

**National Chief Kevin Daniels  
Congress of Aboriginal Peoples**

**Address to the**

**Senate Committee of the Whole**  
*Progress made on Commitments following the apology to former students  
of Indian Residential Schools*

**Ottawa, Ontario  
June 11, 2009**

Good afternoon, senators, elders, residential school survivors and fellow Aboriginal leaders.

I welcome the opportunity to be here today, on the un-ceded territory of the Algonquin peoples, to speak to the Committee of the Whole of the Canadian Senate of progress made on commitments following the apology to former students of Indian residential schools.

I wish to honour the resilience and the courage of the residential school survivors, and recognize their ongoing healing efforts and determination to seek the truth.

Of all the stories of abuses that have been inflicted upon my people, one story stands out in my mind. It is the story of White Bear Woman Standing, how she was brutally beaten for speaking her language and placed in a coma for five months. It was by the will of the Great Spirit that she survived and was able to live a long life.

It was by the will of the Great Spirit that she survived a stroke to see her first residential school payment from an elder. It is by the will of the Great Spirit that I hold in my hand her eagle fan, to fan you spiritually in prayer and hope that the federal government will release all monies owing to our peoples as promised.

It is by the will of the Great Spirit that I am standing here addressing you today because White Bear Woman Standing is my mother.

If White Bear Woman Standing had perished that day at the residential school she attended, I, as national leader of the Congress of Aboriginal People, would not be here today.

This day will be remembered by my children. This day will be remembered by my grandchildren. This day will be remembered by my great grandchildren. We will never forget this day — June 11, 2009.

June 11 marks an important day in the history of this country. When the Government of Canada apologized to former students of the Indian residential schools, the significance of the apology to all Aboriginal peoples represents a profound moment when we move from the dismal legacy of the residential schools. From now on, this moral point in our collective history needs to be at the heart of Canadian policy-making processes.

However, the Congress of Aboriginal Peoples is committed and supportive of all Aboriginal efforts to break the inter-generational cycle of dysfunction. We will rebuild our families. We will rebuild our communities. Most important, we will rebuild our nation. This rebuilding has been the core part of the mandate of our organization since 1972. We need to be careful that the rebuilding ensures that forgotten peoples are included in all efforts — status Indians, Bill C-31 Indians, non-status Indians living off the reserves, and Métis peoples.

This meeting today in the Senate of Canada is symbolic of our collective will to build trust and self confidence in dealing with authority. There is an opportunity for us to undertake conscious reflection on the work that has been done and the work still before us.

I appreciated learning from Senator Tardif that the Senate has always been the chamber of Parliament that gives voice to minorities. It is with comfort and pride that I am here today among Aboriginal senators, including our former chief, Senator Patrick Brazeau.

We do not pretend that the questions we are dealing with are simple. It is false to think that addressing the underlying systemic problems can be achieved with some great magic bullet. We have some hard terrain to cover, and it will require our collective will and determination. Only through a collaborative and constructive approach will progress be made.

The Congress of Aboriginal Peoples represents the interests of status Indians, non-status Indians living off the reserve and Métis peoples. The congress was established in 1971 and we have been a participant in all the constitutional negotiations. I, personally, am a veteran of those negotiations. It was our leader, Harry Daniels, who negotiated Métis peoples into section 35(2) of the Canadian Constitution.

We are fully supportive of extending the settlement agreement to include the thousands of Métis who attended Indian residential schools. There is no defensible reason for excluding Métis. We are talking about the Métis that Harry spoke about — the Métis from coast to coast. The Congress of Aboriginal Peoples will never accept any narrowing of the aspirations and hopes of Métis people across Canada.

It is not helpful to politicize the residential school issue. It is not an issue for narrow political interests. Truth, sharing, and politics are a strange mix. I am concerned about the troubled start with the Truth and Reconciliation Commission. I was alarmed at the resignation of Justice LaForme because of political attempts to interfere with the commission.

The Congress of Aboriginal Peoples was not part of that selection committee for the Truth and Reconciliation commissioners. However, we are encouraged that a fresh start has been undertaken in accordance with the recommendations of Frank Iacobucci. The Congress of Aboriginal Peoples should be involved in this selection committee. I cannot tell you why we are not involved and why the hurt is perpetuated.

We are also concerned with the length of time it is taking for survivors of sexual abuse and serious physical abuse to be compensated. Even after their awards have been approved, the process is too lengthy. We recognize the difficulties in implementing a timely and effective compensation program, but there is no need for this inordinate delay after the paperwork has been completed. These delays are an additional stress factor that these survivors do not need.

We are concerned that the costs and travel expenses incurred by independent adjudicators are not being honoured. This is not the time for bureaucratic delay. The backlog of claims needs to be resolved. We are heartened to know that officials are seeking to issue payments 45 days after a decision has been rendered.

We all recognize that bringing closure is at the heart of reconciliation. I agree with Senator Watt that the apology was a second step to constitutional negotiations in 1982. When our leader, Harry Daniels, negotiated the Métis into section 35, he was looking forward to a future for the forgotten people — non- status Indians, Bill C-31 Indians and Métis peoples.

The dark threats to our culture, language and spirituality are still present through the Indian Act. The Congress of Aboriginal Peoples represents Métis peoples and Indian people not recognized by the Indian Act. We are committed to ending this legal regime.

Litigation has been a critical tool in advancing the interests of our constituents. We have worked hard over many years to develop positions and defend vigorously the rights of Bill C-31 individuals. The Congress of Aboriginal Peoples has played an active role in seeking changes to the Indian Act. We honour Sharon McIvor who spent 20 years in the courts to change the rules of Indian status to prevent discrimination. We are pleased that she has decided to appeal the B.C. decision to the Supreme Court of Canada.

In 1999, Harry Daniels left us with the legacy of the *Daniels* case. It seeks a judicial declaration that Métis non-status Indians are Indians within the federal government's jurisdictions under section 91.24 of the Constitution Act, 1867 and that Métis non- status Indians are owed a fiduciary duty by the Crown and Aboriginal peoples. We hold the right to be negotiated with in good faith.

These actions demonstrate our commitment and determination to end the Indian Act regime. The long-standing denial of our rights was described by the Royal Proclamation on Aboriginal peoples as the most basic form of governmental discrimination.

We ask every senator in this chamber to join us in the struggle to right the wrongs of our past so that we all may have a better future.

*Meegwetch.*