Canada in those days, each company had its own form of paying the trappers by using what was then called tokens. These tokens were then exchanged by the Metis people at various trading posts for the supplies they needed.



Photo: John Cuthand

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
New Moon January 6	First Quarter January 13	Full Moon January 20	Last Quarter January 27	New Years Day 1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

1870 - For seventeen days the 40 delegates discuss their List of Rights and the Provisional Government was established with Riel as president



Aboriginal Rights Part II

SCRIP AND SCRIP SPECULATION

by Lyle Mueller

Scrip, according to Webster's Dictionary, is a certificate which gives the person or corporation, to whom it has been granted, the right to receive something. It was used in the United States as a means of settling the west prior to its use in Canada. The U.S.A., however, discontinued its use because it was so susceptible to speculation and as a result it hindered the settlement process. Canada was aware of the problem that the U.S.A. had experienced with scrip before it decided to use scrip in Western Canada and therefore was fully aware of the speculation which would occur with the use of Scrip.

In a letter written by the Lieutenant-Governor of Manitoba, George Adams Archibald, the policy regarding the distribution of land to halfbreeds was established. He states that halfbreeds should not be

given land which was inalienable. His argument was that the halfbreeds did not know the value of land and would simply leave it lie idle. This would slow down the settlement process. His recommendation was to distribute the land in such a way that it would pass easily from the hands of the halfbreed into the hands of speculators, who would in turn sell the land to settlers. He recognized that the halfbreed would derive little, if any, benefit from the process. In addition, there would be no problem in building the railroad or telegraph system since they would not have to worry about negotiating for any lands along its route.

But what would happen to the halfbreeds? Archibald suggests that the halfbreeds would continue their traditional life style of hunting and trapping until the game ran out. As the railroad was being built, their

would be a demand for labour. The small-town merchants would be busy establishing their business and the settlers would be busy establishing their farms. The labour force to build the railroad would be provided by the halfbreed, who would have no other way of making a living.

The policy set out by Archibald on December 27th of 1870 can be followed in the use of scrip from that date onward. It is clear from this letter and from the research material gathered, that this policy was carried out. The contention of the Federal Government of the day that the Aboriginal Rights of the Metis were extinguished by the issue of scrip is, in the view of the Association of Metis and Non-Status Indians, invalid. The scrip was never meant to benefit the Metis.

KINDS OF SCRIP:

Money Scrip.

The provisions made for the issue of halfbreed scrip in an Order-in-Council on March 30, 1885, provided for the issue of money scrip only. These scrip notes specified a money value on the face of the scrip. These notes could be used to acquire open Dominion Lands (lands to which no one else had made a claim or which had not been set aside for other purposes) up to the value of the scrip. For example, in 1885, land was valued by the government at \$1.00 per acre and a \$160.00 scrip note would buy 160 acres of land.

Money scrip was made out to the bearer, which meant that whoever was in possession of it could take it to a Dominion Land Office and apply it on open Dominion

land. Although the scrip was to be used specifically to acquire land, it was considered to be personal property and therefore could be disposed of as any other personal property. Scrip had to be redeemed in land before its expiry date.

Money scrip resembled an oversize dollar bill. Anyone who had it in his possession could use it. As a result, it was very easy for speculators to deal in money scrip. Because the scrip eventually had to be redeemed in land, the speculators had to encourage settlement. The scrip had to be redeemed in land before its expiry date or it became worthless.

It is interesting to note that only halfbreed money scrip was considered to be personal property when issued. Military bounty and Colonization scrip was considered to be real estate and therefore came under real estate laws. Also halfbreed scrip became real estate when it passed from the allottee to the assignee i.e., from the person granted scrip to the buyer of the scrip.

Land Scrip.

When the first halfbreed commission began to hold hearings at the Qu'Appelle Lakes in 1885, the halfbreeds refused to accept money scrip and instead demanded a grant of land. As a result, the government amended the Order-in-Council of March 30, 1885 on April 18, 1885, to allow the granting of certificates entitling halfbreed children to a grant of 240 acres of land or the usual \$240.00 money scrip. As with money scrip, it was to be used to purchase open Dominion Land in the amount stated on the scrip note.

