



SPEAKING NOTES

OF

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FOR THE

GRAND COUNCIL OF THE CREES (EYYOU ISTCHEE) /

CREE NATION GOVERNMENT

PUBLIC INQUIRY COMMISSION

ON RELATIONS BETWEEN INDIGENOUS PEOPLES

AND CERTAIN PUBLIC SERVICES IN QUÉBEC:

LISTENING, RECONCILIATION AND PROGRESS

VAL D'OR

JUNE 14, 2017

1. Commissioner Viens, thank you for the opportunity to make this first presentation to the Commission of Inquiry on behalf of the Grand Council of the Cree (Eeyou Istchee), the Cree Nation Government and the Cree Nation of Eeyou Istchee. We are very pleased that the Commission has been established and to see the energy and efficiency that have characterized the Commission's work to date.
2. In your opening remarks on June 5, you expressed the hope that this Commission of Inquiry will be the last of its type. I join you in that hope. The work of this Commission can and must lead to the action that will translate that hope into reality.
3. My remarks this morning will be in the nature of an opening statement. After my first comments, my colleague Melissa Saganash and I will provide an overview of the initial brief tabled this morning with the Commission on behalf of the Grand Council of the Cree (Eeyou Istchee), the Cree Nation Government and the Cree Nation of Eeyou Istchee.
4. This Commission's mission statement is "Listening, Reconciliation and Progress". On the first day of the hearing, Madame Viviane Michel told us how important it is to hear people's stories. I have three stories to share with you today. Two are about a canoe, and the third is a cautionary tale.
5. Let me begin with a story of a canoe, but one from the other end of Canada. It's called "The Spirit of Haida Gwaii – the Black Canoe", and it's the masterpiece of the late, great Haida artist Bill Reid. It stands before the Canadian Embassy in Washington.



Wikipedia, Photographer: Bengt Oberger

6. This is how Bill Reid starts the story of the canoe:¹

Here we are at last, a long way from Haida Gwaii, not too sure where we are or where we're going, still squabbling and vying for position in the boat, but somehow managing to appear to be heading in some direction; at least the paddles are together, and the man in the middle seems to have some vision of what is to come.

7. Reid goes on to describe the various characters in the canoe. They include the Bear, looking backward to the past, and the Bear Mother, concerned for her children and looking to the future. And, of course, the Raven, the trickster, steering the canoe. Reid wonders whether the “tall figure who may or may not be the Spirit of Haida Gwaii [is] leading us, for we are all in the same boat, to a sheltered beach beyond the rim of the world”.² Reid doesn't tell us the answer – it's for us to discover. The

¹ *The Spirit of Haida Gwaii*, <http://www.billreidfoundation.ca/banknote/spirit.htm>.

² *Ibid.*

voyage he describes reminds me a bit of the one that we are starting together. Like the Bear and the Bear Mother, we must look both to the past and to the future.

8. It was fitting that the Commission began its work last week by hearing from the Indigenous women leaders who have done so much to establish this Commission: Madame Viviane Michel of the Québec Native Women, Chief Verna Polson of the Kebaowek First Nation and Grand Chief of the Algonquin Anishinabeg Nation Tribal Council, Chief Adrienne Jérôme of the Lac Simon Anishnabe Nation, Chief Adrienne Anichinapeo of the Kitcisakik First Nation and Madame Édith Cloutier of the Native Friendship Centre here in Val-d'Or.
9. They presented the Commission with moving and disturbing testimony. They spoke of the deep wounds that systemic discrimination has inflicted on Indigenous people. They spoke of a justice system that does not work for Indigenous people and their feeling of betrayal. They spoke of fear and distrust of the police. They spoke of public services that are seen as a threat, not a help. They spoke of chronic social problems, caused in no small measure by third world living conditions. They spoke of substandard and underfunded education, health and social services, police, housing and infrastructure.
10. All this in one of the richest countries in the world. The scandal is summed up in an article entitled "The Canada most people don't see" that appeared on June 5, the same day as the Commission began its hearings. The article describes this "other Canada", the one where far too many Indigenous people live:³

