

Teaching Law

As an Act of Truth Seeking and Reconciliation

Charlene Bearhead

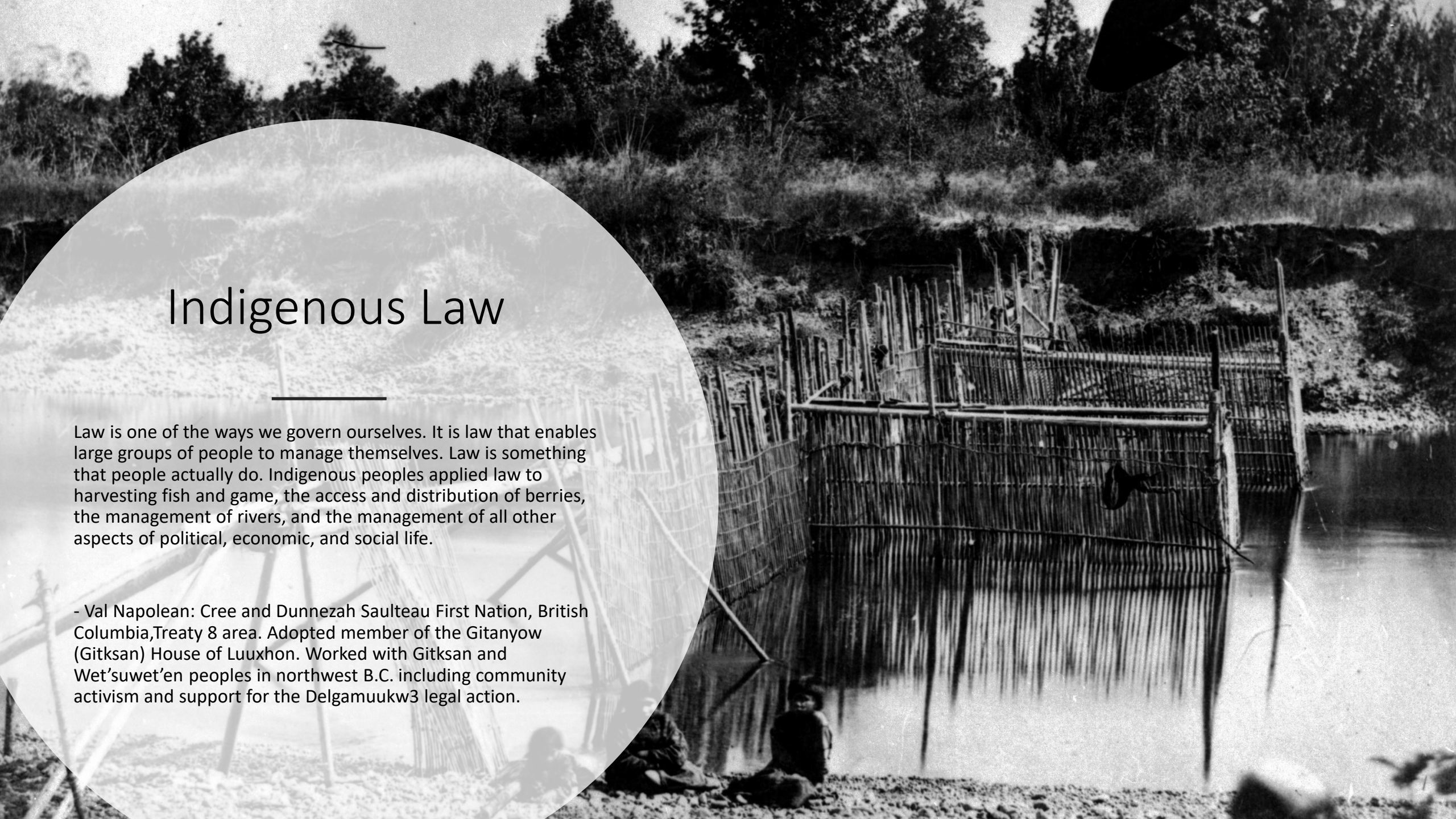


A man in a dark jacket with orange accents is standing in a forest, looking up and touching the bark of a large tree. The background is filled with green foliage and tree trunks.