Land scrip, which was only issued to halfbreeds, was always considered to be real estate. The name of the person to whom the scrip was issued, always appeared on the face of the scrip note. The rules were that land scrip could only be located on land by the person to whom it was issued.

Because of these rules concerning land scrip it was not popular with speculators in the early days. It was much easier to speculate in money scrip than in land scrip. However, land scrip was sometimes bought by small-town merchants and lawyers or taken by them for trade or service in cases where the speculator had easy access to the allottee and where such a person would cooperate in getting the land scrip located.

Military Scrip.

Military scrip was always considered to be real estate. For this reason, Military Scrip was not valuable on the speculative market. It was granted to N.W.M.P. and army personnel as compensation for service. The rules were made to ensure that these persons would settle in the Northwest. The result, then, would be that there would be an available supply of manpower with military training if any extraordinary troubles arose. Also, police would establish the appearance of law and order and encourage settlement. Scrip was designed to pass easily into the hands of speculators which in turn would go to settlers. Rulings, in the allocation and distribution of scrip, were always made so that the process would be seen as being strictly legal and therefore a valid extinguishment of the Metis claim against the land.

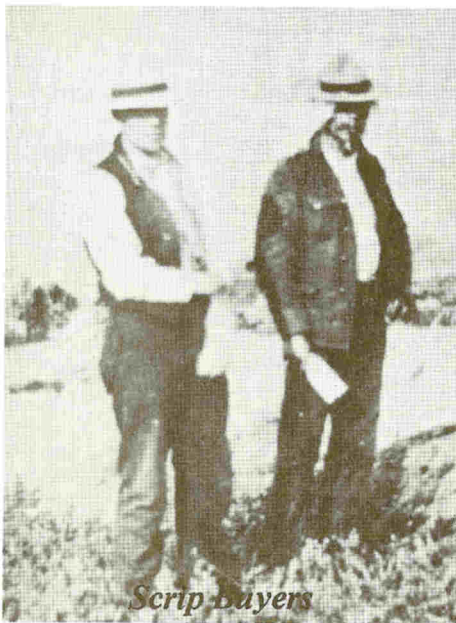


Photo: Archives of Canada

A New Beginning in Urban Native Education

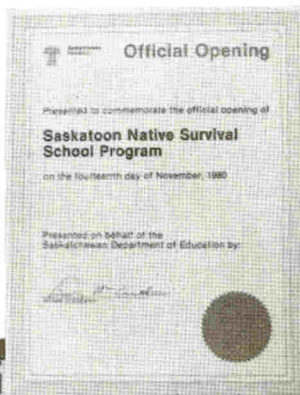
On Friday, November 14th, 1980, the Deputy Minister of Education, Mr. Ray Clayton, presented a plaque to the Saskatoon Native Survival School, to commemorate the official opening. The ceremony and celebration were held in the gymnasium which was filled to capacity with representatives from various Native organizations, government departments and people whose common concern is Native education in an urban environment.

In the opening ceremony that afternoon, Mr. Eli Bear explained the significance of the pipe ceremony which was conducted by Mr. Albert Machinine. Mr. Emile Bell (pictured standing) introduced the guest speakers (left to right) Mr. Ray Clayton, Deputy Minister of Education; Mr. Phil Hammel, Chairman of the Catholic School Board; Ms. Kay Waygood, representing the Mayor's Office; Ms. Vicky Wilson, Native Parent's Council; Mr. Walter Podilak, Director of the Catholic School Board; and Mr. Wilf Blondeau, Friendship Centre Saskatoon.

Following the speeches and presentation, refreshments were served and the visitors were able to socialize and tour the school. The evening program included a Pow Wow followed by a Give-Away Ceremony. About one hundred people, Elders, students, instructors, parents and visitors participated in the Round dances and Friendship dances. Five singers from nearby reserves formed the drum group and ended the Pow Wow with an Honour song for the students, teachers and Native Parent's Council. The evening was closed with a prayer by the Elders.

The Survival School was initiated by the Native parents who were concerned over the high drop-out rate of Native students in urban schools.

It was felt that a school such as this, was the most appropriate alternative to correct a problem which exists in many urban schools throughout the country. [Editors Note: See November Issue - Survival in Modern Terms]



Trophy Winner

Sizzling golfer, John Dorion of Cumberland House and his Pings captured the "Low Net Trophy" donated by the Saskatchewan Mining Development Corporation at the annual LaRonge Fall Golf Classic this year at Waskesieu. Above, Dorion's son J.T. wonders when he'll capture his first trophy.



