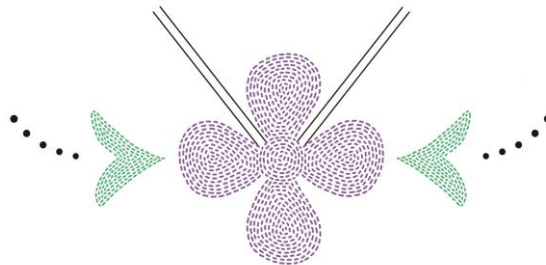


National Inquiry into
Missing and Murdered
Indigenous Women and Girls



Enquête nationale
sur les femmes et les filles
autochtones disparues et assassinées

**National Inquiry into Missing and Murdered
Indigenous Women and Girls
Truth-Gathering Process
Part 1 Public Hearings
Hotel Bonaventure
Montreal, Quebec**



PUBLIC

Tuesday March 13, 2018

**Public Volume 62
Denise Pictou-Maloney,
In relation to her mother Annie Mae Pictou Aquash**

**Heard by Commissioners Qajaq Robinson,
Brian Eyolfson & Michèle Audette
Commission Counsel: Fanny Wylde**

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APPEARANCES

Assembly of First Nations	Daniel Cunningham (Legal counsel)
Assembly of First Nations Quebec- Labrador	No Appearance
Concertation des Luttes contre L'Exploitation Sexuelle	No Appearance
Conseil des Anicinabek de Kitcisakik	No Appearance
Directeur des poursuites pénales et criminelles	Anny Bernier (Legal counsel)
Government of Canada	Sarah Churchill-Joly (Legal counsel)
Government of Quebec	André Fauteux (Legal counsel) Marie-Paule Boucher (Legal counsel)
Inuit Tapiriit Kanatami	No Appearance
Innu TakuaiKAN Uashat mak Mani- Utenam	No Appearance
Naskapi Nation of Kawawachi-kamach	No Appearance
Pauktuutit Inuit Women of Canada, Saturviit Inuit Women's Association of Nunavik, Ottawa Inuit Children's Centre	Beth Symes (Legal counsel)
Quebec Native Women Association	No Appearance
Regroupement Mamit Innuat Inc.	No Appearance
Les Résidences oblates du Québec	No Appearance

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Commission Counsel: Fanny Wylde

Grandmothers, Elders and Knowledge-keepers: Melanie Morrison (NFAC), Sarah Nowrakudluk (NFAC), Laurie Odjick (NFAC), Sedalia Fazio, Louise Haulli, Audrey Siegl, Pénélope Guay, Kathy Louis, Oscar Kistabish, Évelyne St. Onge, Bernie Poitras Williams, Laureen "Blu" Waters-Gaudio, Martha Greig, Moreen Konwatsitsawi Meloche, Patricia Kaniente Stacey, Michael Standup, Elaine Kicknosway, Charles-Api Bellefleur, Edouard Chilton, Sharon Tardif-Shecanapish, Winnie Bosum, Priscilla Bosum

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Montreal, Quebec

--- Upon commencing on Tuesday, March 13, 2018 at 11:48

MS. KONAWATSITSAWI: We are starting our next community public hearing. C'est la prochaine pour le public ici. C'est Denise Pictou-Maloney who will be giving her testimony, her story.

MS. NADINE: Oui bonjour, alors nous allons procéder avec le prochain témoin qui est madame Denise Pictou-Maloney qui nous partageras son histoire et ses vérités. Également on voudrait vous rappeler que si jamais vous avez besoin du soutien à la santé ou du soutien émotionnel vous avez des personnes de soutien à la santé qui portent des t-shirts mauves donc quoi sont très bien identifiés, ils sont disponible pou vous tous, également ceux qui préfèrait parler au téléphone, il y a une ligne du soutien sans frais, vous voyez l'information qui est sur les écrans en français et en anglais.

MS. KONAWATSITSAWI: Merci, aussi just to repeat en anglais just in English, that there is the community support line that is open to the public because some of the testimony that you do hear can be challenging, painful, and also to see that the people who are in purple shirts are there for everyone.

It is a public hearing and if you hear something that is upsetting, we invite you to please

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1 connect with someone in the mauve purple shirts, and they
2 are there for your help. If you choose to call the toll-
3 free number, 844-413-6649, that is absolutely okay for all
4 the public. Okay. *Migwetch. Merci.* Thank you.

5 **MS. FANNY WYLDE:** Commissioners, I would
6 like to present to you our next witness. We have here
7 Denise Pictou-Maloney who will be sharing the story of Anna
8 Mae Pictou Aquash, her mother. On February 24th, 1976, near
9 Pine Ridge Reservation in South Dakota in the United
10 States, her mother was found dead, and she is here to share
11 the story of her mother.

12 Before I let Denise share her story, I would
13 like to ask Mr. Zandberg, the Registrar, to please swear in
14 the witness and she would like to provide oath with an
15 eagle feather.

16 **MR. BRYAN ZANDBERG:** Good morning, Denise.

17 **MS. DENISE PICTOU-MALONEY:** Good morning.

18 **MR. BRYAN ZANDBERG:** Do you promise to tell
19 your truth in a good way today?

20 **MS. DENISE PICTOU-MALONEY:** I do.

21 **MR. BRYAN ZANDBERG:** Okay.

22 **MS. DENISE PICTOU-MALONEY:** Thank you.

23 **MS. FANNY WYLDE:** Thank you, Mr. Zandberg.

24 So, Denise, we can start maybe by introduce yourself and
25 where you're from to the Commissioners.

1 **MS. DENISE PICTOU-MALONEY:** Okay. My name
2 is Denise Pictou-Maloney and I am the eldest daughter of
3 Annie Mae Pictou Aquash. I'm from Nova Scotia, from
4 Shubenacadie, which is the same community that my mother is
5 from. And, I think we have a video to play.

6 **MS. FANNY WYLDE:** Yes. So, before an
7 introduction, please, the AV team. Mrs. Pictou would like
8 to share a video in memory of her mother
9 --- Video Presentation

10 **MS. FANNY WYLDE:** Thank you. So, Denise,
11 can you share your mother's story with the Commissioners?

12 **MS. DENISE PICTOU-MALONEY:** Thank you. I
13 first want to say thank you to all of you for giving me
14 this opportunity to speak our family's truth to you. To
15 share some of the more difficult things that the public
16 doesn't know about what happened to my mom and our family's
17 journey through the last 20 years in trying to attain
18 justice for her.

19 I'll start by telling you who my mother was.
20 The most important thing to us, that she was our mother.
21 She was the center of our universe. She was the sun, the
22 moon and the stars. And, she left a legacy to us that I
23 continue to mourn because of her strength and her
24 resilience, our community and our women really need that
25 right now.

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1 And, I chose that song because, in that
2 song, he talks about how she belongs here today. Here.
3 She should be here, part of this process, and she would
4 have been because that's what she was passionate about.
5 She was passionate about protecting women's rights and
6 human rights, and speaking about difficult things and
7 making people accountable. And, it was that duty that cost
8 her her life.

9 She was raised based on the land,
10 sustainability was not something that was foreign to her.
11 She knew how to survive, she knew how to fend for herself.
12 Despite the poverty and oppression, she still managed to
13 maintain her moral and her ethical code, even in a time
14 where there was little hope, where people didn't feel like
15 they could have any kind of hope or dependency on any of
16 the institutions that were supposed to be protecting us.

17 She has a quote that I carry with myself
18 regularly. She says, "When I'm asked what reservation I'm
19 from, from Whites, I say I wasn't raised on one of those
20 government concentration camps, I was raised properly by my
21 parents. I am glad we were brought up the way we were."

22 At a young age, she realized the
23 limitations, she realized the cycle of oppressive
24 lifestyles that many of our communities had gotten engaged
25 in, because of that lack of basic human rights and racism

1 that she witnessed every day, she made a decision with
2 others to move to a bigger community. So, she moved to
3 Boston. The purpose of leaving Canada and going to Boston
4 was so that she could blend in, so that she could learn the
5 tools that she would need to fight for our rights, because
6 she knew she had to educate herself and also to be able to
7 feel like she had some kind of equality.

8 That led to her being involved in the Boston
9 Indian Council where she would work with people in the
10 community, help them find resources, help them find jobs.
11 You would regularly find her sitting outside of the pubs
12 and the bars on Saturday night, just, you know, trying to
13 dissuade participants from going into the bars and saying,
14 there's better choices, come with me, I'll help you.

15 She became engaged in protecting our First
16 Nations because she recognized the challenges that we had
17 in trying to maintain our integrity, our dignity. And, she
18 saw that -- the lack of the knowledge of our traditional
19 ways, she was raised traditionally. She also knew the
20 values and the morals that she was raised with were lacking
21 in a lot of the groups of the people that she was dealing
22 with that were drinking and partying and really trying to
23 numb themselves from the reality of all of the oppression
24 that they lived in daily.