Most of us don't see that Canada. It has an unemployment rate worse than Sudan and the median income is on par with Latvia. There, the infant mortality rate is worse than Russia. The sewage systems often don't work, and there is no fire department. Medical facilities are few and far away. Drug and alcohol addictions are rampant. TB is at epidemic levels, and the

³ Scott Gilmore, "The Canada most people don't see", *Maclean's*, June 5, 2017: <http://www.macleans.ca/news/canada/the-canada-most-people-dont-see>.

rate of HIV infection is higher than Nigeria's. This is a Canada of broken windows in tarpaper shacks.

No, our Canada is a different place. In high school when we sneak some beer the police don't beat us. Our wives don't live in fear of sexual assault, and the justice system treats us with compassion. Life is good. By every measure, our Canada is one of the safest, healthiest and most prosperous places in the world. Sitting on our backyard decks, barbecuing steaks for dinner, we're a very long ways from the other Canada.

[...]

In the other Canada there are 89 communities without safe drinking water. A child is more likely to be sexually assaulted than to graduate high school. The murder rate is worse than Somalia's and the incarceration rate is the highest in the world. Imagine if that was your Canada. Imagine your rage if your children lived there.

11. This goes beyond public health statistics, legal procedures and sociological theory. It is a question of human dignity and respect. It cannot be put better than Madame Michel did on June 5: "It's beyond me that we are not treated like human beings, it's just beyond me."⁴ Indigenous people face discrimination so widespread and so deeply entrenched that some internalize it. As Chief Ghislain Picard said on June 5, "Many members of our communities, without exaggerating, would consider that type of situation normal, even acceptable."⁵ This is the ultimate perversion, that the discrimination daily visited on Indigenous people so robs them of their dignity and self-respect that some begin to believe they deserve no better.
12. What the courageous women who sparked this Commission are telling about is the daily experience of Indigenous people across Canada. A recent cautionary tale shows this in the starkest terms.
13. Again on June 5, CBC News in Edmonton reported⁶ the tragic story of "Angela Cardinal", a fictitious name because her real one is subject to a publication ban. The

⁴ <http://journalmetro.com/actualites/national/1149746/audiences-sur-les-relations-avec-les-autochtones>.

⁵ <http://www.cbc.ca/news/canada/montreal/viens-inquiry-ghislain-picard-1.4147951>.

⁶ <http://www.cbc.ca/news/canada/edmonton/sex-assault-victim-jailed-judge-edmonton-1.4140533>;
<http://www.cbc.ca/news/canada/edmonton/sex-assault-victim-jailed-ganley-1.4146682>;

see also:

story was also reported by *Le Devoir* in its coverage of the first day of this Commission's hearings,⁷ underlining its relevance to our work here.

14. Angela Cardinal was a young homeless Indigenous woman in Edmonton who in 2014 was kidnapped by Lance Blanchard, a violent criminal, tied up, sexually assaulted and then repeatedly stabbed. Through her courage and resourcefulness, she escaped and, against all the odds, she survived.
15. A year later, at the preliminary inquiry of her aggressor, the prosecutor and the judge (a former deputy minister of Justice in Alberta)⁸ were concerned about Ms. Cardinal's physical and mental state. They decided to detain her as an "uncooperative witness", to ensure that she would remain available to testify. This was despite the fact that she had promised to attend at court and had asked to stay with her mother. She was put in the same remand centre as the man who had assaulted and stabbed her. On at least two occasions, she was locked in the same van as him to go to the courthouse.
16. Angela Cardinal was brought into the courtroom handcuffed and in leg shackles. She was angry about being locked up. She told the judge, "I'm the victim and look at me, I'm in shackles. This is fantastic. This is a great ... system." The judge replied, "You're going to go back to remand tonight so that we can get you back here tomorrow." The victim was furious: "Shackles – aren't you supposed to commit a crime to go to jail?" Despite her protests, she was forced to spend a total

<https://www.theglobeandmail.com/news/alberta/alberta-minister-shocked-angry-with-treatment-of-sex-assault-victim/article35201678>; <http://edmontonjournal.com/news/crime/chief-judge-to-examine-court-ordered-shackling-and-jailing-of-sexual-assault-victim>; <http://www.macleans.ca/news/canada/the-canada-most-people-dont-see>.