John Dorion and J.T.

Photo: Courtesy John Dorion



Indian rights and the contitution Continued from Page 7
ment to the rest of the Northwest Territories although its provisions were not implemented until the 1885 War of Resistance at Batoche. Although the recognition of the half-breeds' constitutional right to aboriginal title was only for the province of Manitoba, there is a line of thought that advances the theory that all aboriginal people in Rupert's Land and the Northwest Territories had their aboriginal rights constitutionally entrenched by virtue of section 146 of the *B.N.A. Act, 1867*. This section provided for the entry into Confederation of those two areas and that:

"...the provisions of any Order-in-Council in that behalf shall have the effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland."

Subsequently, by deed, the Hudson's Bay Company on November 19, 1869, surrendered its Charter to the Crown. Following the negotiations between the Provisional Government and the Canadian Government, the British Parliament passed an Imperial Order-in-Council on June 23, 1870, by which Rupert's Land was to become part of Canada on July 15, 1870. Contained in the Order-in-Council is the following conditions:

"14. Any claims of Indians to compensation for Lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the Company shall be relieved of all responsibility in respect of them."

Also incorporated into the O.C. were two Addresses to Her Majesty by the Senate and House of Commons. The first one dated December, 1867, asked for the transfer of Rupert's Land to Canada and contained the following:

"...that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes for compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines."

The Order-in-Council does not refer specifically to half-breeds, however, it does refer to the "aborigines" and in the final analysis the *Manitoba Act* expressly recognized the half-breeds' right to Indian Title.

Mr. Justice Morrow, in the *Paulette Case*, was of the opinion that the provisions or "conditions" of the Order-in-Council above referred to, had,

"...become part of the Canadian Constitution and could not be removed or altered except by Imperial Statute."

Other than the *Manitoba Act*, it would appear that the Canadian Parliament would be precluded from dealing unilaterally with the aboriginal rights of the Indigenous people covered by that Order-in-Council, i.e., those living within the area covered by the Hudson's Bay Company Charter.

Whether or not this position is tenable, it is certainly argued by the Native Council of Canada and the

Association of Metis and Non-Status Indians of Saskatchewan that the action by the Government, coupled with its' knowledge of the fraud that was being perpetrated, was illegal, immoral, inequitable and lastly, did not meet the intention of the legislation, being the securing of land for the half-breed population. It is their position that their aboriginal title remains unextinguished.

Also of concern to the western half-breeds is the *B.N.A. Act, 1930* which ratified the Natural Resources Transfer Agreements between the provinces of Manitoba, Saskatchewan and Alberta and the Federal Government. By these Agreements the provinces were given ownership and control of the natural resources within their boundaries. Contained in the Agreements is a provision that the provinces would allow "Indians" to continue hunting, trapping and fishing for "food" on all unoccupied Crown lands and lands to which they have a right of access. This constitutional provision cuts down the aboriginal and Treaty right to hunt, trap and fish. An Indian can now only do so for food, not for commerce. The places of hunting are also restricted. Of great concern to the half-breeds and non-status Indians is the fact that "Indians" again is not defined. The Saskatchewan Court of Appeal in a very short judgement handed down on July 20, 1978 ruled, without a very adequate analysis of the law, that the term "Indians" as used in the Agreement did not include non-treaty Indians. Mr. Justice Woods stated that the parties to the Agreement must have had the 1927 *Indian Act* definition in mind, however, he uses the 1951 *Indian Act* definition as reflecting what the 1927 definition said, concluding that the correct interpretation would be to exclude persons not entitled to be registered as Indians. This decision was not appealed and the issue is still not settled. Clearly an amended Constitution would have to deal with this area.

When dealing with the Constitution it is also very necessary to deal with the concepts of Nationhood and Self-determination. The half-breeds as a nation of people who negotiated entry into Confederation certainly continue to exist as an identifiable group of people. Current statistics prove this point in matters of politics, culture, economics and social conditions. According to the Permanent Court of International Justice, the existence of a recognizable nation of people or national minority is a question of fact, not of law.