Natural Law

Tyson Atleo has been raised as a hereditary leader to respect *Hishuk – ish – tsawalk*, a Nuu-chah-nulth worldview meaning “everything is one,” and the four pillars of Nuu-chah-nulth life — lessons of respect, care, love and teaching, that he carries into his conservation work.

- **Wahkohtowin** directly translates to English as kinship or being related to each other.⁴ But the concept encompasses a wider set of ideas about how things are related within Cree worldviews. I break down the meaning of wahkohtowin into three parts. First, it references the act of being related — to your human and other than human relatives. Second, it is a worldview based on the idea that all of existence is animate and full of spirit. Since everything has spirit it means we are connected to the rest of existence and live in a universe defined by relatedness. Third, there are proper ways to conduct and uphold your relationships with your relatives and other aspects of existence. Thus, wahkohtowin also includes the obligations and responsibilities people have to maintain good relationships.
- Matthew Wildcat: Nehiyaw (Plains Cree), member of Ermineskin Cree Nation, Instructor of Political Science and Native Studies, UofA



Indigenous Law

Law is one of the ways we govern ourselves. It is law that enables large groups of people to manage themselves. Law is something that people actually do. Indigenous peoples applied law to harvesting fish and game, the access and distribution of berries, the management of rivers, and the management of all other aspects of political, economic, and social life.

- Val Napoleon: Cree and Dunneza First Nation, British Columbia, Treaty 8 area. Adopted member of the Gitanyow (Gitksan) House of Luuxhon. Worked with Gitksan and Wet'suwet'en peoples in northwest B.C. including community activism and support for the Delgamuukw legal action.

Western Legal Systems and Indigenous Peoples in “Canada”



Canada's Largest Mass Hanging

**YELLOWMUDBLANKET & POUNDMAKER
1885**



...was suppressed, would be sent to the gallows if possible. In view of all the circumstances, and particularly as Judge Rouleau was a heavy loser pecuniarily by the Indian outbreak at Battleford, it is contended that he should not have been allowed to preside at the trial of the prisoners. A memorial has been received by the Department of Justice asking that the matter be investigated."

In all this it will be noticed that Judge Rouleau is not charged with straining the statutes or disregarding evidence, or that the sentences were not well merited. In fact, if the people of Battleford were a

RCMP and Indian Residential Schools

In 2011, the RCMP released a report titled ["The Role of the Royal Canadian Mounted Police during the Indian Residential School system"](#).

The report's findings

There was a lack of trust between Indigenous Peoples and the RCMP.

Many former students claimed they learned to fear the RCMP over the years. As a result, many didn't try to contact police.

The RCMP were mostly present at Indian Residential Schools as "truant officers". When requested, the RCMP: searched for and returned truants fined parents whose children did not go to school.

The RCMP assisted Indian Agents with the removal of children from their homes. The police helped Indian Agents bring children to schools, sometimes forcibly.