⁷ <http://www.ledevoir.com/societe/actualites-en-societe/500512/services-publics-et-autochtones-une-relation-a-revoir>.

⁸ <http://edmontonjournal.com/news/crime/paula-simons-apology-too-little-too-late-for-sexual-assault-victim-sent-to-remand-centre>.

of five nights in the remand centre during her testimony. Seven months after this ordeal, she was shot and killed in an unrelated incident.

17. In December 2016, Lance Blanchard was found guilty of aggravated assault, kidnapping, unlawful confinement, aggravated sexual assault, possession of a weapon and threatening to cause death or bodily harm. The Crown will be asking for him to be designated as a dangerous offender.⁹
18. In his reasons for judgement, Mr. Justice Eric Macklin reviewed the circumstances of Ms. Cardinal's detention in some detail.¹⁰ He noted that during breaks in the trial, she was held in a cell next to or near that of the accused. After concluding his reasons, Judge Macklin took the unusual step of adding a postscript about Angela Cardinal:

[347] The Complainant was a 27-year-old Indigenous woman who was homeless and living on the street. I have related the circumstances surrounding her remand to ensure attendance at the Preliminary Inquiry (paras 228 to 238 above). Her treatment by the Justice system in this respect was appalling. She is owed an apology. Unfortunately, no apology can be extended to her as she was tragically shot and killed in an unrelated incident.

[348] In her testimony, she confirmed that she had graduated from Grade 12 and was a good student. It is not difficult to accept this would be true, as she clearly came across as an intelligent woman during her testimony. While there were times when she was clearly distraught, much of her testimony was given in a clear, cogent, coherent and articulate manner. She spoke of having some artistic talent and displayed a sense of humor when suggesting that drawings she had taken depicting the Accused's apartment and the Accused were not of Picasso quality. When shown a particular photograph of the scene, she identified a piece of paper on the floor as a poem that she had written. She recited the poem in Court and indicated that she kept it in her sock so that in the event it fell out, she could "make someone smile from a distance without knowing it . . . cute little things like that might make life beautiful".

⁹ <http://www.cbc.ca/news/canada/edmonton/sex-assault-victim-jailed-judge-edmonton-1.4140533>.
¹⁰ Honourable Mr. Justice Eric F. Macklin, *R. v. Blanchard*, 2016 ABQB 706, paras. 228-238.

[349] I was only able to hear the Complainant's testimony. Unfortunately, her life circumstances did not allow society to see or experience her intelligence and artistic qualities.

19. Judge Macklin did Angela Cardinal the courtesy of seeing her as a human being, with her own individual personality and dignity. But it was too late, for the system had failed to see her this way. On June 5, the same day as this Commission started its work, the Alberta Minister of Justice Kathleen Ganley stated that Ms. Cardinal's case raised the question of institutional racism:¹¹

On Monday, Alberta's justice minister said the province had launched an independent investigation into the woman's experience and had also struck a committee, made up of representatives from the justice system, to explore the gaps in policy that might have given rise to the woman's treatment. "She was the victim of a horrific crime," said Ganley. "And when she came to the justice system, we failed to treat her with the respect and dignity she deserved."

The minister – who has also apologised to the victim's family – said she had never heard of any other complainant being treated in this way and raised the possibility that institutional racism may have played a role. "One of the questions that keeps me up at night is whether it would have been the case that if this woman was Caucasian and housed and not addicted, whether this would have happened to her," said Ganley.

[Emphasis added]

20. Other voices raised the same concern:¹²

"Horrible," lawyer Grace Auger, a former vice-president of the Indigenous Bar Association, called the woman's treatment. In an interview with *The Globe and Mail*, she said the victim's Indigenous background was the "elephant in the room. I do believe – and this is hard to say – that it played a big role."