In summation, there is a definite need for a clear statement in the Constitution as to Indian rights which themselves must be clearly enumerated and made paramount. This must reflect ownership and control of natural resources along with the right to self-government and the institutions and jurisdictions which are needed to fulfill that self-government. We must remember that we can't rely on existing Canadian law to achieve our objectives, we have to be innovative and create new laws which will meet our needs and aspirations, including the rights of the half-breeds and non-status Indians. A revised Constitution is the place to implement these changes and it has to be done at its' next revision or we may have to wait another hundred years.

BOOKS, POEMS AND STUFF

WILD FLOWERS

Who are these prairie flowers of
Saskatchewan who had many dreams
The Metis, Non-Status and Treaty
These rare flowers had struggled through
mud and sun. We had a heck of alot
fun. We have no fears or tears.
For mother earth help us grow plentiful and wild.
Some are Metis some are Non Status
and some are Treaty. We come in
all shapes, sizes and colours. Nor forgetting
Mother and little brother.

Saskatoon Native Women
Elaine Jessop

[Editor's Note: Elaine Jessop was
recently elected as the new President
of the Saskatchewan Native
Women's Association]

NIGHT HEARTS

Starry sky
one star that glows
individual light.

Star so high
in the blackness that flows
still within sight.

Dawn breaking
fragmenting darkness fading
enveloping night.

Earth heart aching
in the morning
of yesterday light.

by Edward Poitras

Merry Christmas Joe

- A.E. Blythe

It is a long time ago, I know, but Christmas always has a way of bringing back memories. We lived on a hard rock piece of land in the middle of Saskatchewan during the thirties when everyone was so damned hard up you were lucky if you didn't wear your belly button out from rubbing on your backbone. I was only a kid then, craving for all the things kids crave for at that age...You made your own fun and your own toys and your own clothes. Mind you, it wasn't all bad, I can remember doing a lot of laughing during those years. But like everyone else we lined up in church hand-out lines and took what ever was given us. I can't remember ever having more than one pair of pants at a time.

I remember the year my heavier winter pants wore out in the seat and had to be patched and re-patched. One especially arrogant older boy dubbed me, "Two eyes in the ass". It seemed such an insult and I hated wearing them pants but as mother pointed out they were better than none. I guess Joe Moore, who lived to the north of us and who hardly ever made it to school, saw that it bothered me and one day he waited at the bridge just when the first break of winter came. When the taunter came along, Joe dumped him into the tumbling water and held him there until he promised to undo the name he had called me. On the third time down and bawling with all his mite the pasty-

faced fellow made Joe his solomn promise.

The name stopped after that and with the coming of spring I changed my pants and the incident was forgotten. Joe quit school that year and I hardly ever saw him again. Three years later I quit and shortly after that the war broke out and like other guys my age the army beckoned and we found ourselves in some country we didn't know anything about, doing things we didn't know the reason for.

I was in Caen, France on Christmas Eve and more homesick than a prairie dog in New York City. The lump in my throat was as big as a turkey egg and my eyes weren't watering from the whiskey I was trying to dissolve the lump with, when a pair of piercing black eyes looked me up and down and a deep voice said, "I'll be damned if it ain't two eyes in the ass' himself." I wept--I cursed--and I hugged that big lunk as hard as I would have hugged my own mother if she'd have turned up there. God--was I glad to see him.

Joe and I spent the next days together hashing over all the old day stuff and filling in the between day stuff and Christmas came and went just a little easier...I like to think Joe felt the same as I did. I never seen Joe again and it wasn't until I came home that I found he had been killed just a week after that, in the move from Caen to Chartres. Like I say, it is a long time ago but to Joe Moore, once again I say Merry Christmas Joe and thank you.

CHRISTMAS GREETINGS



Christmas in the North has traditionally been a time when people come together to celebrate friendship and families. I hope that tradition remains with you this season.

As we begin a new year, let us renew our commitment to work together with a spirit of determination and cooperation to build a better northland.

Season's Greetings to all.

Jerry Hammersmith, Minister
Department of Northern Saskatchewan



Northern
Saskatchewan



The
beauty
of
life
is
that
every
day
we
have
another
chance.