25 In the early 1970s, there was a group, an

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(Annie Mae Pictou Aquash)

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1 activist group by the name of the American Indian Movement
2 that came to Boston, and they wanted to petition and
3 campaign for new membership. So, they were travelling city
4 to city and asking those grassroots people in the area if
5 they wanted to come and join their group. They talked a
6 lot about traditional ways, they talked a lot about
7 maintaining our human rights and fighting for our human
8 rights. They said the right things to my mother so that
9 she trusted that this was something that she could get
10 engaged in, that she could invest her time.

11 And, she became very quickly accepted by the
12 group, and as they say, rose the ranks of where she was
13 with the leadership almost on a constant basis. The
14 leadership at that time being Dennis Banks, John Trudell,
15 Russell Means, Clyde Bellecourt, Vernon Bellecourt and
16 Leonard Peltier, and these people all became her friends at
17 the time.

18 It is about the same time that my parents
19 separated and we were left in the care of my mom. Life
20 changed considerably for us. You know, we were living my
21 mother's activist lifestyle, so we would travel with her to
22 protests. I distinctly remember going to the takeover of
23 the Mayflower too, in Boston, Massachusetts in Plymouth,
24 where the members of the American Indian Movement took over
25 the ship and did a protest there on Thanksgiving Day. But,

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7

1 I specifically remember going to that with her, feeling
2 very proud that we were fighting for our rights at a young
3 age.

4 And, I distinctly remember also going to the
5 takeover of the BIA building in Washington, D.C., where
6 military came in with -- or police officers came in with
7 tear gas to, you know, try to disperse the crowd. And, her
8 handing me a baggy with a wet face cloth in it and saying,
9 if you see men coming with masks, put them over your face
10 and run out of the building and I'll come find you. It
11 never came to that. She was always careful with our
12 safety. We were actually, you know, moved from that site
13 and went swimming at a pool at a local hotel. But, it was
14 the fact that she was including us in that, that made us
15 feel like we were engaged in her lifestyle and very much
16 supporting her lifestyle, and understanding the reality of
17 what she was fighting for.

18 The reason they had taken over the building
19 was because they were selling off tracks of land without
20 consult for uranium mining with the government, and she was
21 very much engaged in exposing that injustice that was going
22 on in some of the communities in the United States.

23 My mother was also very passionate about
24 education, and I -- also to the point where she enrolled us
25 in aliases and made us go to school because we were

1 thinking that, you know, this activist lifestyle meant that
2 we didn't have to go to school, which was kind of cool, we
3 were running across the country with her. But, there came
4 a time where, because she was so passionate about our
5 education, that she knew that that was important to us.

6 And, she also was engaged in starting up an
7 education program called TRIBES in Bar Harbor, Maine where
8 they would focus on traditional values, grouped in with
9 education, recognizing how important at that young age and
10 also at that time of era, that most people weren't even
11 thinking about, they were thinking about getting away from
12 their traditional ways because of the impacts of the
13 residential school system. And, they weren't even talking
14 about those things at that time, this is the early '70s.

15 Her activities with the American Indian
16 Movement actually ended up her landing her on the FBI's top
17 most -- top ten most wanted list, which was -- you know,
18 that's not a good thing for a parent to be on when they
19 have two small children. So, my father and her had an
20 agreement that, when they separated, whoever was in the
21 best place to look after us, who had the best capability of
22 looking after us would have custody. So, when that
23 happened, my dad came down and took us and moved us to
24 Canada for safety reasons and security and -- for the
25 decision and the agreement that they had to protect us.

1 She contacted us regularly by phone. And,
2 in the fall of '75, even swam across a lake to come and
3 meet us, because remembering she's still on the most wanted
4 list for the FBI, she had to travel undetected, and that
5 was probably one of the last times that I saw her.

6 She stayed with us and an aunt, and there
7 were some things that she said to me during that time that
8 I carry with me still today, because it has a lot of
9 current applications to today. Maybe not the first one,
10 but definitely the other two.

11 She said, look out for your sister, you are
12 older and it is your duty to look after her. Of course,
13 being a child, I thought, great, I'm the boss. I took that
14 to the bank. But, the next two were so resounding, she
15 said, remember always that we are created equal and that
16 there's no one that's better than you. And, the last one,
17 don't lie, always tell the truth. And then she promised to
18 call us at Christmas time.

19 Christmas came and went, and we did not get
20 that phone call. Being children, we had no concept of
21 time. The adults in my life knew, I found out later,
22 something was wrong, because she never broke a promise not
23 -- to contact us. We were the center of her universe. She
24 talked about us incessantly with her friends within the
25 movement. People knew our names, they knew how old we

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1 there were people within this organization that could shift
2 and make a difference, and bring change. She believed in
3 their ability and their strong spirits, that she told them
4 that, no, I have to go back. I have to go back because I
5 know that there's good here. I know that there's good
6 spirits here, there's good hearts. And, she went back.

7 A few months later, one of my aunties would
8 get a panicked call from her in the middle of the night, in
9 about mid November, and they would -- she would say, I want
10 to come home. You have to help me. I want to come home.
11 This is obviously predating e-transfer. Any opportunity to
12 try and get her money overnight, she had to call Western
13 Union and she said, stay where you are, come to this phone
14 at 10:00 in the morning and I will tell you where to go to
15 get money to come home. And, we never heard from her
16 again.

17 In early March, I recall having discussions
18 about plans with my family to go on holidays. And, my
19 father sitting us down in a chair, I could tell something
20 was wrong. He never sat us down in a chair to talk to us.
21 It was just something we talk -- that's just what we didn't
22 do. I remember looking at my sister and I, and we were so
23 tiny, both of us were in the same chair. That never would
24 happen today, but we could both sit in a chair together and
25 be -- like, have room. That's how small we were. And, I

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1 remember that, that's engrained in my mind. That -- you
2 know, I wasn't hearing what he was saying, I was thinking
3 that, oh, both of us can sit in a chair. You know, like,
4 this is what a child does.

5 He said -- I can't read through my tears,
6 sorry. And, I want to quote because it's important that
7 people understand. Later on, you'll find why I'm so
8 insistent on quoting exactly what happened. He said that
9 my mother was a warrior and that they had found a body and
10 it was hers, and that all we needed to remember was that
11 she died fighting for our people. I was in shock of
12 course. But, my first thought of process went to was,
13 whether or not our holiday would be cancelled, you know?
14 It just -- and then my sister and I were given the option
15 to go to the funeral. They said, you can either go on
16 holiday or you can go to the funeral. No child wants to go
17 to their parent's funeral, so we obviously said, no, we're
18 good. We don't want to see our mother that way. We want
19 to remember her how we saw her last. And, I'm glad we made
20 that decision, I'm glad that my parents at the time gave me
21 that choice, because it is what is part of the resiliency
22 that I have.

23 Of course, my sister and I would say, you
24 know, it's not true, because we knew she was running from
25 the FBI and from the American authorities. We thought

1 she's underground, she's hiding, she's with the witness
2 protection program. That's what we actually convinced
3 ourselves, by not going and physically seeing her laying in
4 a casket, that she was still alive out there and that this
5 was some kind of coup to throw them off of her scent. We
6 believed her of that because we thought she was superwoman
7 to us. She was our Wonder Woman.

8 My auntie would begin a writing campaign
9 after this, that will last several years to no avail.
10 Dozens of letters written to different government
11 officials, American and Canadian side, asking for help. No
12 answers, responses were handed onto another department,
13 regurgitate information that we already knew, no new info,
14 and the most compelling, no offers of support. Not one
15 offer. Do you guys need help? Do you need us to hire a
16 lawyer in the United States, so we can find out what
17 happened to your mother? There was nothing.

18 My aunties lived in their communities in
19 Nova Scotia with no resources. Very little access to
20 resources. We could not even consider hiring a lawyer, let
21 alone know what's going on on the other side of the border.
22 So, for many years, our family sat -- sitting in limbo, not
23 really knowing what happened, and just having to accept it
24 like, sadly, a lot of our families have to accept it.
25 That's just part of being Indigenous, this stuff happens

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1 and you just swallow it down, choke it down and go on.

2 We prayed hard that someone -- and I knew
3 there was a lot of people talking about it because of what
4 my mom said. And, if she talked so passionately about her
5 friends and about the people that were important to her, I
6 had hoped that one day they would step up and they would
7 tell us what happened to her no matter what. Our family's
8 suspicions leaned heavily towards the American Indian
9 Movement of course because of what she told us, but we also
10 know that there was a lot of suspicion with the FBI and the
11 American authorities because of why she was already down
12 there fighting.

13 In 1997, we got the call, our answers were
14 prayed *[sic]*. We got a call from a man by the name of
15 Robert Pictou Branscombe who was the second cousin of my
16 mom who was living in the United States. He called to
17 inform us, to tell us that there were grand juries being
18 held in the United States about my mother. And, I said,
19 really? I said, well, nobody's called us. And, at this
20 time, we found out there was three, and not one person
21 thought to call the family of this woman and let us know
22 that we were -- you know, conducting grand juries or that
23 they were conducting grand juries in her (indiscernible).