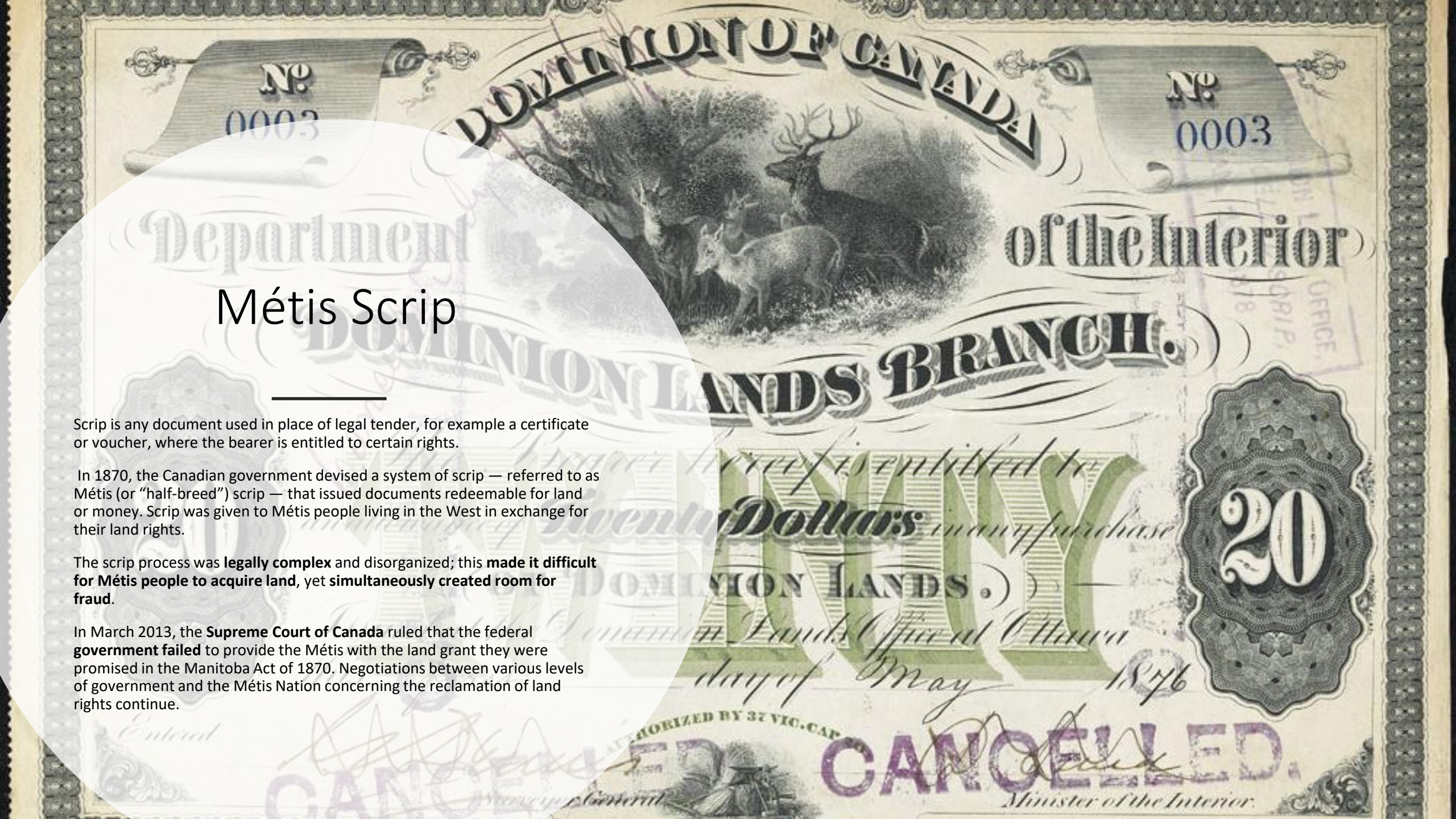
Métis Scrip

Scrip is any document used in place of legal tender, for example a certificate or voucher, where the bearer is entitled to certain rights.

In 1870, the Canadian government devised a system of scrip — referred to as Métis (or “half-breed”) scrip — that issued documents redeemable for land or money. Scrip was given to Métis people living in the West in exchange for their land rights.