METIS CULTURAL CALENDAR 1981

New Breed has just completed the Metis Cultural Calendar 1981, a unique collation of the people, events and symbols of the Metis Tradition. With a grant from the Department of Culture and Youth, a limited edition is now being printed. Available December 1st, the Metis Cultural Calendar 1981 is ideal for Christmas gift giving. Orders will be filled on a first come first served basis. The cost of the calendar is three dollars which includes tax and postage. Please make cheques and money orders payable to New Breed Calendar and send your order to:

*New Breed Calendar
Suite 301 - 2505 - 11th Avenue
Regina, Saskatchewan. S4P 0K6*

PLEASE PRINT CLEARLY:

NAME _____

ADDRESS _____

Please find enclosed a cheque or money order in the amount of \$ _____ for _____ copies of the Metis Cultural Calendar 1981. Please DO NOT send cash in the mail.



Daphne Odjig Beavon

Two hours after the opening of her exhibit, twenty-one of the thirty-five new works were sold. Ms. Daphne Odjig (Beavon) has achieved national and international success as an artist, with no formal art training.

Ms. Odjig (Mrs. Beavon) is an Ojibwa from Wikwemikong on Manitoulin Island, Ontario. She spent hours as a child with her grandfather, who taught her about her Ojibwa heritage. She was always observing nature and the birds and animals where she grew up. Often, in the morning before breakfast, she would be drawing.

At age 18, Ms. Odjig left the reserve as there were no jobs. She supported herself by working as a cook and as a housekeeper, but continued her interest in art by making pencil sketches of scenes of the traditional northern Native lifestyle.

In 1971 there was a major showing in which she participated with Carl Ray, Norval Morrisseau, Eddy Cobiness, Alex Janvier, Jackson Beardy and Sanchez. At that time they were referred to as "The Group of Seven" indicating that this style and movement of painting was as unique and dynamic as the original Canadian "Group of Seven", impressionists in the 20's.

Among her accomplishments are commissions by the Manitoba Museum of Man and Nature, the Cultural Development Division, Ottawa, by El Al (Israel) Airlines and by the National Arts Centre. She has exhibited in Yugoslavia, South America, the United States and Canada.

The mural *The Indian in Transition*, used to advertise the touring exhibition "Traditions and Change" sponsored by the Department of Indian and Inuit Affairs, shows how Ms. Odjig has absorbed the influence of other artists, notably the style of Pablo Picasso's mural *Guernica*.

Her recent exhibit, "Parallels of Nature" which opened in Regina November 22, 1980, combined large canvasses done in acrylic and sold in the \$5,000.00 range with line drawings in the \$800.00 range. These new works, done in the last two years, depart from her former style

in choice of palette. Formerly her work predominantly involved the primary colours, red, yellow, and blue with vivid brown faces and black outlines defining the colourful shapes. Much use of patterning, reminiscent of gingham and calico dresses, was evident in her former work. This time only brief use of such patterning was seen and appeared to be more decorative than a pronounced part of the overall design.

The acrylic paintings were done in muted earth tones, beiges, taupe, olive, greys, browns, pale yellows and tan. A few blues and terra cotta shapes highlighted some of the canvasses. The carry-over of the use of black outline identified her work as belonging to the Woodland style of painting, made popular by Norval Morrisseau. This time, however, the outlines are uniform in thickness and act to unify the paintings. Most of the paintings deal predominantly with female figures and children, with titles such as *Under Her Protective Wings*, *Universal Love and Nestling*.

In many cases, the outlines describe circular composition, visually reinforcing the protective, tender theme of the paintings.

In the line drawings, Ms. Odjig makes use of animal and cartoon-like creatures to continue on the theme of her paintings. The outline style in the painting carries over in the line drawings. The swirls define shapes although they are often fine, sometimes redefined with secondary lines of grey or tan. The hairlines of the figures are defined in such a manner and highlight the faces, quickly sketched, with dashes for eyes and o's for mouths.

Much of the work is lyrical, even humorous, such as in the drawing *A Gentle Push* where two laughing fish-like creatures push out a third from the fish-net hammock in which they are playing. One particularly appealing work, *Mating Dance*, depicts two grouse in moccasins curtsying in prelude to the elaborate drumming dance of courtship of the male grouse. The flowing, expressive use of line incorporates both the vision of this instant in the dance and the impression of the impending explosion of wings and booming intended to attract the female.