24 So, in 1999, we would start a letter writing
25 campaign this side of the border, trying to get our

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1 Canadian government to help us and assist us. We wrote
2 letters to AFN, to the Canadian government. This would
3 also be the same time when I would start receiving letters
4 from Leonard Peltier. Out of the blue, just one day, I get
5 a letter, oh, Leonard Peltier, Leavenworth Penitentiary. I
6 open it up and read it.

7 And, in these letters that he sent me, and I
8 won't go into details, but there were three or four of
9 them. He claims that he was my mother's friend, that he
10 loved her, that he wanted to help our family, and if our
11 family would agree to help him, he would help us. I wrote
12 him back and I said, I would not write a letter of support
13 for him, but if he loved my mother as much as he said he
14 did and he wanted to support us, then maybe he could help
15 us find who did this to my mother. And, he responded by
16 saying other things, but first responded by saying, I
17 didn't interrogate your mother, because that had already
18 become public knowledge. And, I would not participate in
19 incarcerating another Indigenous man.

20 So, I sent him back another letter and I
21 said we didn't need your assistance. Thank you. And then
22 he sent back two other letters which I never responded to,
23 which were full of more lies of his connection to my
24 mother. And, he even created a scenario where they were
25 sitting by a fireside and professing each other's affection

1 for each other. Not in an intimate way, but as brother and
2 sister. And, he would continue on to then admit that he
3 did interrogate her, but not at gunpoint.

4 Keeping in mind, in both of the responses --
5 or the responses I sent to him, I never ever once said that
6 he had shoved a gun in her mouth because I didn't want to
7 scare him off. So, that's how I knew he was talking to
8 other people and he was privy to information that was being
9 said publicly within our territories and in our
10 communities.

11 It was at this time that the Assembly of
12 First Nations passed a resolution supporting Leonard
13 Peltier. This was a huge shock to our family. Leonard
14 Peltier is a convicted felon sitting in prison for two life
15 sentences for murdering two human beings.

16 In 2000, AFN passed a resolution supporting
17 our family and our quest for justice. When we went to
18 Parliament Hill that same period of time, we had a private
19 meeting with Phil Fontaine at the time who was the sitting
20 Chief, and said, we were disturbed with the conflict of
21 interest that this represented, knowing that Leonard
22 Peltier was at least complicit in my mother's murder, for
23 interrogating her and bad-jacketing her, and we never heard
24 from them again.

25 So, we're coming into a period of time where

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1 we're coming up to the trials, there was a lot going on, a
2 lot of dates -- and I won't go into it, because I was going
3 to do a timeline, but I thought it might be a little bit
4 distracting. All of this information is available online.

5 So, in April 2002, I would receive a phone
6 call from Arlo Looking Cloud. Arlo Looking Cloud was one
7 of the suspects that was charged in my mother's murder.
8 This was before he was arrested. Indian Country was abuzz
9 with who was responsible for my mother's murder. They
10 named three individuals as suspects, Arlo Looking Cloud,
11 the most notable, and John Graham, also known as John Boy
12 Patten. Arlo would contact a friend of mine, a journalist
13 who was working on my mother's story for decades to bring
14 awareness to this injustice.

15 Fully knowing being on the ground in Indian
16 Country and hearing people -- rez gossip I guess they would
17 call it, talk openly about what happened to my mother and
18 how the people that took her life were not the FBI, they
19 were her own people. He started asking questions and
20 people would talk to him.

21 Arlo Looking Cloud contacted my friend and
22 said, I would like to talk to the daughters of Annie Mae,
23 and he said why? He said it's time. With all the
24 conversations happening out in Indian Country, he finally
25 found his conscience.

1 During that phone call, Arlo Looking Cloud
2 would share with me the details of what happened to my
3 mother, as an eyewitness who was there, how they kidnapped
4 her from a house in Denver, Colorado. From a house of one
5 of her friend's, who she considered her friend, the house
6 of Troy Lynn Yellow Wood, and how they would take her with
7 her hands tied, against her will, and drive her through the
8 night to Rapid City, South Dakota. Where three
9 individuals, Theda Nelson Clark, John Graham and Arlo
10 Looking Cloud would repeatedly interrogate her, beat her,
11 rape her, and then in the wee hours of the morning, take
12 her to another house to acquire the gun that they needed to
13 kill her, and then to another house where it's speculated a
14 vote happened to execute her. And then they took her out
15 to a bluff in Wanblee, South Dakota. And, while she knelt
16 praying for us, John Graham shot her in the back of the
17 head and dumped her body over a cliff, and then they got in
18 their car and drove away.

19 And, we thanked Arlo Looking Cloud for
20 telling us what happened. He didn't speak to the rape, I
21 know that now because of autopsy reports, but I'm not going
22 to go back and tell the same thing over and over again. He
23 spoke to the kidnapping, he spoke to the interrogation, the
24 beatings, he spoke to the different locations, and of
25 course to the point where they executed her.

1 So, then came the trials. Through grand
2 juries, they were able to determine there was enough
3 evidence with people talking, especially Arlo Looking Cloud
4 has now confessed to us, and they pick him up on the
5 streets somewhere in Denver, Colorado, ironically, on my
6 mother's birthday. I know that was planned. Maybe not,
7 but too good to be true in my opinion. They arrest him in
8 2003, March 27th. They tried to arrest -- they put a
9 warrant out for John Graham and John Graham fled to Canada.
10 And, it took us almost six years to extradite him and bring
11 him back.

12 We wrote letters to the Justice Minister,
13 asking and demanding for justice, asking for help. During
14 that period between 2003 and 2010, we had four trials in
15 the United States. Four trials, 23 eyewitnesses who gave
16 detailed testimony under oath how American Indian Movement
17 members kidnapped, interrogate, beat, raped and executed
18 Anna Mae Pictou Aquash December of 1975.

19 The trials ended in two convictions, Arlo
20 Looking Cloud was charged, John Graham, we'd have to wait a
21 little longer for his trial, he was the last trial. He was
22 convicted of felony, kidnap and murder. And, two other
23 people that were charged, that I haven't spoken about yet.
24 Richard Vine Marshall was charged with providing the weapon
25 and he was acquitted. And, I'll speak a little to that

1 because he was acquitted because the jury could not
2 determine without a doubt that he knew when they came to
3 his house to get the gun -- never denied giving the gun,
4 but that he knew that they were going to murder her, and
5 that was repeatedly read to the jury by the judge during
6 their instructions. I'm not a lawyer, but I'm also not a
7 mind reader, as I know many people aren't, so he got to
8 walk.

9 But, what was significant about that trial
10 is that we got to hear again all of the testimony that
11 supported and substantiated the facts that they kidnapped
12 her, that members within the American Indian Movement
13 kidnapped her, interrogated her, beat her, and we heard
14 that all again, including from his own wife who also said
15 that when they took her to her house, they made her cut the
16 labels out of her clothes and change her clothes.

17 I could never understand why someone would
18 do that to someone, other than to psychologically torture
19 them. What would be the benefit of that? Other than
20 forensically, I could think, that maybe she was covered in
21 so much of her own blood from the beatings that they had to
22 get rid of the evidence that she was beaten on before they
23 shot her. But, this is all under the guise and the
24 pretence that they didn't -- they weren't going out to hurt
25 her.

1 Arlo Looking Cloud, his defence was he
2 didn't know. He thought they were just going to scare her,
3 didn't think they were going to go and kill her, but yet
4 they went to a house, and made her change her clothes and
5 cut the labels out. Doesn't sound like an accident to me.

6 At the same time during these trials, Thelma
7 Rios was also charged with accessory. Thelma Rios is the
8 one that initiated the kidnapping and she plead guilty.

9 After the trials -- of course during the
10 trials, there was a lot of evidence that was revealed.
11 There were three or four groups of people working towards
12 justice for my mother, there was our family, there was
13 journalists who were working on their own path, we had the
14 authorities, and then we had one individual who -- my late
15 cousin, Robert Pictou Branscombe.

16 During this time during the trials, we would
17 learn the details of her autopsy. We would learn the
18 details of all the mishandling of her body when she was
19 found. We would learn details of the lies and the
20 conspiracy that the American Indian Movement leadership,
21 along with these individuals, created to hide the fact that
22 they had killed one of their own women. For decades,
23 Indian Country thought the FBI shot my mother. For
24 decades, they were given a fantasy, a narrative, you know,
25 that, to me, you would have to have a lot of bad, bad

1 qualities in you to even think that this would be okay.

2 During Arlo Looking Cloud's testimony, he
3 made reference to orders coming from higher up along the
4 chain, which would have and only could have been the
5 leadership. And, again, at that time would have included
6 Leonard Peltier, Dennis Banks, Russell Means, Vernon and
7 Clyde Bellecourt, John Trudell, and they all had their own
8 little pockets of AIM across the country that they would
9 run and manage.

10 And, it's suggested that the reason why they
11 all broke up was because of what happened to my mother,
12 because some consciously could not live on with it and
13 others couldn't. But, the problem was and problem remains
14 today is that the organization has never held those people
15 accountable in any way, shape or form, nor have they ever
16 contacted us in all those years that my mother was missing,
17 not one person from the American Indian Movement ever
18 called us to see if we were okay. Nobody. That silence
19 spoke volumes to me. I knew something was wrong.