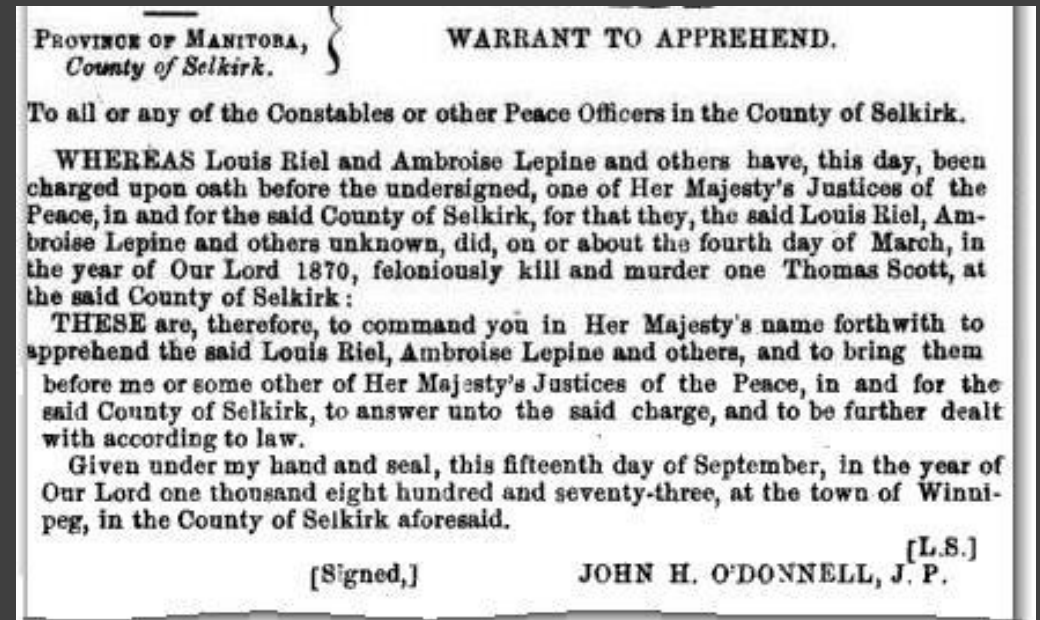
The scrip process was **legally complex** and disorganized; this **made it difficult for Métis people to acquire land**, yet **simultaneously created room for fraud**.

In March 2013, the **Supreme Court of Canada** ruled that the federal **government failed** to provide the Métis with the land grant they were promised in the Manitoba Act of 1870. Negotiations between various levels of government and the Métis Nation concerning the reclamation of land rights continue.



Louis Riel and Canadian Legal Systems

Riel was elected three times to the House of Commons although he never assumed his seat.



Every Inuit was issued a number, the first letter and number indicating the region where they lived, the last four digits, a personalized number. The goal was to facilitate the administration of social and medical aid. The government thereafter addressed them as such, often dropping their names altogether in written correspondence. According to some accounts, children were asked to call out their disk number at school rather than a name.



Beginnings of change?



- The **decision** in **Delgamuukw v. British Columbia** was delivered on Dec. 11, 1997, setting a precedent for how treaty rights are understood in Canadian courts, affirming the recognition of oral testimony from Indigenous people.



Sparrow Case. R. v. Sparrow [1990]

- R v. Sparrow was a precedent-setting decision made by the Supreme Court of Canada that set out criteria to determine whether governmental infringement on [Aboriginal rights](#) was justifiable, providing that these rights were in existence at the time of the [Constitution Act, 1982](#). This criteria is known as “the Sparrow Test.”

Daniels vs. Canada

The Daniels case, in a nutshell, says that Métis and non-status Indians are “Indians” under section 91(24) of the Constitution Act, 1867 which means they now fall under the federal government’s jurisdiction. No longer are Métis and non-status Indians high centered in identity limbo.