When asked about the lyrical, spirited quality evident in this showing, Ms. Odjig responded by saying that she couldn't help but feel happy while watching the birds and animals in Nature. Her home near Kamloops, B.C. is surrounded by trees and the natural environment, the inspirations for her current series.

Energetic and quick like a bird in person, perhaps some of the secret of her personality and her new life style comes from her ancestry. Her great great-grandfather was Chief Assiginack on Manitoulin Island. "Assiginack" may be translated from the Ojibwa as Blackbird, Black Eagle or Black Partridge.

Because of her marriage to Mr. Chester Beavon, a non-Native Ms. Odjig is now classified as Non-Status Indian. When questioned about her feelings, she replied that her status, or lack of it, is merely a government definition. "I am still an Indian. I am still me inside. We are all Natives here together."

This writer was truly honoured to meet Ms. Daphne Odjig Beavon whose work I have admired for many years. She sets a fine example as an artist, a woman and a person of proud Native identity. ■L.N.

Bob Boyer

"You'll never amount to much" that's what Bob remembers being told at the end of highschool.

Currently an Assistant Professor at the University of Regina, Bob has also been successful as a painter, having shown his work in more than thirty-six exhibitions across Canada. In his art classes at the University, he incorporates traditional Native techniques, such as quill work and tanning hides, with information about the lifestyle and philosophy of traditional Native groups across North America. Students learn not only to identify North West Coast work from Eastern Woodland styles, but learn the social, cultural, religious and technological forces acting on those people during different periods in time.

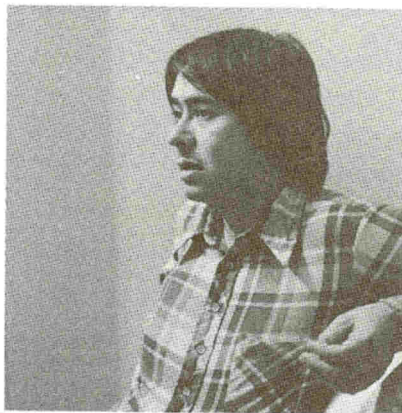
Before coming to the University in his present position, Bob worked as a surveyor in Northern Saskatchewan, a D.N.S. personnel administrator, a high school art teacher in Prince Albert and also held a position with the National Museum of Man putting together a show on Plains Indian Art of the last 100 years.

Having a studio in his home, Bob is able to spend time with his wife Anne and their two children. Recently, he made the decision to give up cigarettes and alcohol. He's found that it's benefitted him in two ways; first, he is better able to cope with daily stress, and secondly, he feels he is now able to express more energy and emotion in his art.

Going up to his studio we were able to view two works in progress, both on a shield cover theme. [Editors Note: See October Issue Centrefold] His method is to work on large canvasses (between 4 and 5 feet tall) and to under-paint in acrylics. As the ideas begin to come out in images and symbols, Bob switches to oils, highlighting those parts and overpainting the less important details.

Spending about two hours daily on either painting or craft work, Bob also enjoys "playing around" with his art.

When he used to do landscapes he often hid animals in the clouds. Another time he included his wives and his initials outlined in a



heart, as part of the graffiti on the wall he painted.

Presently, he says that his children and their friends are his best critics. They watch him working and pick out the parts they like best. Sometimes, he says, they see things that he missed. When that happens he paints it in more distinctly if he likes the idea.

The change from all realistic egg tempera landscapes to massive oil paintings, using abstract symbolism has taken place gradually. Since he came from the St. Louis/Prince Albert area, he could always see the horizons around him, so he painted what he saw. When he moved to LaRonge, the horizons were limited because of the forests. As a result, his style changed to become brighter and more impressionistic. Bold daubs of colour replaced the fine precise lines he had formerly used. The transition continued, his canvasses getting larger and the subject becoming more abstract.

Describing his current work, Bob points out that he is now able to use colours that don't occur naturally in landscapes. His newest painting follows the shield theme, striking the viewer with the vivid interplay of purples, magentas and violets dominating the canvas. The scintillating colours imitate the wind rippling through the streamers. In former works, Bob has actually attached ribbons and tufts of feathers which reinforce the kinetic qualities of his work.