20 Originally, when she was found, there was a
21 lot of drama around how her body was handled. And, I'll
22 speak to that a little bit and it's a little bit gory, but
23 I'll tell you because it's important to how we ended up
24 here and how we managed to have those trials and justice.

25 When they found her body, she was discovered

1 at the edge of a rancher's property and -- he was out
2 mending fences in the spring when he came across her
3 corpse. Immediately, of course, the federal authorities
4 were brought in. Her body had been laying out there for
5 some time. They flew a pathologist in from the next state
6 over in the middle of the night. It was in February, so
7 the weather was weirdly, you know, quite warm, cold, warm,
8 cold, and if you understand science at all, to a body
9 that's decaying, you know, it's not pretty. So, the
10 pathologist that came in -- at the time, the x-ray machine
11 was broken, he didn't do x-rays. He looked at her body,
12 assuming that, you know, again just another dead Indian.
13 And, he deemed her death by exposure. They cut off her
14 hands at the wrists because her body was so mummified that
15 they could not do the conventional testing which would be
16 through the fingertips and then putting it in a glove, and
17 they're estimating, probably because of an inexperienced
18 field agent, cut the hands off at the wrist, put them in
19 formaldehyde and sent them to Washington, D.C. for ID.

20 Of course, AIM took that to the bank. How
21 dare they desecrate their warrior martyr. How dare they
22 treat that body in that way. There must be some kind of
23 conspiracy. They're trying to hide something. Maybe
24 ligature marks around her hands, that's why they had to cut
25 off the hands. This is the narrative that was going around

1 at this time. How could they do this? Not how did she
2 die? And, this is well after we have already identified
3 her. Nobody knows her identity yet. She's still Jane Doe.

4 During testimony, we learned that Dennis
5 Banks, on February 25th, called his friend, John Trudell,
6 and he was with his wife, Ka-Mook Banks, at the time, and
7 he said, you know that body they found? And, John said, I
8 didn't know there was a body. He said, yes, it's Annie
9 Mae. And, he said, oh. He says, I didn't know. And that
10 was it.

11 She wasn't positively identified until March
12 the 3rd, after her hands went to Washington, D.C. And, my
13 question is, how could he have known that that was her when
14 he wasn't even in the state? His wife was sitting with him
15 at the time and she said, how do you know it's her? He
16 said, oh, the people that are there are saying that she's
17 easily identifiable. Anybody could guess it was her. And,
18 she said, okay, you know, mourning of course for her
19 friend, because she was my mom's friend.

20 When we got word, our family immediately
21 demanded a second autopsy. We knew something wasn't right.
22 We knew her survival abilities because of how she was
23 raised. We knew that she would not have been walking along
24 the highway in South Dakota, deserted part of the highway,
25 without the proper gear on. And, she would end up being

1 exhumed so that we could do a second autopsy with a
2 pathologist of our choosing.

3 And, when they did the second autopsy, it
4 did not take long for the pathologist to find the bullet
5 hole in the back of her head. And, that's when we knew,
6 with how the American Indian Movement had behaved in not
7 calling us, and when this happened there was dead silence,
8 and then the cries started that it was the FBI that shot
9 her. We didn't know any of these details at that time,
10 when this was going down. We didn't know who to trust, we
11 didn't know who to listen to, but we just knew something
12 wasn't right and we just stood back.

13 And, it wasn't until we were in trial that
14 we realized these details of how much of a cover up this
15 was within the American Indian Movement, to actually create
16 a narrative that they could focus on the fact that they cut
17 a woman's hands off and not the fact that there was a
18 bullet in the back of her head. She did not die from
19 having her hands cut off.

20 After the trials were over, more details
21 would come out with how her body was handled during her
22 burial. We were told by women within the American Indian
23 Movement that her body was prepared, that they gave her the
24 traditional medicine she would need for her journey, they
25 left her with medicines and items that she would need, and

Hearing - Public
Denise Pictou-Maloney
(Annie Mae Pictou Aquash)

26

1 she was in a beautiful dress and they cleaned her. When
2 her body was found, my aunties would share with us, well
3 into our adulthood, that when they went down to her
4 funeral, the one that I opted out of, that they were picked
5 up in a van and driven four hours from Rapid City to Pine
6 Ridge, where they were having the wake in that territory,
7 and that they were not permitted to go and see their
8 sister. They were not allowed to go into the tepee that
9 they were, waking her in.

10 My aunties, the whole four hours, were
11 interrogated, asked, who were you talking to, the FBI,
12 asking you questions, so they resorted to speaking in their
13 own language, not feeling so safe. I know one aunt was
14 intent on bringing her home and I believe the other aunt
15 wanted the same thing, but they heard it from my own
16 mother's mouth that she wanted to be buried there if
17 something happened to her. So, they had to respect her
18 wishes. But, of course not in any way draining that this
19 was such a contrived, conspired event, that believing and
20 hoping that it was the FBI and not their own people that
21 did this to their sister, even though they knew there was
22 question and suspicion there. They didn't want to believe
23 it.

24 2004, after Arlo Looking Cloud was
25 sentenced. My sister and I decided that -- well, actually,

1 it was my sister, because I, I'll be truthful, protested it
2 in the beginning because I knew it was going to be hard.
3 But, she wanted to bring my mother home. After we realized
4 that this was an inside job, there was no way we wanted
5 them to have access to her in the spirit.

6 So, we made arrangements to bring her home
7 and -- through our own expenses, which cost us a lot of
8 money. And, I think the most hurtful thing through that
9 whole process was when we pulled her out of the ground,
10 because they said they gave her a traditional burial -- we
11 trusted them, we're talking about something that's sacred.
12 And, when we pulled her out, she was wrapped in a tarp, in
13 a plastic (indiscernible) sheet naked, there was nothing
14 with her. I didn't see her when my sister pulled her out
15 of the ground. I wouldn't even be surprised if she was
16 face down.

17 During our repatriation of her, all our
18 expense -- we went through ceremony and brought her out,
19 packed her up to go home. And, we were served with an
20 injunction on the evening when she was supposed to leave
21 from Arlo Looking Cloud's defence lawyer saying that we
22 couldn't take her home because they wanted to do DNA
23 testing to determine, in fact, if it was her and then also
24 to determine if there was any evidence of rape. This is 28
25 years later, after she was buried. We were floored. We

1 were horrified that we would go through our own expense and
2 our own pain and our own effort, and then to have us denied
3 that in the eleventh hour.

4 We went into court the next day feeling
5 defeated in front of the judge again. We sat down and they
6 got up and they plead their case, and the judge looked at
7 us and he looked at them, and he said, well, first of all,
8 he said, the charges of rape are -- the statute of
9 limitations have expired on that. He says, and your
10 client's not even charged with rape. He said, so why would
11 you do that? We knew at the time that John Graham, one of
12 the charges that they had put on him was rape, so then we
13 knew that he was communicating with each other from Canada
14 into the United States, that the two lawyers were talking,
15 because he was trying to find out, you know, if his client
16 of course would be charged with rape -- that there would be
17 evidence to charge him.

18 And, we -- he looked at us and he said, you
19 know what, he said, you had 28 years to get the evidence
20 that you needed. He said, these young girls took it
21 amongst themselves in their own -- through their own
22 efforts to take their mother home, this woman is going
23 home, and he denied the injunction and threw it out.

24 Unbeknownst to us, while we were going
25 through all this, somebody had neglected to tell the

1 airport she couldn't go home and she was already home. So,
2 I don't know if it was karma or divine intervention,
3 whatever you want to believe, but there was no stopping her
4 as soon as we know she was going home. Because of that,
5 both my sister and I had a serious discussion about making
6 sure that when we got her home, that every level of -- any
7 scientific study that we could do in DNA, any kind of
8 forensics that we could do, we would do before we interned
9 her again.

10 And, we made plans for her funeral knowing
11 that it was going to be a memorial, it was going to be a
12 funeral and also a celebratory event because, in our
13 community, my mother was revered as a hero and a hero was
14 coming home. So, we planned it for an appropriate date,
15 which would have been National Aboriginal Day 2004.

16 We got to that day, and I'm sitting on the
17 tarmac of the airport in Halifax Stanfield International
18 Airport, flying in from Toronto because I was living there
19 at the time, and I get a call from my sister and she says,
20 are you sitting down? And, I said, yes. She said, well,
21 we just received an injunction that they're going to
22 prevent us from burying her. And, I said, who? She said,
23 John Graham's lawyers. I said, why? They want DNA to see
24 if there's evidence for rape. I said, but the statute of
25 limitations has expired on that. Why? 28 year -- you

1 know, this is ridiculous.

2 So, we worked feverishly throughout the
3 weekend, Father's Day weekend, feverishly to find
4 pathologists or our pathologist who had already started
5 working on our stuff. I believe he was from Northern
6 Ontario or from Manitoba, I'm not quite sure yet, I'll have
7 to confirm that. But, he worked through Father's Day to
8 get the final findings done, and he was able to determine
9 that -- you know, that it was her, and then he sent the
10 report, and they abandoned their injunction the next
11 morning, which was the day of the funeral.