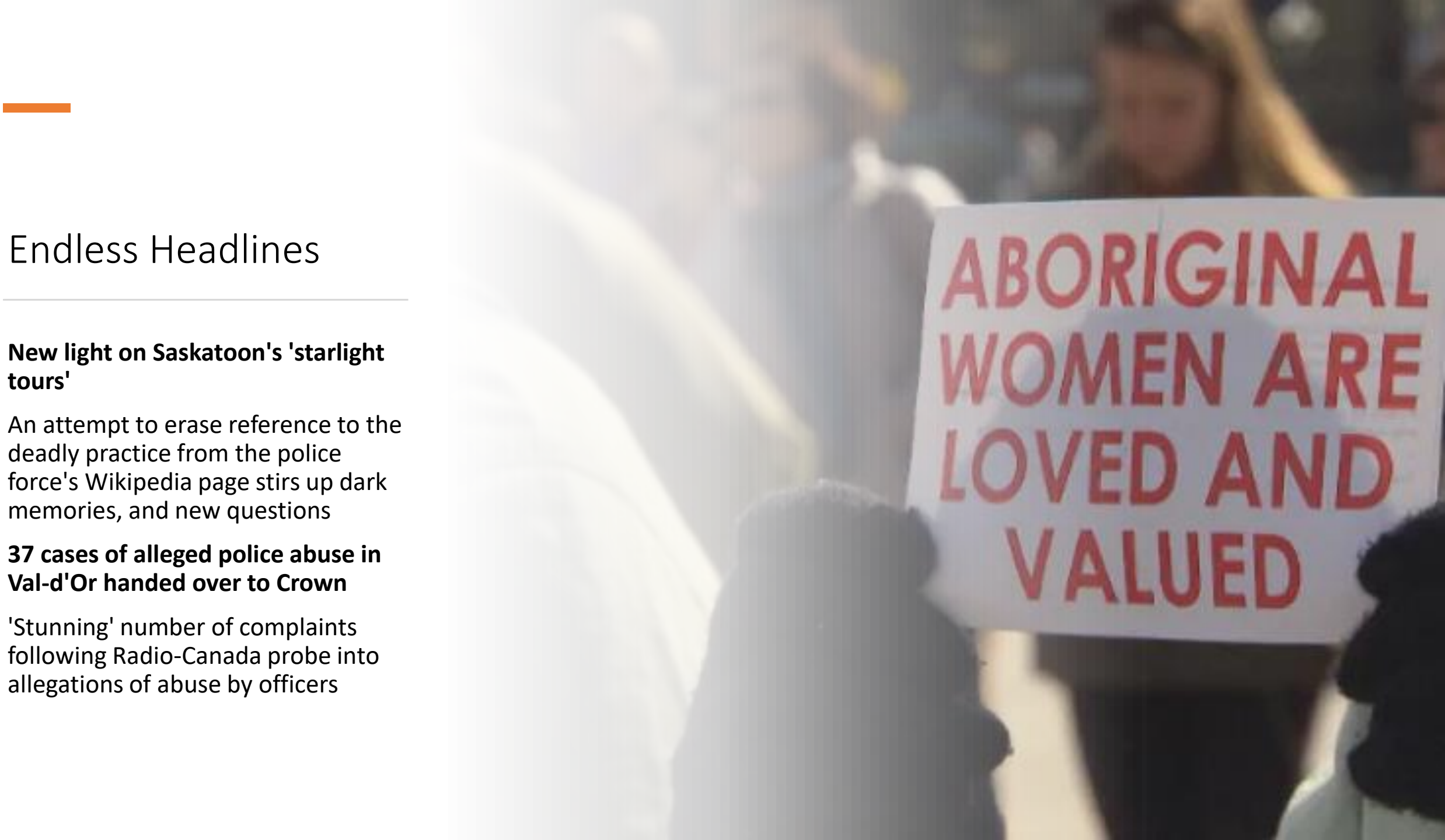
Endless Headlines

New light on Saskatoon's 'starlight tours'

An attempt to erase reference to the deadly practice from the police force's Wikipedia page stirs up dark memories, and new questions

37 cases of alleged police abuse in Val-d'Or handed over to Crown

'Stunning' number of complaints following Radio-Canada probe into allegations of abuse by officers