Currently, Bob completes about two paintings a month on top of his full time teaching at the University. Reflecting on the prediction of his former teacher, Bob feels that his anger spurred him on to achieve, to complete his education and to be productive.

Further, as a teacher, Bob is careful not to label his students or to make comments about what they can or cannot do. A Saskatchewan Native, Bob hopes that we don't have to keep continually dividing people by categories and that all people can be judged by their human qualities.

OPINION:***Ku Klux Klan***

I recently listened to an Alberta Ku Klux Klan spokesman tell me that a Toronto based branch of the Klan is Neo-Nazi and racist while his group in our neighboring province pursues nothing but lofty ideals. The assumption that anyone could actually swallow such a line is an insult to the intelligence of national, sensible people.

The name Ku Klux Klan is synonymous with racism, persecution and violence. Nothing about the organization is distinguished or worthwhile. Nothing can be good about an organization that puts race ahead of the human race and isolates on the basis of religion or culture. To suggest that some branch of the Klan has cleaned up its act and now only pursues the decent things in life is to assume that the rest of us are children. It seems to me that if I wanted to pursue the purist ideals, I would not do so under the sheet of a Klansman or by wearing a swastika. The swastika was once a respectable symbol, but it was permanently tarnished as the symbol of Nazism. To attempt to do good using the Ku Klux Klan label would make as much sense as a dedicated Christian naming a child Kidas.

People would do well to be fully informed about the activities and aims of the Klan. In some places Klansmen have been approaching school children with their material. In times of economic stress and social upheaval extremists seem to thrive. A rational, informed public is best able to deal with such extremes. The Soviet Union puts a clamp on those opinions it disagrees with. The fibre of a free society has to be able to withstand the views of even the most bizarre or repugnant philosophies.

(by Lorne Harasen)

Reprinted with permission from broadcast by CFMQ Nov. 14, 1980

***Native Rights Coalition***

About 25 people, Native and non-Native, met at the Regina Friendship Centre on November 12, 1980 to form discussion groups on Native issues. The first hour was spent getting to know one another and discussing the proposed aims and objectives of the organization. (See November issue, Letters to the Editor)

Two committees, one to study the Canadian constitution and one to investigate recent Ku Klux Klan activity in Regina, were set up.

In an interview with Kevin

Daniels, group organizer, he stated that the study groups would be reporting on possible action such as an information program to educate the public about these matters.

Kevin pointed out that this organization is voluntary and not government funded. The group plans to support the Union of B.C. Indian Chiefs and other Native groups in their efforts to lobby for entrenchment of Native rights in the new Canadian Constitution.

The next meeting is tentatively scheduled for Wed. Dec. 10 at the Friendship Centre.

THE SASKATCHEWAN HUMAN RIGHTS COMMISSION

RACE DISCRIMINATION

WHAT DOES THE CODE SAY?

The Saskatchewan Human Rights Code prohibits discrimination against any person or class of persons because of their race in a number of different areas. These are:

- In Employment
- In Public Accommodations
- In the Rental of Housing Accommodations
- In the Purchase of Property
- In Education
- In Contracts
- In Publications

In addition, the Code prohibits discrimination on the basis of colour, nationality, ancestry and place of origin.

If you have any questions, please feel free to contact the nearest Saskatchewan Human Rights Commission office.

Saskatoon Office
2604-8th Street E.
Saskatoon, Sask.
S7H 0V7
Phone: 664-5952

Prince Albert Office
49-12th Street E.
Prince Albert, Sask.
S6V 1B5
Phone: 764-6846

Regina Office
1819 Cornwall Street
Regina, Sask.
S4P 2K6
Phone: 565-2530

THIS IS A PAID ADVERTISEMENT BY THE SASKATCHEWAN HUMAN RIGHTS COMMISSION

FIELD LIAISON WORKERS

The Gabriel Dumont Institute of Native Studies and Applied Research requires six trainees to train as field liaison officers. The training period will be a minimum of five months and may be extended to ten months if necessary.

Trainees will receive both formal and on the job training to provide them with the knowledge and skills they require to function as field liaison officers with the Institute. The role of the field liaison officers is to provide an information exchange link between Native locals and the Institute, to assist locals to identify their education and training needs and to plan and implement training programs, and to carry on related educational and recruiting duties for the Institute.

Trainees should have completed their grade 12 or have equivalent training and experience, and have had some relevant community experience.