12 But, this is when we're already into day
13 three of a four day ceremony for a funeral, and they have
14 the nerve to try and inflict that on our family. And, I
15 thought, what are they so scared of that they would do
16 that? They had three months to do it. We were there for
17 three months. They could have had access to her body.
18 And, they waited until the eve of her funeral. And, it
19 wasn't a private event, people knew about it for decades.

20 But, when we finally had the final say with
21 John Graham's conviction, 2010, I had one of the lawyers
22 walk over to me and say, this is going to be such a weight
23 off of your chest. You must be so happy that you guys have
24 gotten justice. I said, this was never a pleasant
25 experience for me, there's no joy in watching other

1 families get destroyed. I said, but the battle now just
2 begins. And, he said, why? And, I said, because now I
3 have to go and convince Indian Country that they have been
4 lied to for decades by individuals who they revered as
5 their heroes, individuals that they called resistance
6 fighters, they called warriors. That they have been lying
7 to them all along, to create this narrative that the FBI
8 shot Annie Mae, to create the narrative that there were
9 COINTELPRO actions going on to cause dissention amongst the
10 movement.

11 Reality, it was a domestic event that they
12 lost control of and then tried to bury. And, because of
13 their lifestyle, their thug mentality, that they had
14 convinced themselves that they could just lie, and if they
15 had an inner circle that was tight enough and loyal enough,
16 that they could just lie, and they did and they took it to
17 the bank.

18 So, people wonder why I'm still talking
19 about this 42 years later. Why am I still talking? We got
20 convictions, we have people sitting in prison, we have some
21 form of justice. We're the lucky ones. I'm here to talk
22 about the systemic issues that came after our justice. I
23 had more difficulty in my years of fighting for justice for
24 my mother, dealing with that, than I did with the actual
25 trials in getting justice for my mother and that's sad.

1 I'm going to read you a letter that was
2 written in 2003. On the day that they arrested -- let me
3 back up a little bit. After the trials -- actually, it was
4 during the trials. I got a call from Amnesty International
5 to discuss about profiling my mother as one of the top 100
6 cases in Canada for Missing and Murdered Indigenous Women
7 and Girls. And, I said, what are you going to do? And,
8 they said, we're going to talk about what happened to her
9 and we're going to show the injustice that she suffered and
10 talk about that. I'm thinking, great, you know, we're in
11 the middle of the trials, there's new evidence to prove
12 that these people were engaged in her murder. And, I
13 worked for eight months with one of their workers to get
14 all the background information on what happened to Annie
15 Mae.

16 2004, when John Graham was arrested in
17 Canada, Amnesty International wrote a letter of support for
18 John Graham. It was like a punch in the face. After I had
19 worked for eight months with them to profile my mother as
20 one of the top 100 cases in Canada for Missing and Murdered
21 Indigenous Women and Girls, I felt betrayed, I felt alone,
22 I felt hopeless. I wrote a letter back and said, I don't
23 understand, how can you support a man who is a suspect in
24 her murder, in her interrogation that led to her murder,
25 and support my mother? I couldn't understand the

1 contradiction.

2 And, all they would tell me was that, until
3 he was proven guilty, he was considered to be innocent and
4 that they, as a human rights organization, looked after all
5 levels of human rights and sometimes there would be
6 difficult contradictions. I said, I don't want anything to
7 do with your project at that point. I said, I cannot walk
8 in that world of contradiction. My mother died because of
9 that. I can't walk in it, fighting for justice, knowing
10 that I would be supporting an organization that not only
11 supported my mother's trigger man, but for decades had
12 supported Leonard Peltier.

13 So, with that, I pretty much ruined any
14 opportunity for me to be involved in any kind of activity
15 promoting Missing and Murdered Indigenous Women and Girls.
16 I didn't get phone calls, I didn't get invitations to come
17 to the round tables. I got a couple of calls from the
18 Native Women's Association over the years to get a Golden
19 Eagle Award for fighting for justice for my mother, but
20 that would be it.

21 We'll fast forward to -- at the same time,
22 with the contradiction that AFN had, holding a resolution
23 for Leonard Peltier and holding a resolution for my mother,
24 I circled back with them feeling so lost and betrayed after
25 losing that support from Amnesty. I said, you know, I just

1 wanted to check in to see where our resolution sat. Is
2 there anything happening? And, they said, oh, well, we
3 have it on your file that you don't want our help. No one
4 in my family ever called them to say that we didn't want
5 their help. The only thing that I could imagine is that
6 when my uncle went to question them about their
7 contradiction, that that's what was stamped on our file.
8 Too controversial to deal with.

9 Today, if you go on the Amnesty
10 International website, despite reports that they told John
11 Graham to remove the letter of support, there still exists
12 on John Graham's website a link to Amnesty International,
13 and I printed off that page two days ago. Right there,
14 links of support, down the page, Amnesty International.

15 I was told by the director, Alex Neve, that
16 Amnesty Canada and Amnesty USA are two different entities.
17 I said, oh, okay. So, what are you saying? He goes, well,
18 it's Amnesty -- it's USA Amnesty that's supporting Leonard
19 Peltier. We're not actively. I said, but you're all the
20 same, I don't see that anywhere that you're not. He goes,
21 well, historically, he said, we did in the past and we're
22 not actively supporting him. And, I said, well, I beg to
23 differ, because when he's looking for clemency, you're
24 always there to promote that. You're famous for that.

25 So, I went on the website the other day and

1 I -- Amnesty Canada, and I Googled or searched their search
2 engine there, and it says -- I put in Leonard's name, and
3 right away, up popped all of these letters of support and
4 articles of support for Leonard Peltier. And, it says at
5 the top of the page, Amnesty Canada.

6 So, to me, to anybody that doesn't know this
7 story, you would have assumed that they support him today,
8 they have not denounced that. This is after trials, this
9 is after convictions. One of the most poignant points I'm
10 going to make right now is that when we were at trial,
11 there was a woman who testified, who said that Leonard
12 Peltier bragged to her, and her sister and my mother about
13 shooting the two FBI agents when they were on the run with
14 him in Marlon Brando's motor home right before he fled to
15 Canada. That is documented evidence during a murder trial.
16 And, it certainly puts a motive as to why they had to
17 silence my mother, in knowing her moral convictions, she
18 would not have sat well with that and through the repeated
19 interrogations at gunpoint that he put her through.

20 Our family sat for a long time on our own,
21 in silence, not really knowing who to turn to. Even
22 throughout the trials, when we were active, we didn't know
23 who -- who could we ask to help us, you know? They paid
24 for one person to come down for the family, nobody else
25 could come. Many of the trials I went to by myself. We

1 had to do our own fundraising, we had no offers of any kind
2 of help, and that was okay because we got it done. We got
3 it done by ourselves.

4 What was interesting is that during and
5 throughout all of this, I felt so alone because I was the
6 front person. I was the spokesperson. I was the one out
7 there advocating for her justice throughout the trials.
8 And then when we even got after the trials, I had to still
9 keep fighting for her right to life. I still had to keep
10 campaigning because of this systemic confusion that was
11 being created in our communities. Where people felt
12 comfort, I could not find a space where I could feel safe
13 to support my mother's right to life because of the
14 contradiction and the grey areas.

15 There was no way I was going to stand on a
16 stage with people who supported my mother's murder. What's
17 the message I'm giving to our women and our youth, that
18 it's okay, you know, a certain amount of time, when no
19 acknowledgment or no ownership has been taken in any
20 capacity with any organization or with any group that has
21 been engaged in my mother's death.

22 I think one of the hardest things that we
23 had to get over was that, exclusion. To sit there and
24 watch on TV, people marched for MMIWG, people marched for
25 justice. (Indiscernible), you name it. And, our family

1 sat there thinking, did we imagine that we just went to
2 trial? Did we imagine that we had convictions, that
3 there's documented evidence that these people are engaged?
4 And, are we imagining that our organizations that are
5 mandated and paid to defend our women are supporting our
6 mother's murderers and those involved in her murder? I
7 couldn't believe it.

8 And then when this entity came about, the
9 Missing and Murdered Indigenous Women and Girls National
10 Inquiry was announced, I was angry at first. I thought,
11 oh, here we go again. Another money grab, another
12 opportunity for people to just, you know, go through the
13 motions. Another opportunity to be excluded. And, when
14 the preliminary hearings came out throughout the country, I
15 found out about it a day and a half before through
16 Facebook. Somebody messaged me and said, did you know that
17 they're coming to your territory? I said, no, I didn't
18 know. They said, well, they're wanting to hear from
19 families.

20 So, I went down there and I spoke my truth.
21 I was angry. I said to Carolyn Bennett, if you are serious
22 about doing this work, you have to do it where you are
23 maintaining the safety and the integrity of the families.
24 No one else. No organizations. Nothing else. You have to
25 make sure that they have a safe place to say their truth,

1 and without impediment, and most of all without
2 repercussion, because we know that is the deal that we're
3 dealing with here, is that the reason why a lot of family
4 members don't speak about this type of contradiction in
5 their own communities and not feeling safe is because they
6 worry about the repercussions.