ABORIGINAL
WOMEN ARE
LOVED AND
VALUED

Police, the legal system and the Indigenous water and land protectors

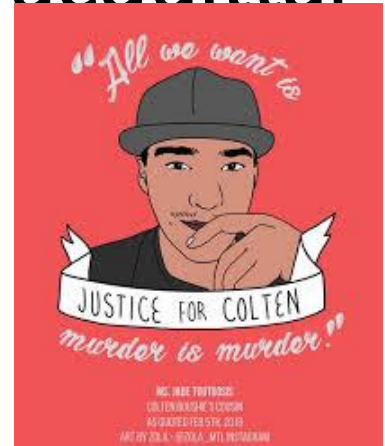


2020 In Alberta





Colten Boushie's family calls for justice on Stanley acquittal anniversary



Let's not "whitewash" Cindy Gladue's death

In June 2017, the Alberta Court of Appeal overturned the **acquittal** of Ontario truck driver Bradley Barton in the death of **Cindy Gladue** and ordered a new trial. The appeal court decision said there were flaws in the way the jury was instructed to consider sexual assault offences and the laws relating to consent.



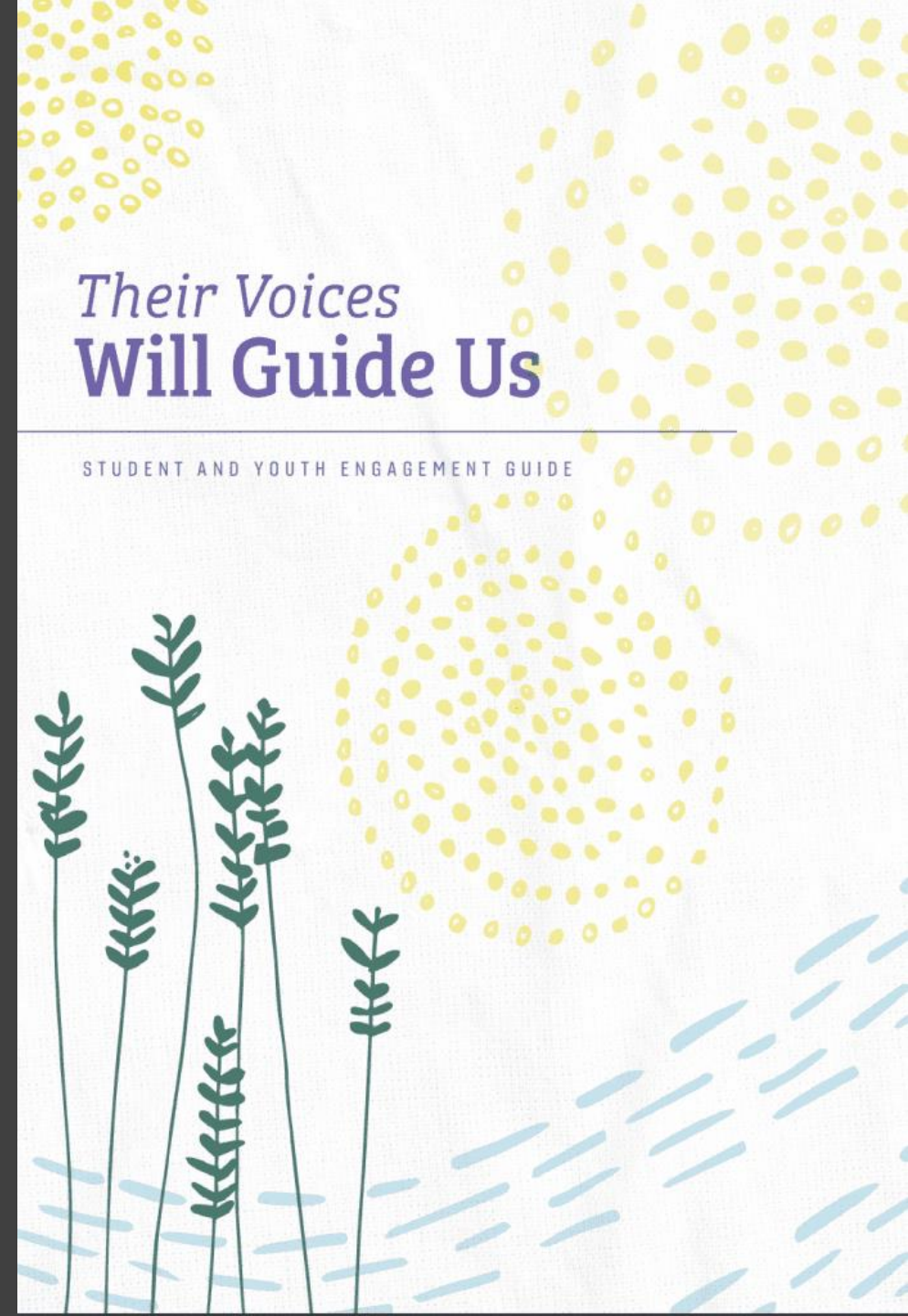
Call to Action to Education Leaders

We call upon you, as leaders in our education systems, to ensure that all teachers are provided with ongoing and authentic professional development opportunities that provide the pedagogical foundation and subject matter knowledge and skills to teach this truth with confidence, empathy, and respect.

This will foster learning environments that create well-educated, socially responsible citizens for the future.

Their Voices **Will Guide Us**

STUDENT AND YOUTH ENGAGEMENT GUIDE



Themes to Explore

CURRENT PRACTICES OF CHILD AND FAMILY SERVICES

- Discuss the impact of lack of monitoring or follow-up on those considered “runaways”
- Discuss the impact on youth in care of “aging out” of the system at age 18, including the impact of having little or no support system
- Vulnerability of youth in care to enter into the sex trade – “pipeline to the sex trade”

EMPOWERMENT OF WOMEN AND GIRLS

- What does empowerment of Indigenous women and girls look like? Explore examples.
- What does it take to empower women and girls in our families, schools, and communities?