The training salary will be \$1100.00 per month.

Apply in writing to:

Dr. Kenn Whyte, Executive Director,
Dumont Institute, 2505 - 11th Avenue,
Regina, Saskatchewan, S4P 0K6,
stating qualifications and experience.

Closing date for applications is December 22, 1980

IMPORTANT MESSAGE!!!

The Riel Local will be sponsoring an Aboriginal Rights Hearing at the Local Office, 2505 - 11th Avenue, 2nd Floor, on January 6, 1981 at 7:00 P.M. The purpose of the hearing is to record the Aboriginal Rights Claims of the Regina Metis and Non-Status Indians.

CORRECTIONS WORKERS

A CAREER OPPORTUNITY IN CORRECTIONS

Corrections Division, Saskatchewan Social Services, is inviting applications for Corrections Worker positions for provincial Correctional Centres located at Regina, Saskatoon and Prince Albert. Successful candidates will have their names placed on an Eligible List from which future selections will be made over a period of several months.

Following appointment from the Eligible List, Corrections Workers will be provided with 16 weeks of training including both classroom study and field placements. Trainees will be on full salary during the training period. On successful completion of training, each Corrections Worker will be assigned to a permanent position within one of the Centres. Preference will be given to applicants who are prepared to accept a position in any of the three locations.

Candidates will have a good employment record, and a sincere interest in a career in Corrections. Experience in working with groups or with people of various cultures would be an asset. Credit and non-credit courses related to human service work (life skills, psychology, recreation, social work, Indian studies, human justice, etc.) may be substituted for some work experience.

SALARY:

Correctional Worker 1
\$18,972-\$23,004 (professional credentials)
\$18,252 - trainee
\$17,268-\$20,856 (non-professional credentials)
\$16,632 - trainee

COMPETITION: 702061-0-4212

CLOSING: As soon as possible

Forward your application forms and/or resumes to:
**The Saskatchewan Public Service Commission,
3211 Albert Street,
Regina, Saskatchewan. S4S 5W6.**
quoting position, department and completion number.

APPRENTICESHIP AND LABOUR STANDARDS INSPECTOR

Saskatchewan Labour, Apprenticeship and Standards Division, LaRonge, requires an Apprenticeship and Labour Standards Inspector to administer labour laws as they pertain to wages; hours and conditions of work; apprenticeship training and trade persons qualifications.

Applicants should have a Journeyman status or university graduation with considerable related experience; or an equivalent combination of knowledge, skills and abilities. Preference will be given to candidates who have a knowledge of the Cree Language.

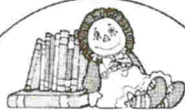
SALARY: \$22,104-\$27,024
(Apprenticeship and Labour Standards Inspector 1)

COMPETITION: 402041-0-6281

CLOSING: As soon as possible

Forward your applications forms and/or resumes to:

**The Saskatchewan Public Service Commission,
3211 Albert Street,
Regina, Saskatchewan. S4S 5W6,**
quoting position, department and competition number.



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But you need the skills those jobs take. That's why the Government of Canada has started Native Opportunities Training.

Native Opportunities Training is a way for you to get the training you need to get your fair share of the good, steady jobs.

Native Opportunities Training is open to men and women. Talk to your Outreach Worker or to a counsellor at the Canada Employment Centre.

And make a change for the better.



Canada 

Employment and
Immigration Canada
Lloyd Axworthy
Minister

Emploi et
Immigration Canada
Lloyd Axworthy
Ministre

Northern News

People and Events In Northern Saskatchewan

For over 30 years, Northern News has been serving Saskatchewan's north. Northern News is a radio program about the north and its people. The program can be heard in English and Cree.

From fur prices to employment opportunities, from personal messages to social events, Northern News provides information of particular interest to the north. Be informed: listen to Northern News.



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5:45 p.m. CST

2:05 p.m. CST



Northern
Saskatchewan
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A Very Merry Christmas and Best Wishes for a Happy and Successful
New Year from all the Staff and Board Members of AMNSIS



H** Greetings to All **H

NEW BREED STAFF - Left to Right: Leona Poitras, Bev Cardinal, Liz Nicholls, Buckley Belanger, Joan Beatty, Gene Stevenson, Edward Poitras