7 They worry about not having access to basic
8 needs in their community and being excluded from that.
9 They worry that they're going to get outcasted. That
10 they're not going to be included in any kind of
11 opportunities. They'll be overlooked when there's job
12 opportunities, they'll be overlooked when they need to have
13 help in their own community.

14 I went to that preliminary hearing so angry
15 because I had heard there was an individual selling books
16 outside one of the preliminary hearings out west. It was
17 an individual that I won't name right now, but I repeatedly
18 asked him not to appropriate my mother's name in his
19 writing or in his public speaking because he sun dances
20 with the men that killed my mother. And, he was at a MMIWG
21 event selling his book. And, I spoke to that publicly. I
22 said, this is why families don't feel safe coming to this
23 process. You have to ensure.

24 And, I'm not the only one that has these
25 paranoias or whatever they want to call it. We need to

1 feel safe, we need to know that the loyalty is there, and
2 that it's not conditional and that it's not going to change
3 because, you know, you're going to get more attention
4 through this venue or that venue, that it is always going
5 to be about the truth because the truth can be manipulated
6 very easily as you saw with what happened to my mom.
7 People can lie, people can find other opportunities.

8 I'm going to read something for you and I'll
9 apologize now because I will cry. I wanted to have --
10 there should be another chair here and it should be for my
11 sister. My sister and I are like two peas in a pod, we did
12 everything together growing up. We had a pact that when we
13 were going to take this process on, we were going to do it
14 together because we were each other's best supports. We
15 had each other's backs. She suffered greatly because of
16 this process.

17 My sister is an RCMP officer and has been
18 one for 31 years. The reason she became a police officer
19 is because of the trauma that she lived through, she didn't
20 want another family to have to go through it, she didn't
21 want another human being, like my mother, to suffer the way
22 she did.

23 She's never spoken publicly about my
24 mother's death, instead she kept all her thoughts, all her
25 opinions, all her feelings, living in guilt that I had to

1 face all of this on my own and deal with the daily barrage
2 of insults, lies, half-truths and misinformed supporters.
3 For 31 years, she's been part of the justice system in
4 Canada. However, all that training and experience was no
5 match for either of us. We went through the trials, we saw
6 crime photographs, and listened to horrific details in the
7 last few hours of our mother's life

8 We were warned by the judge if we wanted to
9 remain in the court room, we were not allowed to shed one
10 tear or display any emotion that might influence the jury.
11 Neither one of us flinched when we saw our mother's
12 decomposing body laying on the ground with her blackened
13 skin. We were even able to get through hearing how she was
14 bound and interrogated. Even when we heard testimony of
15 how Graham was allegedly raping our mom. We knew she was
16 doing everything possible to stay alive. We knew she was
17 fighting hard every step of the way to try and convince her
18 murderers that she deserved to live and that she wasn't an
19 informant.

20 What we weren't prepared to hear was how in
21 those last few hours and last few moments, she suddenly
22 stopped crying and she stood defiantly and began praying
23 enigma. On one hand, it broke our hearts knowing that she
24 had finally conceded and given up, yet in our minds, we
25 knew that she became a warrior to those last few seconds of

1 her life.

2 My sister, as I mentioned earlier, made
3 arrangements to bring her home and it cost us a lot of
4 money. And, throughout that process, having to be denied
5 that full mourning, by being stopped with injunctions, them
6 having every opportunity to do that. But, I'll tell you
7 the hardest part for me was when we went to that National
8 Inquiry hearing, I brought her with me, because I said,
9 it's just a hearing about MMIWG. Come. Come and listen.

10 The room was full of families of victims
11 from the Atlantic region, and we spent two days talking
12 about systemic problems we all experienced by police in the
13 death of our loved ones and missing cases. My sister
14 didn't say a word.

15 As the hours went by -- and she sat there
16 listening to everybody's stories in silence. We were the
17 last ones to be given an opportunity to speak and my sister
18 sat silent, and I spoke on behalf of our family.

19 Afterwards, she told me she was embarrassed to be a police
20 officer, that even though she didn't handle any of those
21 investigations, even though it wasn't her responsibility,
22 even though she couldn't possibly have known everything
23 that was going on, she still felt responsible and she was
24 part of the organization as a whole.

25 She felt more responsible than senior

1 managers or the police that were involved did, and as much
2 as I tried to talk sense into her, to tell her how could
3 she possibly have known or done something, I can't remove
4 the sense of guilt I feel and the pain she was --
5 experienced, and I know it's the reason why she can no
6 longer work in that. She's retiring. It's part of the
7 reason she can't come here and testify, unable to bear the
8 pain and embarrassment of being part of the systemic
9 system. She can't even say how she really feels because
10 she's still a government employee and can't be seen as
11 critical of her own organization. So, in essence, she's
12 silenced once again, but this time by her employer.

13 I wasn't planning on going to the
14 preliminary hearing that June, when I -- even after I found
15 -- the day and a half that I had to actually conceptualize
16 that it was happening, but there was one event that
17 happened that fuelled me in wanting to go and wanting to be
18 a part of this process. And, I presented to the
19 Commissioners, news articles.

20 I was at home, minding my own business, you
21 know, living life after trial, getting busy with the
22 business of raising my children and getting back to the
23 normal routine. And, I got a message on Facebook, someone
24 said that the National Chief is on television, asking for
25 our Prime Minister, Justin Trudeau, on his visit to see

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1 Obama, to ask for clemency for Leonard Peltier. This is
2 after I just watched him accept a pretty large cheque for
3 MMIWG.

4 So, right away I called up my Regional Chief
5 -- because I go by the book, I go by the process that's in
6 place. I called up my Regional Chief, Morley Googoo, and I
7 said, Morley, this is happened, our family is devastated.
8 He's just put us back 10 years. The evidence is out there,
9 how can he say that he thinks he's innocent and that he
10 deserves clemency? I was told not to get hysterical like
11 my cousin. I was told that I would get more flies with
12 honey than vinegar.

13 The phone conversation didn't last very
14 long. I then contacted Mr. Perry Bellegarde's executive
15 assistant, and I said, I would like a phone call with him,
16 we're very upset, our family. He put out a press release
17 saying that he apologized to our family, he's sorry that he
18 inflicted so much pain, but that he still felt that Leonard
19 was innocent.

20 This is why I am here, to address the
21 systemic issues within our own communities, to address the
22 hypocrisy, to address the contradiction, and the lies that
23 we tell each other that we're fighting for justice and that
24 we're mandated to do things to protect our women when
25 everything that I have witnessed says the opposite.

1 If we're ever going to pull ourselves out of
2 this vicious cycle -- the victimization of our women and
3 girls is a billion-dollar business in this country. A
4 billion-dollar business. If we are unhealthy, people are
5 hi fiving themselves to the bank. And, as long as we have
6 to rely on a system that says that they protect us and
7 doesn't, we know what's going on behind the scenes. When
8 people of position and people are put in positions of
9 power, who are the perpetrators and who are bringing this
10 injustice to our women, we will never get ahead. We will
11 never heal. We will never have justice.

12 And, to me, that's what this process depends
13 on. It depends on that. If we're not true to ourselves to
14 the point where we can draw that line in the sand and say,
15 I will not cross that line because I have my loyalty to
16 these women, because these women deserve better and they
17 deserve unconditional justice.

18 I'm going to speak to the intergenerational
19 trauma that our family has suffered over this, the
20 psychological torture that we have had to contend with in
21 trying to navigate this justice system.

22 I submitted my impact statement from the
23 murder of my mother when we went to trial to you, so I
24 won't read that. It's lengthy. I want to talk about the
25 next generation.

1 I'm going to read you my daughter's impact
2 statement. She was 7 years old when she wrote this --
3 sorry, 11 years old when she wrote this, and it was when we
4 were going to trial for John Graham. She says, "I know a
5 victim impact statement is supposed to be about what you
6 lost, but mine is about what I never had. I never met my
7 grandmother. I still don't know what she looks like or
8 even smells like." We're smellers in our family, sorry.
9 "I never even felt comfortable even saying her name until
10 this past year. I also never met anyone who had a family
11 member murdered. My grandmother is what a lot of people
12 lost, but my grandmother is what I never had."

13 And, when my husband and I were reading this
14 last night, we came to a conclusion and a realization, most
15 grandchildren remember the memories and moments with their
16 grandparents through their lives. My children only
17 remember them through doing school projects about her
18 murder. If that's not of the epitome of intergeneration
19 trauma, I don't know what is. The fact that she has to
20 rely on doing school projects to learn about her
21 grandmother.

22 And, I could be part of that because I
23 wanted to protect her, because the realization and the hope
24 that I didn't want her to lose in realizing the reality of
25 this gong show of what we call advocacy in this country is

1 something I wanted her to have a little smidge of hope in
2 maintaining that when she gets up to be of age, where she
3 can be in charge of advocacy, that she can step forward and
4 do it with a good heart and know that she can do it
5 unconditionally. Thank you.

