OAHS says Chi-Migweech to Canadian Senator, Patti LaBoucane-Benson

Hon. Patti LaBoucane-Benson: Kisi manitou, kinanaskomitin. Creator, thank you for another day.

Colleagues, what an honour it is to rise and offer my maiden speech in this Red Chamber. And as a side note, I can't believe it's still called a maiden speech in 2019. I would have thought that ship sailed a long time ago for this group.

My father is a LaBoucane. The LaBoucane family is a proud Métis family with roots from France to the Red River and to the LaBoucane settlement in Alberta. My mom's side is from the Bukovina region of the Ukraine. I'm a Métis Ukrainian and I grew up on Treaty 6 territory in St. Paul, Alberta. I want to acknowledge that I am here today working on the traditional Algonquin Anishnaabeg territory and I'm very grateful to be here.

It is also with profound gratitude to my parents, my husband, daughter, sons and grandchildren for the support and love that makes it possible to work so far away from home in a job that offers tremendous capacity to be in service to my community and my country.

This is also a great time to acknowledge my grandmother, Grace LaBoucane. A political animal and a force of nature, Grace was on the executive of the Progressive Conservative Association of Alberta at a time when women were expected only to lick envelopes and throw parties.

Grace cared little for home decor and a lot for community-based campaigning. On her bedroom dresser, there were only two pictures: one of my handsome Métis grandfather, Paul, and the other was one of Dief the Chief.

Grace was actually offered a Senate seat by Prime Minister Diefenbaker, but in those days there were no cell phones and no FaceTime and it was difficult for a woman to leave her family and business in Alberta to work in Ottawa, so she declined the opportunity. Well, Grammie, this speech is for both of us.

(1510)

Senator Harder stated, in his maiden speech, that non-partisanship of the Senate was the only way ". . . the talents and experience of each and every senator may be fully applied to the consideration of proposed legislation . . ." I have to admit my first thought was let's hope I have some.

I have spent the last 23 years working for and with Indigenous peoples in Alberta. I have had the good fortune to work with people and for an agency that supported me to pursue two graduate degrees and build a vibrant research department. I have produced over a dozen evidence-based videos that focussed on public policy and legal education and wrote a graphic novel that became a Canadian bestseller.

Along the way, I've been mentored by Indigenous elders and philosophers who helped me unpack the effects of colonial law and consider how we heal from historic trauma; from the long-term intergenerational effects of not only residential the schools but many pieces of legislation over the past 200 years that has damaged kinship relationships; denigrated Indigenous legal traditions and language;

demonized Indigenous spiritual expression; damaged the collective Indigenous identity; and introduced helplessness, hopelessness and powerlessness into self-determining communities. I assume that every one of those laws was passed by people like you and me, using what was considered the best philosophical and scientific evidence at the time.

I have no doubt that every lawmaker in both the upper and lower chamber believed that the good of the country — and if not the extermination, then the betterment of Indians — depended upon the assimilation of every Indian nation until no nations but one remained, and that nation was Canada.

Parliamentarians in the Province of Canada passed the Gradual Civilization Act in 1857. In this law, the government assumed that every Indian man — women and children didn't matter — but every man must want to have a full British identity. The British identity was held as a gold standard, and by default the Indian identity was made inferior. An indigenous man was thus expected to reject his family; his language, culture and spirituality, and any family member who practised it; take on a British or French name; and pass an inspection by an inspector of Indians for good moral character. And if he could get all of that done, he would get what every immigrant coming to this land got — full citizenship and the right to vote.

To be seen as fully Canadian — fully human, even — an Indigenous man had to reject his indigeneity, the essence of who he was. If he chose to enfranchise, his wife and children would be made to enfranchise; they had no choice.

There was profound resistance to this law. Very few men enfranchised. However, this law became the foundation of the Indian Act, and the idea of the inferior Indigenous identity was therefore entrenched in the Canadian social fabric. We're still unpacking this toxic narrative today. The pervasive stereotype of the lazy, unintelligent Indian can be found quickly on hundreds of social media pages. So much so that the CBC had to shut down the comments section of their web-based platforms because they could not effectively monitor the racist rhetoric.

In 1869, as Senator Dyck said, the Enfranchisement Act was passed, and for over a hundred years, when a First Nations woman married a non-Indigenous man, she would lose her Indian status, her children would never have it, and because of the power of the Indian agent, she was told she had to live off reserve with her husband, and her capacity to come on and off the reserve was restricted. This damaged family relationships.

Although the 1985 amendment to the Indian Act was supposed to fix this injustice, you know that Bill C-31 is actually as much an assimilation policy as the original. Bill S-3, the act to eliminate discrimination from the Indian Act, has been passed, but we have yet to see any action on this legislation.