EXPERIENCES OF INDIGENOUS INDIVIDUALS, FAMILIES, AND COMMUNITIES WHO HAVE BEEN IMPACTED BY VIOLENCE AGAINST THEIR WOMEN AND GIRLS

- Examine stories, experiences and issues within the context of local families, communities and territories.

SYSTEMIC CAUSES OF VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS

- Explore the connection between systemic violence and the following:
 - High levels of poverty faced by Indigenous peoples, and women in particular
 - Sub-standard housing or lack of housing
 - Time spent in child welfare system
 - Access to quality education
 - Access to appropriate health services, including mental health and addictions services and supports

RACISM, DISCRIMINATION, AND STEREOTYPES

- Discuss concepts of racism, discrimination, and stereotypes. How do these impact Indigenous women, girls, and 2SLGBTQIA people?
- Discuss race-based violence against Indigenous women and girls and how it is manifested in terms like “squaw,” “halfbreed,” etc.
- Explore patriarchal and colonial worldviews and treatment of women, girls, and 2SLGBTQIA people.
- Examine cause, effect, and actions required to create positive change.
- Suggested resources:
 - Indigenous Women’s Perspectives: from the Report of the Royal Commission on Aboriginal Peoples <http://caid.ca/RRCAP4.2.pdf>
 - The Ontario Secondary School Teachers’ Federation <https://www.osstf.on.ca/resource-centre/educators-resources/violence-against-indigenous-women.aspx>
 - <http://www.nwac.ca/policy-areas/violence-prevention-and-safety/sisters-in-spirit/life-stories>
 - <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/mrgnlzd/mrgnlzd-eng.pdf>

RESISTANCE, RESILIENCE, RESURGENCE

- Explore the concepts of resistance, resilience, and resurgence of cultural roles, values, teachings, and practices, including Indigenous laws, governance, and self-determining practices