6 **MS. FANNY WYLDE:** Thank you, Denise. If
7 you'll allow me, you shared with me this morning what you
8 would be wearing around your neck and -- can you share it
9 with the Commissioners?

10 **MS. DENISE PICTOU-MALONEY:** Oh. Okay. When
11 my mother was murdered, members within the American Indian
12 Movement took great pride in distributing all of her
13 personal effects amongst each other across the United
14 States, to try and hide the fact that they had done this to
15 their sister. One of the things they took was her pipe. I
16 did not know that she even had a pipe because I didn't know
17 my mother that way. I was told by her good friends, they
18 said, they have her pipe and they're using it. And, I
19 said, I want it back.

20 And, when we were at trial, I was in an
21 Elders room, so much like what we have here, and there was
22 a bunch of Elders there from the area, and I walked in and
23 I said, I understand that someone within the American
24 Indian Movement has my mother's pipe and I want it back.
25 And, I was told by an Elder right away that's not how you

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1 ask about it. It's not going to come to you if you ask
2 about it that way. And, I said, sorry, the rules were
3 broken when she was killed and I want it back. And, I
4 didn't hear anything about it.

5 I got a call from an Elder, a medicine man,
6 out on the west coast, maybe five years later. And, he
7 said, I think I know where your mom's pipe is. And, I
8 said, okay, well, where is it? And, we didn't have any
9 further conversation because he wasn't interested in
10 telling me where he thought it might be, but I, kind of,
11 knew then that it was in a certain area. But, he was
12 calling to see if I wanted to meet with John Trudell and
13 Dino Butler because they were struggling spiritually over
14 what was going on with my mom, and I said no. Trials are
15 done, they had their opportunity to come and speak to our
16 family. It's done.

17 I get a call or a message from a friend in
18 Maine. She says, two years later, do you know what your
19 mom's pipe looks like? And, I said, no, sadly I don't.
20 She says, okay. Something weird happened last week. I got
21 a call from a friend of mine who was out west, who says
22 that she thinks she knows where your pipe is -- your mom's
23 pipe. I said, okay. And, the next thing I know, she says,
24 I have your mom's pipe. So, somehow it was sent. It's
25 being used in a bad way. They were drinking and partying

1 with it, and taking it out for show, bragging about how
2 they had Annie Mae's pipe, sacred item. Men who knew what
3 happened to her and have lied to continue to lie to this
4 day about what happened to her. And, in the spring, after
5 we treated it the way it was supposed to be treated, I
6 asked my dad to bring this home and he went down and got
7 it.

8 I have my mother's pipe here with me today.
9 I was instructed by one of your wonderful health supports
10 that I needed to bring this today to give me courage and
11 strength, and that this was the purpose of why it came
12 home. This carries her prayers and her hopes and her
13 dreams, and is something that will always -- I will hold
14 dear to my heart. Of course, critics and naysayers say,
15 how do you know it's hers, you know? And, I said, well,
16 I'm telling you right now, to the person that sent this
17 falsely to this family in that capacity, there is no
18 medicine that is going to protect you on the other side.
19 To me, it's her pipe and it will always be her pipe, and I
20 wanted to bring it today to give courage and strength to
21 the other families. I'm not a pipe carrier, but I respect
22 it enough to do the medicine for it, to make sure that it's
23 good.

24 And, I don't understand what the word "pipe
25 carrier" is, I know this isn't it, just saying, carrying it

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1 around your neck. And, I'm learning my traditional ways
2 because, as a result, again that intergenerational trauma,
3 the one woman that would have taught me my language, and my
4 traditions, and my culture was stolen from me at a very
5 young age.

6 **MS. FANNY WYLDE:** And, before I ask you if
7 you have any recommendations to provide to Commissioners,
8 you brought documents that you would like to share with
9 them. So, as you identify them, I will ask maybe the
10 Registrar to distribute a copy as the documents are
11 identified, please. So, just identify ---

12 **MS. DENISE PICTOU-MALONEY:** Okay.

13 **MS. FANNY WYLDE:** --- the first document
14 that you would like to share with the Commissioners, just
15 to mention what it is.

16 **MS. DENISE PICTOU-MALONEY:** Yes. So, it's a
17 public statement on the arrest of John Graham by Amnesty
18 International, sent December 12th, 2003. This would have
19 been the letter that they posted and that was posted all
20 over the internet in support of that.

21 The second document is letters that we sent
22 to the Assembly of First Nations in asking for help with
23 our mother's trial.

24 **MS. FANNY WYLDE:** And, the second document?

25 **MS. DENISE PICTOU-MALONEY:** The second

1 document I have here is court records of my testimony of
2 when Arlo Looking Cloud told me what happened to my mom. I
3 was subpoenaed to testify twice to speak to that. I have a
4 copy of the resolution. It's not signed because it was one
5 that I was sent at the time from the Assembly of First
6 Nations for my mother.

7 **MS. FANNY WYLDE:** So, this is the third
8 document.

9 **MS. DENISE PICTOU-MALONEY:** Okay. Yes,
10 because the two were stapled together.

11 **MS. FANNY WYLDE:** Okay.

12 **MS. DENISE PICTOU-MALONEY:** So, there were
13 two that were stapled. I'm sorry, the first two were
14 stapled together.

15 **MS. FANNY WYLDE:** Okay.

16 **MS. DENISE PICTOU-MALONEY:** The next one is
17 a news article speaking to our family asking for an apology
18 from AFM and it was addressing when our National Chief
19 asked for clemency for Leonard Peltier. And, there's two
20 news articles speaking to that.

21 And then you'll see another document that's
22 actually the second letter that's supposed to go with the
23 first letter for the Assembly of First Nations. And then I
24 have a copy of my daughter's victim impact statement, and
25 then a copy of my impact statement.

1 **MS. FANNY WYLDE:** Okay. Thank you, Denise.
2 Do you have any recommendations to address to the
3 Commissioners?

4 **MS. DENISE PICTOU-MALONEY:** I do. A couple
5 of the recommendations I, kind of, mentioned earlier, when
6 I was talking to you about maintaining the integrity of our
7 advocacy groups in making sure that there is a clear
8 definitive line of uninhibited truth for our families, in
9 being able to invest in an entity that supports justice
10 without it being bastardized by politicians or by, you
11 know, whatever the next cause is that's coming along.
12 Missing and Murdered Indigenous Women and Girls in our
13 country is an entity that stands on its own and has for
14 centuries, and will continue sadly if we don't change
15 things to stand on its own as being an entity.

16 We need healthier resources in our
17 communities, access to health. Generations of trauma have
18 created a lifestyle in our communities that we accept as
19 acceptable because we think that that's what's normal,
20 being born Indigenous, that you have to exist in such a
21 high level of violence.

22 And, that our women deserve to have a safe
23 place to run so they don't leave our communities. I
24 recommend having safe houses in every one of our
25 communities before another gymnasium or before another ice

1 rink is built. That we build a safe house for our families
2 to run to. And, I say families because I'm not going to be
3 gender specific. The violence infiltrates and comes from
4 every person in our community. The opportunity that they
5 can go and not lose their children to family services
6 because they have to call 911 for help, that they can go to
7 a safe zone, let their partner, significant other cool
8 down, let the law deal with them, and they have a safe zone
9 where their families aren't being taken out of their
10 schools and away from their communities, away from their
11 medicine, away from their supports.

12 It's no wonder to me that our numbers are as
13 high as they are when you have families that are running
14 from domestic abuse in our communities, who can't have
15 justice because the people and the perpetrators are the
16 ones in their communities that are responsible for
17 maintaining safety and a care that they are owed through
18 basic human rights and living their lives undisturbed.

19 And, I think that until we take those
20 measures to do that, that we will continue to have that
21 vicious cycle. Having access to health supports and having
22 access to mental health supports, it has to be something
23 that we are comfortable with, that we create ourselves,
24 that we identify with, that is Indigenous-based, so that we
25 take ownership in it. And, that has to happen, because if

1 it doesn't, we're going to continue on in this cycle.

2 And, as I said, if that does, then we can't
3 blame anybody else but ourselves. We know the solutions,
4 we know what has to be done, we have to take ownership and
5 we have to make sure that our women are protected and
6 protected on all levels. Not just from the police, not
7 just from a perpetrator, but all levels within their lives.
8 That if they come to someone looking for help, if they say
9 I have been violated, I have been attacked, they will be
10 believed and then they will also have supports put in place
11 so that they're not told that they're lying or they're not
12 told that they don't matter, they're not told that they
13 don't have value, because that is what the message that our
14 family was given through this whole process, is that my
15 mother didn't matter. She was one woman. One woman.

16 Every one of these missing and murdered
17 Indigenous women and girls and survivors are one woman. I
18 know that there are people within our organizations that
19 have good hearts and I'll tell you why I know this. One of
20 them is sitting right here. I know you guys work with the
21 justice system, you have good hearts, so I know those
22 people exist.