Colleagues, it is true that much has been said about the Indian Act and residential school policies in this chamber and the other place. The intergenerational legacy of removing children from the loving embrace of their families and communities to be placed in hostile, sterile, underfunded, overcrowded institutions that focussed not on academics but on Christianization and assimilation is well-documented.

Those lawmakers clearly did not have a crystal ball. They could not see three, five, seven generations into the future, and they did not anticipate the devastation their actions would cause for Indigenous families and communities — mass incarceration and child apprehension, chronic disease, mental health issues, homelessness and poverty.

In 1999, the Supreme Court of Canada in the Gladue decision said that the over-representation of Indigenous people in the criminal justice system was a crisis of over-representation. At that time, Indigenous offenders made up 12 per cent of our federal prison population and only 3 per cent of our Canadian population. If it was a crisis in 1999, it's an unmitigated disaster today. A full one quarter of our prison population is Indigenous, and the fastest-growing population is Indigenous women.

Correctional Service Canada did its own survey of 316 Indigenous inmates and found this about them: Half the sample were in the child welfare system before prison, 61 per cent had family members in prison, 73 per cent had family members in residential schools, and 18 per cent were survivors. And the statistic that I have the hardest time with is that a full one third of the population was first introduced to Aboriginal culture and teachings in the prison system.

I'm so grateful today that the directors of two Indigenous healing lodges are here because they witness that devastation every single day. They're on the front lines of healing and reconciliation.

A few weeks ago, I met with 10 Indigenous offenders at the Stan Daniels Healing Centre. They had just completed the second of a series of programs addressing historic trauma. Programs grounded in nehiyaw, or Cree teachings of wahkohtowin, that helped them to find their own healing journey, their miyopimatisiwin. These men were victims of intergenerational and profound childhood trauma, only to be further traumatized in segregation in prison.

Over-representation is clearly and irrefutably an historic trauma story. I would argue, with the literature review right behind me, that public safety at its core is a healing and reconciliation story.

In the Speech from the Throne, His Excellency stated that ". . . the Government will undertake to renew, nation-to-nation, the relationship between Canada and Indigenous peoples . . ." This is a tall order, considering that so much of the current discourse, both political and academic, harkens back to those original toxic narratives about Indigenous people.

The belief that Indigenous peoples cannot be trusted to make their own decisions is still evident in the Indian Act we have today. The belief that Indigenous peoples cannot care for their own children still lurks in child welfare policies and practices throughout this country.

Colleagues, today is my fiftieth birthday. More important, it's also the fiftieth anniversary of the publication of The Unjust Society, which was written in response Jean Chrétien's White Paper by the late and great Dr. Harold Cardinal when he was 21 years old and the President of the Indian Association of Alberta. Harold's thesis that we need to pull back the buckskin curtain to shed light on the dire situation of First Nations people and the self-determination of Indigenous peoples — what my Aboriginal Australian friends would describe as "nothing about us without us" is as important today as it was 50 years ago. I had the good fortune to work with Harold before he passed. He was my friend, hero and mentor.

In 1999 the thirtieth anniversary edition of The Unjust Society was published, and Harold had a chance to reflect on the progress and challenges facing Indigenous people at the time.

He stated:

Canada ought to know better by now. They ought to know that never, never again should Canada and its governments be allowed to aggregate unto themselves the power to decide what is in the best interest

of Indian children. They should ensure that the sole right and primacy of First Nation authority and jurisdiction is legally recognized.

A full 20 years later, we are anticipating an Indigenous child welfare bill. What I wouldn't give to sit down with Harold with a double-double and talk about this bill today.

In 2019 we could finally repatriate the ability and capacity of Indigenous communities to care for their own children. What a tremendous opportunity we have to right a past wrong, but will we be bold enough to do it?

Harold also wrote that in 1969 he and other leaders were fighting for their very survival to prevent the termination of Indian First Nations in Canada. However, in 1999, he wrote:

The enlightened segment of Canadian society appears willing to break away from its past colonial mindset, enabling it to welcome and embrace First Nations as unique and distinct political communities who are entitled to their right to self-determination, within the constitutional framework of Canada.

And 20 years later, colleagues, we are finally debating Bill C-262. The question I would ask Harold, if given the opportunity, is how will an UNDRIP bill be enacted when the Indian Act, with all of its colonial bias, is still in place today?

(1520)

Finally, senators, to borrow from Maya Angelou, my mantra for what could be the next 25 years of my life in this august chamber will be: Now that we know better, we must do better.

(On motion of Senator Bellemare, debate adjourned.)

The full transcript can be found here.