21. Why tell this story here? After all, Edmonton is far away, and, as far as we know, no Indigenous woman has been jailed in Québec to guarantee her testimony in court

¹¹ <https://www.theguardian.com/world/2017/jun/06/alberta-sexual-assault-victim-jail-investigation>; see also: <http://www.cbc.ca/news/canada/edmonton/sex-assault-victim-jailed-ganley-1.4146682>.

¹² <https://www.theglobeandmail.com/news/alberta/alberta-minister-shocked-angry-with-treatment-of-sex-assault-victim/article35201678>.

against an aggressor. Two reasons make this story relevant for the Commission. The first is that Angela Cardinal's story is a cautionary tale. It serves as a stark warning of what can happen when things go wrong and our institutions fail to treat Indigenous women with respect. It offers us the opportunity to put in place measures to prevent the same thing from happening here. It could be useful, for example, for this Commission to be in touch with the inquiry that Alberta has just established to look into the case and to propose measures to prevent it from happening ever again.

22. The second reason is that Angela's story echoes eerily, right across this vast country, to this very hearing room. Some of the statements heard in her story could have been taken from the transcript from last week's sessions here. On the same day that Viviane Michel was telling this Commission that it was beyond her that Indigenous people are not treated like human beings, another Indigenous woman leader was saying the same thing in Edmonton:¹³

Muriel Stanley Venne, president and founder of the Edmonton-based Institute for the Advancement of Aboriginal Women, told CBC News she was horrified and disgusted when she learned how Cardinal had been treated by the justice system.

"If she had not been an Aboriginal woman, she wouldn't have been treated this way," Stanley Venne said.

"If she wasn't Aboriginal, I believe she would have been treated with sympathy and empathy for what had happened to her," she added.

"This is part of the way Aboriginal women are treated — as less than human beings, and therefore not requiring the respect and dignity that any human being should be receiving in the courts."

[Emphasis added]

23. But perhaps this coincidence is not so eerie after all, for there is a pattern here – one would have to be blind not to see it. Discrimination toward Indigenous people is the elephant in the room, and it is being played out every single day, right across Canada.

¹³ <http://www.cbc.ca/news/canada/edmonton/sex-assault-victim-jailed-ganley-1.4146682>.

24. No wonder that Viviane Michel sheds tears for her people. No wonder that she cannot accept the discrimination, that she must speak out against it. No wonder that she says that there can be no reconciliation until the injury is acknowledged and the victims heard.
25. This Commission's mandate turns on the words "Listening, reconciliation and progress." Listening comes before reconciliation and progress. On the first day of hearings, Viviane Michel, Ron Paul and Philip Gliddy all stressed the need for Indigenous women and men to tell their stories, to be heard. By listening to their stories, the Commission will help to restore their dignity to Indigenous women and men who have never been listened to before. Perhaps for the first time in their lives outside their own communities, they will finally be treated as human beings. With these hearings, the process has already started.
26. This is why I worked so hard with Chief Anichinapeo, Chief Jérôme and Chief Picard, Madame Michel, Madame Cloutier and other Indigenous leaders over the past year and a half to establish this Commission of Inquiry. And it is why I came to speak to the Commission today.
27. I have fought my whole life for the rights and dignity of Indigenous people. I have fought to bring our people out of the despair of that "other Canada" of tar paper shacks and bad drinking water. Through the vision, courage and persistence of past and present Cree leaders and of the whole Cree Nation, we have had some success in improving the lives of the Cree. But much remains to be done, both in the Cree communities and in other Indigenous communities.
28. Last week, I announced that, after 40 years of fighting the good fight as an Indigenous leader for my own Cree community of Mistissini, for the whole Cree Nation of Eeyou Istchee, and for Indigenous people in Québec and across Canada, I am withdrawing from active political life. But I could not go without coming

before this Commission to help get it started on its voyage – it is too important for the Cree and for all Indigenous people in Québec.