23 This isn't a witch hunt to trash down -- and
24 I can say this because people will say that I bad mouth and
25 I'm on a witch hunt to bring down the American Indian

1 Movement, and I'm not, and I'll tell you why I know this,
2 because my mother was a member of the American Indian
3 Movement when it was in its purest form, and it was
4 corruption, drugs, alcohol, whatever you want to call it.
5 There was an entity in there that twisted it from its
6 original mandate and brought it down to its knees.

7 And, when they got into the business of
8 killing human beings and lying about it, that's when it's
9 changed. And, people should not be investing in an
10 organization that will not take accountability or
11 responsibility for that.

12 Things can change, organizations can be
13 changed, people can create new organizations, I believe in
14 that. I've seen amazing things being done in this country
15 with organizations that are on the grassroots level, out on
16 the ground, my sister over here, doing it every day,
17 helping our women, not for recognition, not for a pay
18 cheque. That's where our energy needs to be put. It needs
19 to be put into those grassroots people who are on the
20 ground, blood, sweat and tears every day, fighting for our
21 women to just exist in a world that does everything in its
22 power to say that they don't matter. Thank you.

23 **MS. FANNY WYLDE:** Thank you, Denise. I will
24 now ask the Commissioners if they have questions or
25 comments. And, it's the time to do it. Thank you.

1 **COMMISSIONER MICHÈLE AUDETTE:** *Merci.*

2 Before we go for question, I think -- I want to ask you for
3 forgiveness. I learned something today. I was supporting
4 something, without knowing, that didn't respect your mom.
5 And, she does matter, even still today. And, I will not
6 support the organization anymore, until they make this
7 statement publicly.

8 Your words had a real effect starting now.
9 And, the other organization, which I work for 12 years for
10 them, I will ask personally if they can do something. And,
11 when I'll be free moccasin, you bet I'll be loud. So, I
12 just want to say thank you ---

13 **MS. DENISE PICTOU-MALONEY:** Thank you.

14 **COMMISSIONER MICHÈLE AUDETTE:** --- and I'm
15 asking you for your forgiveness.

16 **MS. DENISE PICTOU-MALONEY:** Thank you. And,
17 I will accept.

18 **COMMISSIONER MICHÈLE AUDETTE:** First time I
19 put make up on.

20 **COMMISSIONER BRIAN EYOLFSON:** Denise, I just
21 want to thank you, from the bottom of my heart, for coming
22 and sharing everything tat you've been through with your
23 family and telling us about your mother. And, especially
24 for -- I just want to acknowledge your incredible strength
25 in coming here and sharing, shining a spotlight on the

1 systemic issues that you talked about, the contradictions,
2 what can make people -- families feel excluded, and the
3 confusion and just giving us that perspective and having
4 such strength to do that. So, thank you so much.

5 **MS. DENISE PICTOU-MALONEY:** Thank you. I'm
6 such a cry baby.

7 **COMMISSIONER QAJAQ ROBINSON:** The journey of
8 the Inquiry is -- the beginning, was where you and I met,
9 and this is the first time I've gotten to hear it all.
10 When we marched in Membertou, it was such an honour to hold
11 your mom's picture. I still have it in my office.

12 I want to acknowledge a gift you've given us
13 today, but also what you've given to this Inquiry, what
14 you've taught us since the beginning, how we should walk,
15 how we should walk our talk and that's something that I
16 remember every day, and I thank you again for reminding me
17 of that today. This is not a process run by -- it can't be
18 a process like those other institutions and processes have
19 been, it can't be polluted by politics. The truth cannot
20 be polluted by politics and create corruption. You've
21 opened my eyes to so much and I want to thank you for that,
22 and I'll carry that in my moccasins too.

23 And, I want to thank you for all the love
24 that you've given our staff and our families throughout
25 this Inquiry as well, and for guiding us to do this the

1 best way we can together, and I want to thank you so much
2 for that. (Speaking in Native language).

3 **MS. DENISE PICTOU-MALONEY:** Very good.

4 **COMMISSIONER MICHÈLE AUDETTE:** Well, people
5 maybe don't know in the crowd and across Canada that we are
6 blessed to have families, families that come from different
7 territories, different region, different background,
8 survivors, with a long, long -- how can I say? They're
9 strong, and they agreed and accepted to guide us, we say
10 the National Family Advisory Circle, but they are warriors,
11 strong warriors, and beautiful and powerful, and we have
12 just on the other side too, over here, again one and two,
13 and another room too. And, when you said yes to us, it's
14 not over, you're still there. So, people, you need to know
15 that, like I said, the families are guiding us and it's
16 beautiful to see that they're also inside seven days a
17 week. And, your friends behind you, it's beautiful to see
18 -- and this handsome man too, it's nice to see him here.
19 *Merci beaucoup.*

20 **MS. DENISE PICTOU-MALONEY:** Thank you.

21 **MS. FANNY WYLDE:** So, I will ask the
22 Commissioners to adjourn this session. Thank you.

23 **MS. DENISE PICTOU-MALONEY:** Somebody's going
24 to sing for us, but we can't have any cameras on, so maybe
25 we'll do it after the gifts or...

1 **COMMISSIONER MICHÈLE AUDETTE:** Okay.

2 **MS. KONAWATSITSAWI:** Okay. Bonjour. Hello.

3 (Speaking in Native language) to everyone. I'm just going
4 to get everybody to take a deep breath. Let it out. This
5 is a lot of history here, learning here. Let your arms
6 loose. Let your arms loose. Relax. Put your feet on
7 Mother Earth. Feel Mother Earth. Everyone has to feel --
8 put your two feet on the earth, side by side, roll your
9 shoulders. Even if you're in your seat, roll your
10 shoulders. Put your arms up, way up. Wave. Wave it away.
11 Wave it away. But, then bring in the power that we heard.
12 Bring in the power that we heard, the incredible words.
13 Okay. We are going to have an honour song after. Après les
14 familles finissent ici, we're going to have a song, but I
15 just want you to take a deep breath.

16 **COMMISSIONER MICHÈLE AUDETTE:** Alors on vous
17 demande de prendre une profonde respiration. De laissez
18 aller toutes les tensions, les émotions, de mettre bien
19 comme il faut les pieds sur la mère terre, de sentir et de
20 bouger. Il va avoir un champ d'honneur, on demande à ce
21 moment-là. Ok, donc durant le champ d'honneur, on demande
22 à ce qu'il n'y est pas de camera qui tourne s'il vous plaît
23 puis en suite, ça sera une pause pour le diner.

24 **MS. KONAWATSITSAWI:** Yes, lunch is there.
25 We will be guided to let you know when we recommence. We

1 will ask that you drink some water, to get some food, but
2 we will also ask to have the cameras turned off while the
3 song is done to honour the families in the circle, please.
4 *Migwetch*. Thank you. *Merci*.

5 **COMMISSIONER MICHÈLE AUDETTE:** (Speaking in
6 Native language), Denise. My Mi'kmaq sister.

7 --- Exhibits (code: P01P13P0101)

8 **Exhibit 1:** Video of Peter Stevens playing song for Annie
9 Mae Pictou Aquash (3 minutes 57 seconds, 10.1
10 MB, MP4 format) [Filename:
11 P01P13P0202_Pictou-Maloney_Exh_1]

12 **Exhibit 2:** Folder containing 22 digital images displayed
13 during the public hearing of Denise Pictou-
14 Maloney. [Filename: P01P13P0202_Pictou-
15 Maloney_Exh_2]

16 **Exhibit 3:** a) Amnesty International, "Public statement
17 on the arrest of John Graham," December 12,
18 2003 (one page) along with b) Letter of the
19 daughters of Anna Mae Pictou Aquash to AFN
20 National Chief Phil Fontaine (undated, two
21 pages).

22 **Exhibit 4:** Court transcript of direct examination of
23 Denise Pictou Maloney, pp. 292-299 (no
24 citation information included on documents).

25 **Exhibit 5:** Confederacy of Nations Resolution no. 2/2000,

1 subject: Justice for Anna Mae Pictou-Aquash
2 (two pages).

3 **Exhibit 6:** CTV article "Daughter of native rights
4 activist wants apology from AFN," published
5 March 9, 2016 at 5:43 PM EST, printed March
6 13, 2018 (two pages).

7 **Exhibit 7:** APTN article "Bellegarde apologizes to Anna
8 Mae Aquash's daughter over statement about
9 Leonard Peltier," published March 9, 2016,
10 printed March 13, 2018 (two pages).

11 **Exhibit 8:** Letter addressed to AFN Grand Chief Matthew
12 Coon Come from Denise and Debbie Pictou
13 Maloney.

14 **Exhibit 9:** Victim impact statement of Christine, Annie
15 Mae's grand-daughter (one page).

16 **Exhibit 10:** Victim impact statement of Denise Pictou
17 Maloney, with one line crossed out on the
18 second page (5 pages).

19 --- Upon adjourning at 13:44

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LEGAL DICTA-TYPIST'S CERTIFICATE

I, Shirley Chang, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the digital audio provided in this matter.



Shirley Chang

March 28, 2018