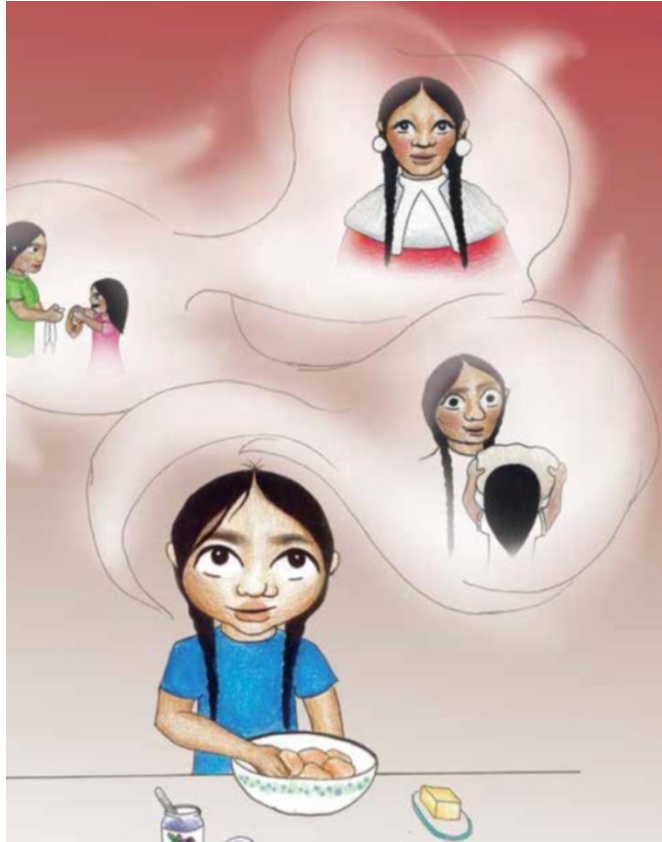
COMMUNITY ACTIVISM AND SOCIAL JUSTICE EFFORTS

- Explore the concepts of community activism and social justice and the ways in which families and communities have organized around the issue of missing and murdered Indigenous women and girls
- Explore community activist efforts in calling for the National Inquiry into Missing and Murdered Indigenous Women and Girls

Consider how all these actions-
have eroded original societal
systems- natural law-
who are those most profoundly
impacted



Introducing concepts of law in early years



Paul's mind was filled with so many hopeful thoughts. What if his little sister became the first Nakota woman to rule on a Supreme Court case? What if it was a case designating sacred sites of the First Nations as protected heritage sites completely under the control of the Nation? That would be really cool too. As he sat on the

"And their outfits are really colourful and beautiful like butterflies, too," added Jeff.

Uncle Lenard had been listening to the boys as he checked out his own bustle to ensure that no feathers had come loose before it was his turn to dance again. "They are really beautiful. The regalia is beautiful, but the spirit of our dances and our ways are the real strength and beauty. It's hard to believe that the colonial governments that came to our lands thought it would be a good idea to make this illegal, isn't it?"

"What do you mean by 'make this illegal'?" asked Jeff, looking totally confused. He had learned from Ms. Baxter that the British government and then Canada had forced many laws on First Nations people on their own land, but he had not heard anything about the powwow being against the law.

"Yup, just like the potlatch of our brothers and sisters to the west and so many of the ceremonies

of the other Nations that lived on these lands long before settlers, the governments imposed laws on our people making it illegal for us to gather and to dance powwow."

Paul looked very sad just thinking about it, while Jeff just looked shocked. "I don't get it," Jeff wondered aloud. "How could something as beautiful and positive and fun as a powwow be against the law?"

"I'm so glad that our people are so strong," Paul asserted with a proud smile. "I can't even imagine not being able to express myself and who I am this way...and I sure can't imagine not being able to hang out with my cousins and my other relatives."

"I can't imagine you not being able to have a bannock burger every weekend," chuckled Uncle Lenard. "It was the courage and faith of our people that kept our ways alive, but it was also our humour that carried us through. So who wants a bannock burger? I'm going for the bannock taco personally."



What is your role in reconciliACTION?

- ❖ Teach truth about all these issues and more
- ❖ Explore history and realities in your own home region
 - Natural Law
 - Indigenous Law and Systems
 - Western/Colonial Law
 - Precedent setting cases
- ❖ Inspire more young, Indigenous people to engage in all sectors of law
 - Law making
 - Enforcement
 - Education
 - Courts
- ❖ Start the learning early