29. The Commission can rely on the full and active cooperation of the Cree Nation in carrying out its important work. This work could not be more important, for the Commission's mandate requires it to look into, identify, prevent and eliminate the systemic causes of discrimination in providing public services to the Indigenous people of Québec: police services, correctional services, justice services, health and social services as well as youth protection services.
30. The mandate of this Commission touches all the Indigenous people of Québec and all the Cree of Eeyou Istchee. But it concerns, first and foremost, the most vulnerable among us: our mothers, daughters and sisters (and sometimes our fathers, sons and brothers, too), who have too often had to bear the weight of discrimination, marginalization and violence. We cannot and will not turn a blind eye to misconduct that harms our people; it must be eliminated, once and for all.
31. At the same time, the approach that we will take will be positive and oriented toward working with the Commission and other stakeholders to find solutions. That is where the Commission can add value. The problems are largely known, and so are their causes. What has been lacking is the will to address them. We want, not simply to dwell on the hurts of the past, but to work towards, in the words of the Commission's mandate, "concrete, effective and durable remedial actions" to make the life of our people better.
32. I am tabling today with the Commission a first brief on behalf of the of the Grand Council of the Cree (Eeyou Istchee), the Cree Nation Government and the Cree Nation of Eeyou Istchee. The brief presents an introduction to the Cree Nation, our people, our ancestral land, our communities and our culture. It outlines our governance, including some major milestones, such as the *James Bay and Northern Québec Agreement* of 1975, the first modern Aboriginal treaty in Canada.

33. The brief identifies some of the principal Cree entities concerned by this Commission of Inquiry. And it provides some very preliminary comments on the object of this inquiry, reserving our more substantive observations for the next.
34. Cree women and men, the Cree First Nations and other Cree entities all have their own stories, their own concerns, to share with the Commission. In particular, the Cree Board of Health and Social Services of James Bay, given its special treaty status under the *James Bay and Northern Québec Agreement*, and its responsibilities for youth protection, social services and public health, will have an important contribution to make to the Commission. It should be given the opportunity to make its own presentation in Phase 2 of the hearings.
35. Similarly, the Cree School Board, the Department of Justice and Correctional Services of the Cree Nation Government, the Eeyou Eenu Police Force, the Cree Women of Eeyou Istchee Association and other Cree entities have distinct and useful perspectives on the issues to be addressed by this Commission and should have the opportunity to make their contributions in Phase 2.
36. I began my remarks with a canoe, and I'll end with one, too. More than 25 years ago, I led the Cree Nation in the successful fight to stop the Great Whale River Hydroelectric Project. In 1990, as part of that fight, we paddled a canoe, the Odeyak, 2,000 kilometres from Whapmagoostui to New York City.¹⁴ I compared the Odeyak to Noah's Ark to save our homeland from the flood of environmental destruction.

¹⁴ <http://www.cbc.ca/news/indigenous/northern-quebec-cree-community-celebrates-25th-anniversary-of-odeyak-voyage-1.3044078>.



Cree Cultural Institute

37. In 1990, I asked the question, is the destruction of our homeland not racism? Should not the same rules and principles apply to everyone?¹⁵ I ask the same questions today: Is the discrimination faced by Indigenous women and men not racism? Should not the same rules and principles apply to everyone? Do not Indigenous people deserve the same respect as others?
38. The voyage of the Odeyak was long and at times difficult. We travelled by dogsled over the frozen James Bay and then by road and river all the way to Manhattan. There were many twists and turns in our voyage. But we persevered, and in the end, we succeeded. That has always been the way of the Cree and our Indigenous sisters and brothers. We persevere, and in the end, we succeed. I wish the same voyage for this Commission. If we paddle together with the same perseverance and courage, we will bring our canoe to the “sheltered beach” of dignity and respect for the Indigenous peoples of Québec.

¹⁵

<http://www.cbc.ca/archives/entry/matthew-coon-come-paddles-to-new-york>.